

Legal Perspective on Copyright Controversy in the Song "Arjuna Looking for Love"

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Abstract

Copyright is one form of important aspect in the occurrence of material law in Indonesia. Legal protection of copyright in this context refers to efforts to protect the rights of creators from acts of infringement committed by irresponsible individuals. Legal protection efforts for song copyright in the Copyright Law consist of two forms, namely repressive and preventive protection. Repressive protection is a solution through a license agreement, while preventive protection is a solution through the application of criminal and civil sanctions against song copyright violators. Through this journal, we aim to educate about the importance of copyright protection and applicable and binding laws. This type of research uses normative juridical methods, in other words, researching with library materials or secondary data. Our group uses a legal approach and a conceptual approach. In the case of the song "Arjuna Looking for Love" by Dewa 19, there was an allegation of copyright infringement against Yudhistira Anm Massardi's work. After a legal debate, Dewa 19 decided to change the title of the song to "Arjuna" as a solution to the violation case. This case of plagiarism of Yudhistira's novel has been resolved in a non-litigation manner because it was resolved by simply changing the title of the song. The various challenges experienced in enforcing copyright emphasize us as a society regarding legal awareness as a very important effort in enforcing copyright.

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1. INTRODUCTION

According to the concept of civil law, property rights are absolute rights to an object. Property rights themselves are absolute and apply to everyone, and everyone must respect these rights. Copyright is one form of important aspect in the occurrence of material law in Indonesia. Copyright has a very significant role in the protection of intellectual works.

Law Number 28 of 2014 concerning Copyright explains and states that Copyright is an exclusive right of the creator which arises automatically based on declarative principles after a work is realized in a tangible form without reducing restrictions in accordance with statutory provisions. One example of copyright is songs.

A songwriter has two types of rights over his creation, namely economic rights and moral rights. In this journal, one case of copyright infringement in the form of a song will be highlighted. The case raised was a copyright case, namely the song "Arjuna Looking for Love" belonging to Dewa 19. Initially Dewa 19 was sued for plagiarizing the work of Yudhistira Anm Massardi, the plagiarized work was in the form of a novel which had the title "Arjuna Looking for Love" therefore Yudhistira was not thought that the title of his novel was made into the title of a song by one of the bands. In this journal, we will discuss the resolution of copyright infringement cases that occurred between the two parties. We hope that with the existence of this journal, cases of copyright misuse and copyright

infringement will be reduced and can educate about the importance of legal awareness in the application of copyright in everyday life.

2. RESEARCH METHOD

1. Types of research

The research carried out in this article is a type of normative juridical research, which is legal research carried out by examining library materials or secondary data only. This type of research is also known as library legal research.

2. Research Approach

The research approach used in the article involves a statutory approach and a conceptual approach.

3. Legal Materials

The legal materials used in this research consist of primary legal materials such as the Civil Code, the 1945 Constitution, Law no. 19 of 2002 regarding Copyright, and Law Number 28 of 2014 concerning copyright, as well as other related regulations. Apart from that, secondary legal materials such as books, journals, scientific papers, and tertiary legal sources in the form of news articles were also used in this research.

4. Collection of Legal Materials

The process of collecting legal materials is carried out by identifying positive legal rules, examining library materials such as books, scientific journals, research reports, and other sources of legal materials that are relevant to the legal issues being studied. The legal materials that have been collected are then classified, selected and ensured that they do not conflict with each other to facilitate analysis and construction. The originality of the journal writing was focused on the copyright infringement committed by Dewa 19 against Yudhistira Anm Massar. This is important because not all Indonesian people understand copyright well, especially new artists who may not fully understand the concept of copyright.

3. RESULTS AND DISCUSSION

1.1 RESULTS

The existence of law in society is an effort to integrate and coordinate interests that usually conflict with each other. Therefore, the law must be able to integrate it so that conflicts of interest can be reduced to a minimum.

In the copyright case, namely the song "Arjuna Looking for Love" belonging to Dewa 19, where Dewa 19 was sued for plagiarizing the work of Yudhistira Anm Massardi. The work that was plagiarized was a novel with the title "Arjuna Looking for Love", therefore Yudhistira was surprised that the title of the work the novelist was made from the title of a song from a band. Yudhistira's attorney, Bawazier, revealed that his client objected to this. The objection expressed by Yudistira in a reader's letter in GATRA magazine No. 19 of VIII on March 30 2002.

