
COPYRIGHT AS "IMAGERY" HAS NOT BEEN ABLE TO PROVIDE WELFARE TO ART CREATORS IN INDONESIA, ESPECIALLY BALI.

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Abstrac

This research aims to reveal why Copyright is considered as "imagery" has not been able to provide welfare to art creators in Indonesia, especially Bali. Research focus: 1) Why are art creators in Indonesia, especially Bali, Copyright considered as "imagery"? 2) Why has Copyright not been able to provide welfare to art creators in Indonesia, especially Bali? 3) How do art creators in Bali make Copyright prosperous? Purpose: 1) Describe why art creators in Bali consider Copyright as "imagery". 2) Describe the factors that cause art creators in Bali to consider Copyright as "imagery". 3) Know the form of formulation so that Copyright can prosper art creators in Bali. Benefits: for the government, it can be used to make policies. For art creators in Bali, it is realized that Copyright is not an "image" nor an investment of economic value. Qualitative descriptive research methods, emperical juridical approach. Data sources: primary and skender. Data collection techniques: observation, interviews, documentation. Data validity, source triangulation and data triangulation. Findings: research fosters fomulation of ideas, ideas of forming groups or communities that care about HKI specifically in charge of handling plagiarism and royalties.

Katakunci: rights of creation, imagery, creator, association, welfare.

I.I NTRODUCTION

Multinational companies operate in many countries such as: Indofood, Goole, Microsoft, Nike, Adidas, Asus, Samsung, and many more that not only consider product quality but most importantly anticipate global market competition by protecting each type of product with Intellectual Property Rights protection or abbreviated as HKI. Copyright is one type of HKI useful for protecting intellectual property (IP) created by individuals and groups. HKI is a global cultural product by the World Trade Organization (WTO) used as a requirement for entry into the global market.

Indonesia is no longer a developing country that has ratified international agreements to harmonize international trade law by complying with WTO requirements, namely the inclusion of HKI to protect every product. In developed countries, such as Japan, America, Australia, and other developed countries, HKI is a profitable investment and provides prosperity of life through royalties. Royalty has become a culture and must be paid to the licensee. Similarly, Indonesia is a developed country, in big cities such as Jakarta, Surabaya, Medan has implemented HKI law, with the protection of each product with a brand, layout design, geography, including Copyright in the fields of engineering, fine arts, crafts, songs, recordings, music, and the like. By people in these big cities, HKI is seen as an investment with economic value. They art creators do not need to spend more capital on production, just give licenses to other parties to produce, duplicate, reproduce, and market. HKI owners receive benefits from the license agreement in the form of royalties and can be obtained directly or through professional associations (containers) according to the employment contract agreement.

How is the implementation of the copyright-specific HKI law by art creators in Indonesia, especially Bali? The results of the investigation obtain data from observations, literature studies, and in-depth interviews with academic art creators holding copyrights, obtain data as a form of "recognition" and complete the requirements for promotion or position. The results of the document review in the form of copyright certificates, show quite a lot of academic art creators in institutions such as at ISI Denpasar, craftsmen, designers copyright holders, it shows the awareness to protect their creations. As I Wayan Swandi, Arsiniwati, Suklu, Sudirga thought as academic art creators (interview in August, 2023 via Hp) copyright is important in addition to protecting their creations or products also not claimed by others. In addition, in universities, every lecturer is required to have HKI as a complete promotion.

The view by craftsmen, artists, designers, and art creators in Bali, the economic benefits of HKI have not been felt, their term "far from the fire" means that HKI has not been able to provide the welfare of copyright holders, at this time it is still limited to "imagery", or "pride". Quite a lot of craftsmen, artists, designers of their works are protected by copyright such as silver works Bara Silver, Suarti Silver, Uce Silver, Nyoman Ade, Nyoman Lodra, but they still consider it as an "image" can not provide welfare. One of the factors of the cause in Bali is that there is no professional association handling HKI issues, such as plagiarism, plagiarism, licenses, royalties, and others. In Jakarta, music creators, recording, song creators can live a prosperous life because there are professional associations

(containers) that handle cases like the above such as the All Indonesia Composers Association (AKSI). <https://www.viva.co.id/showbiz/musik/1614751-ahmad-dhani-hingga-piyu-padi-buat-asosiasi-untuk-perjuangkan-hak-pencipta-lagu>. If the condition of HKI in Bali is the same as in Jakarta, art creators, craftsmen, designers holding HKI can live more prosperously from royalty proceeds. This research is strengthened by data support from previous research results as follows.