When interviewed, Ahmad Dhani admitted that the song "Arjuna Looking for Love" was inspired by "Searching for Love" which was a translation of the creative work of the book "Arjuna Looking for Love" which had previously been created by Yudhistira. As long as this copyright issue arose, Dewa 19 continued to promote its new song since April 5 2002. Sukran as Ahmad Dhani's attorney emphasized that the behavior carried out by Ahmad Dhani was not a pre-existing version of the novel or film. ever aired. "It's just a coincidence that the title of the song is the same as the title of the novel and film," added Sukran.

Dewa 19's legal representative emphasized that they had no intention of prolonging this problem. Currently, they are trying to reach an agreement with Yudhistira to

equalize understanding. Sukran stated that if Yudhistira still insisted on copyright infringement, even just on the title, Dewa 19 was willing to change it in order to avoid longer conflicts and debates and to reduce differences in perception in society. Regarding the loss claim submitted by Yudhistira, Sukran emphasized the need for further explanation regarding the nature of the loss in question. Bawazier added that the violation committed by Ahmad Dhani was using quotations from other people's works without permission from Yudhistira, and not citing the source. Yudhistira himself was reluctant to provide direct reasons for his lawsuit, choosing to let his attorney, Bawazier, handle the matter. Finally, Dewa 19 decided to change the title of the song from "Arjuna Looking for Love" to "Arjuna" in an effort to return moral rights to Yudhistira. However, this change was seen by some as an implicit admission of plagiarizing the song title from Yudhistira's previous work. However, this case was resolved non-litigationally with only changing the song title as a settlement action.

1.2 DISCUSSION

1. Understanding Copyright and Legal Protection

Based on Law Number 28 of 2014 concerning Copyright, Copyright is an exclusive right that is automatically granted to the creator after his work is realized in a tangible form, without reducing the limitations set by statutory regulations. Copyright is a part of intellectual property that has the broadest scope of protection objects. Article 1 paragraph 2 UUHC explains that a creator is an individual or group of individuals who individually or collectively create works that have special and personal characteristics.

Legal protection of copyright in this context refers to efforts to protect the rights of creators from acts of infringement committed by irresponsible parties. Legal protection efforts for song copyright in the Copyright Law consist of two forms, namely repressive and preventive protection. Repressive protection is a solution through a license agreement, while preventive protection is a solution through the application of criminal and civil sanctions against song copyright violators.

Law enforcement against copyright infringement is carried out based on complaints from parties who feel disadvantaged by their creation or work which has been recognized and registered, but is used or copied by another party without the author's permission and knowledge. Therefore, creators are encouraged to register their creations, because the creation registration letter can be used as evidence in disputes that may arise in the future regarding the results of their creations (Pelupessy, 2017). This is regulated in Article 99 UUHC paragraph 1 which confirms that "Creators, Copyright Holders, or Related Rights owners have the right to submit a claim for compensation to the Commercial Court for violations of Copyright or Related Rights products."

2. Case of Copyright Abuse in the Song "Arjuna Looking for Love"

Starting with Dewa 19 who was accused of plagiarizing Yudhistira Anm Massardi's work by using the song title "Arjuna Looking for Love" in their "Love Love" album. The use of the song title is considered to be copying the title of a novel previously written by Yudhistira. This objection was conveyed by Yudhistira in a reader's letter in GATRA magazine No. 19 on March 30 2002.

In response to these accusations, Ahmad Dhani admitted that the song "Arjuna Looking for Love" was inspired by Yudhistira's book. However, as long as this copyright problem arose, Dewa 19 continued to promote and sell the album "Cintailah Cinta" which contained the song since April 5 2002.

Legal representatives from both parties, namely Bawazier for Yudhistira and Paul Sukran for Dewa 19, expressed their respective opinions and actions. Bawazier emphasized that Dewa 19's actions were a copyright violation by quoting Yudhistira's work without permission and without citing the source, while Sukran argued that there was no violation because the title of the song just happened to be the same as the title of the novel.

Dewa 19's legal representative stated that they did not want this matter to be extended. However, in the end Dewa 19 was willing to change the title of the song to avoid further conflict. Sukran emphasized that the title change was made to equalize perceptions and avoid polemics in society. To resolve this case, Dewa 19 decided to change the title of the song "Arjuna Looking for Love" to "Arjuna". This case was then resolved non-litigationally by changing the song title as a settlement action.

3. Legal Awareness and Copyright Enforcement

In practice, copyright enforcement is often a challenge, as happened in the case of the song "Arjuna Looking for Love". This case of copyright abuse highlights how important legal awareness is in society. Legal awareness in the context of copyright, namely legal awareness related to the understanding that the creator has exclusive rights to his work and that any form of use of the work without the author's permission is a violation of the law.

Legal awareness in this case can be seen from the steps taken by the party who feels their copyright has been violated. Yudhistira Anm Massardi, the original creator of the novel "Arjuna Looking for Love", demonstrated legal awareness by conveying his objection to the use of the title of his work in the song Dewa 19 through a reader's letter in GATRA magazine. This is the creator's legal awareness of the rights he has. In the case of the song "Arjuna Looking for Love", copyright enforcement is reflected in the actions of the legal representatives of both parties involved, who are both trying to resolve this problem through legal negotiations. As a step to resolve the problem and prevent a bigger polemic, Dewa 19 is even willing to change the title of the song.

The various challenges experienced in enforcing copyright, such as uncertainty in the interpretation of copyright law, differences in perception between the parties involved, and the difficulty of measuring losses arising from copyright infringement, emphasize us as a society regarding the importance of a deep understanding of copyright law. and a willingness to reach a fair resolution for all parties involved. Through high legal awareness and effective copyright enforcement, we can create an environment that supports the development of creativity and protects the rights of creators.

4. CONCLUSION

According to the concept of civil law, property rights refer to absolute rights over an object. In Indonesia, copyright is an important aspect of property law. Copyright is an exclusive right that is automatically owned by the creator after his work is created, in accordance with legal provisions. In the case discussed in this journal, the research was carried out in a normative juridical type of research, using a statutory approach and collecting primary legal materials such as the Copyright Law, and also secondary legal materials such as books and journals.

In the case of the song "Arjuna Looking for Love" by Dewa 19, there was an allegation of copyright infringement against Yudhistira Anm Massardi's work. Yudhistira expressed

his objection in a reader's letter to GATRA magazine, after learning that the title of the song was the same as the title of his novel. Ahmad Dhani, a member of Dewa 19, admitted that the song was inspired by Yudhistira's book. Despite this, Dewa 19 continued to promote the song without changing the title. Finally, after a legal debate, Dewa 19 decided to change the title of the song to "Arjuna" as a solution to the case.

Copyright, as regulated in Law Number 28 of 2014, provides exclusive protection to creators for their work. Copyright enforcement is carried out through complaints from parties who feel disadvantaged by their work being copied without permission. In this case, copyright enforcement challenges occurred due to uncertainty in the interpretation of the law and differences in perception between the parties involved.

The various challenges experienced in enforcing copyright emphasize us as a society that legal awareness is very important in enforcing copyright, as can be seen in the steps taken by parties who feel their copyright has been violated. Through high legal awareness and effective enforcement of copyright, we can create an environment that supports the development of creativity and protects the rights of creators.

5. SUGGESTION

For future journals, it is recommended to explore the impact of applying the law in cases of copyright infringement in Indonesia in more depth, especially in the context of copyright protection. This journal can focus on concrete analysis of how copyright protection in Indonesia is implemented. There is a need for a more intensive educational program regarding copyright for the public, especially artists and creators. This can be done through seminars, workshops and social media campaigns that inform about the importance of copyright and the legal consequences of violating it. The government needs to increase protection and law enforcement efforts against copyright infringement by strengthening cooperation between law enforcement, copyright institutions and creative organizations to ensure that copyright infringement is handled seriously and fairly. Making a licensing agreement with songwriters can be a preventive step to prevent conflicts related to copyright in the future. Apart from that, solid cooperation between songwriters, copyright holders and the government is very necessary to improve law enforcement against copyright violations. Strict supervision, strict enforcement of sanctions, and fair and transparent conflict resolution are the keys to maintaining the integrity of copyright. High legal awareness among the public will help create an environment that supports the development of creativity and protects the rights of creators. Legal education regarding copyright must be improved so that all parties can properly understand and respect the work of others. By implementing these recommendations, it is hoped that a more cultural, fair and supportive environment can be created for creators and copyright holders in the music industry in Indonesia.

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