Emma Valentina, 2015, The Effectiveness of Copyright Law Arrangements in Protecting Traditional Artworks, a discussion study: community understanding and skills in economic development related to the effectiveness of Copyright legal arrangements in protecting traditional regional works. In the study of traditional artworks with Law Number 28 of 2014 concerning Copyright, weaknesses and advantages were found which are expected to be study material for improvements in legislation in society. <https://ejournal.unsrat.ac.id/index.php/lppmekosobudkum/article/viewFile/10661/10249>

Sulasi Rongiyati, 2016, Intellectual Property Rights on Traditional Knowledge, the focus of discussion, the implementation of developed countries has not maximally recognized HKI for traditional knowledge because the characteristics of traditional culture are communal, and open. It is necessary to have recognition and protection in an effort to develop natural resources, traditional arts, and culture in Indonesia.

<https://jurnal.dpr.go.id/index.php/hukum/article/view/214>

Muhamad Arif, Rosni, 2018, Utilization and Management of Intellectual Property Rights (HKI) as an Entrepreneurship Development Strategy, Geography Education, Faculty of Social Sciences, Medan State University, focusing on intellectual property studies owned by each lecturer is an asset of economic value and beneficial for national and regional development. Such as the results of research, findings, engineering and community service must be implemented by first being protected with HKI, with the aim that there will be no conflict over ownership of works of creation in the future.

<https://jurnal.unimed.ac.id/2012/index.php/geo/article/viewFile/8632/7573>

Sulasno, Intellectual Property Rights License (HKI) in the Perspective of Treaty Law in Indonesia, discusses the issue of business arrangements used for commercialization of intellectual property through mutually beneficial trade agreements between the owner of the work and the entrepreneur through licensing. In particular, the study on the arrangement of the 1 agreement, and the protection of the parties in the HKI license practice in Indonesia is accommodated by a law set forth in a contractual agreement.

<http://academicjournal.yarsi.ac.id/index.php/Jurnal-ADIL/article/view/61>

Mira Burri, 2019, Cultural Heritage and Intellectual Property, University of Lucerne, Forthcoming in the Oxford Handbook of International Cultural Heritage Law, (Oxford University Press,). The aforementioned research specifically addresses the issues of legal institutions related to the protection of intellectual property and the relationship with cultural heritage, especially intangible. Further discussion by exploring how far intellectual property protects cultural heritage expressions such as patents, copyrights or trademarks.

<https://www.google.com/search?q=Mira+Burri%2C+2019%2C+Cultural+Heritage+and+Intellectual+Property>

Lee Branstetter, 2017, Intellectual Property Rights, Innovation and Development: Is Asia Defferet?, Research related to economic policymakers in developing countries have resisted pressure to strengthen their intellectual property rights (HKI) systems. Many of them point to the success of high-tech industries in Asia as confirmation in maintaining an HKI system that can function as industrial policy, stimulating the growth of technologically dynamic indigenous companies. <https://doi.org/10.1177/0976399616686860>

The research above provides an illustration that in developed countries and including Indonesia, copyright is very economical, and can prosper the owner of royalty proceeds. At this time copyright is still considered an "imagery" not yet considered an investment. In erglobal, Bali has been very urgent to form a forum or professional "association" specifically handling HKI issues. The association as a forum that works will take care of the rights and obligations of copyright holder art creators. The existence of future associations of HKI will be valued as an investment and able to provide life security. This is supported by the Balinese competency known as the "warehouse" of art creators, while the "association" of professions does not yet exist. For this reason, it is important to conduct in-depth research with the theme: Copyright as "Imaging" Has Not Been Able to Provide Welfare to Indonesian Art Creators, Especially in Bali.

II. RESEARCH METHODS

The qualitative descriptive method used in this study focused on copyright issues considered as an "imagery" that has not been able to provide welfare. These facts were obtained through observations / observations of copyright holders, and interviews with such as I Wayan Swandi, Arsiniwati, Sudirga, Bara silver, I Nyoman Patre (craftsmen, silver entrepreneurs) regarding the benefits of copyright, as well as conducting document studies on associations in big cities like Jakarta. This research utilizes qualitative data and is described

descriptively. This method was chosen to get an idea of how copyright is considered a "splash" by art creators in Bali. The empirical juridical approach intends to reveal the implementation of the implementation of the HKI law, referring to cases of copyright infringement, trademarks are legally resolved. Data types are primary data and skender data, validation with source triangulation analysis and data triangulation.

III. RESULTS AND DISCUSSION

Developed countries such as Japan, the United States, the United Kingdom, Italy benefit economically from the use of traditional knowledge (IP) from the power of Intellectual Property Rights "hoisted" through the World Trade Organization (WTO) system. Traditional knowledge is used as a source of creative creation, then referred to as an expression of traditional culture (EBT). EBT works have novelty value by the creator registered for HKI protection. Developed countries realize the importance of HKI in protecting every product. HKI as one of the requirements agreed by countries that enter as WTO members. <https://lib.ui.ac.id/file?file=pdf/abstrak-20279484.pdf> By developed countries, HKI is seen as an investment to ensure the welfare of life from royalty income. <https://setkab.go.id/inilah-pp-56-2021-tentang-pengelolaan-royalti-hak-cipta-lagu-dan-musik/>.

In line with the government regulation of the Republic of Indonesia (PP) Number 56 of 2021 concerning the management of song or music copyright royalties. HKI Law, mentions life security through contractual arrangements with producer parties in the form of granting licenses to other parties. Work contract with licensing by HKI holders, creators get benefits in the form of royalties (Lodra, 2018). In law, the other party as the licensee gives royalties to the holder of the work, engineering from the proceeds of the sale of the product. In the HKI law, it has been regulated the issue of the creator's opinion, the greater the proceeds from the sale of the product, the greater the opinion of royalties.

1. "Seketa" Plagiarism

Focus Group Discussion or abbreviated as FGD, organized by Fine Arts Students of Surabaya State University with plagiarism themes on culinary products, logos, brands, painting, photography, and design. Disputes over HKI infringement, copyright, brand, design plagiarism by several large national and international companies. This copy has reached the court level, of course, before having made a personal approach. This shows that the government is consistent in enforcing HKI laws. At the FGD, the themes were diverse related to global issues of well-known products. There are interesting phenomena from HKI disputes, there are some court decisions by both parties that are actually resolved familiarly / personally in lieu of royalties or compensation money. Conclude from the FGD that every

product, creation needs to be protected early with HKI, and this regulation shows HKI not as "splashing".

3. Copyright as "ImagingCopyright as "Imaging"

Indonesia has long ratified the HKI law and on implementation in accepted areas is still diverse. In big cities such as Jakarta, Surabaya, HKI is well managed, formed "associations" of special professions to handle plagiarism, licensing, and royalty issues. In areas such as Bali, there is not yet a forum or "association" institution assigned to manage and handle HKI issues. Art creators in Bali have not felt the economic benefits, so their understanding of copyright is still limited to "splashing". But on the other hand, the awareness of art creators (dance, fine art, music, graphics) of the importance of HKI in the era of global trade. This is supported by the author's notes that there are several works created by lecturers, artists, craftsmen, designers (Author's document, 2023; Copyright list).

Counter from several lecturers that the author interviewed, such as I Wayan Swandi, (64 years old), Arsiniwati (62 years old), Dayu Trisna, (62 years old) they are very proud to protect their creations with Copyright. They also find it helpful to fill in the promotion/rank requirements. Likewise, Mrs. Putu Sudiadnyani (50 years old), I Nyoman Patra (65 years old) the copyright owned as a form of recognition, appreciation, and pride of their work has been protected by law. Copyright owners claim to have not felt the economic value of copyright, but feel proud. (interview by phone, July 22, 2023). But at this time copyright is still considered as "splashing", as "investment" is still far "roasted from the fire". The results of interviews with several HKI owners, and art creators are as follows.

According to Ni Luh Susitawati (61 years old), one of the art lecturers in Denpasar, 3 dances were successfully protected with HKI, as follows. Honestly, I feel proud to have succeeded in protecting 3 dance creations with HKI, for the reason that it is a moral responsibility to be a dance lecturer, in addition to being able to complete the cricket numbers needed at the time of promotion. HKI is also a proof or acknowledgment on the sidelines of busy teaching is still able to be agile in creating dance artworks. As a form of positive "imaging" by peers and among art students. (Interview with Video Call, Date 2, Februari, 2020).

The dance creation is a teaching material, and is also widely used in studio activities, and is staged for the tourism industry in Bali. When the creation is staged for the benefit of the tourism industry it is part of the commercialization of economic value, the creator should get royalties.

Wayan Sujana (50 years old) was born in Klungkung, as a teacher at a fine arts education institution in Denpasar, active in art, 4 works of creation have been protected by HKI, bermentar as follows.

Some contemporary artworks such as novel themes, bamboo artworks in the form of modules, and 2 paintings have been protected by HKI, to be honest I feel proud of the international recognition. As an educator, it is not only the mastery of knowledge but also required to be skilled according to the competency that can be shown to students. I fully understand that this international recognition in Bali is still limited to "imagery" that cannot provide welfare directly, has not been considered as an investment. But at least this HKI can be used to protect creations and complete their academic promotion (interview, date 2, November, 2019).

According to Wayan Sujana's confession, his creations, such as woven modules are used for training in Workshop at local and international levels. The training module can be used by other parties in the business context should the owner of his HKI get royalties.

More deeply, researchers had an intense discussion with Mrs. Suasti Bandem (67 years old) an academic artist from an art institution in Denpasar. Mrs. Suasti Bandem told about the "Barong Kunti Seraya Dance" created by her late father. The focus of discussion on the issue of the creation according to his confession was created by his late father is now developing and used by the wider community. The question is what is the royalty problem? Tyerus' dialogue continues to the extent of how to protect the work. Excerpts from the discussion with Mrs. Suati Bandem are as follows. One of the works themed "Kunti Seraya" in the form of a dance drama is a creation of his late father has long been staged for the benefit of the tourism (commercial) industry, then how to get HKI, further revealed how royalty issues, who has the right to take care of (HKI seminar: Disbud, Bali Province, th 2019). Mrs. Suasti Bandem's question, is quite basic and leads to HKI principles, for welfare and royalty. These works were initially not taken into account for economic value, at that time not many people understood about HKI.

If there is enough evidence, what is submitted by Suasti Bandem as an individual or group of creations, the intellectual work can be protected with HKI, and used for business purposes, it can get royalties. Thus HKI, not only gets "imaging" but can be an investment. Thus, in the future, HKI owners will not only get "imaging" but as an investment and get roylti. As is done by music, song, and record creators in Jakarta, there are professional association institutions whose job is to bridge or take care of royalty rights.

4. Professional Association

Professional associations in the field of music, recording, creation in Jakarta are well organized such as; Asosiasi Promotor Musik Indonesia (APMI). <https://www.jpnn.com/news/asosiasi-promotor-musik-indonesia> The Indonesian Recording Industry Association (ASIRI) and similar are in charge of managing HKI and royalty issues. The association has the management of the creations of members either in production or in

business activities such as in hotels, nightclubs, karaoke. The members of the association stay to work and enjoy the fruits of their labor from royalties. Similarly, in the field of publishing, there is already an association or association of Indonesian Music Publishers (APINDO), its task is to discuss, and in relation to copyrighted works, copyright protection. Similarly, there is a Collective Management Institute (LMK) in the music industry, one of its tasks is to claim the rights owned by creators and on the results of commercialization of works in public places. Furthermore, such as ASRINDO (sound recording), and PRISSINDO (recording actor) who are in charge of licensing rights. In principle, the association not only takes care of the royalty rights of the license but also encourages it to be more productive. <http://www.widiasmoro.com/2014/08/09/organisasi-dalam-industri-musik/>.

How are art creators, artisans, artists, in Bali? Will they be able to get royalties, welfare like developed countries or in Jakarta? Are art creators in Bali not looking at Jakarta by making "association=association"? Which can later change the notion of copyright as "splashing" into an investment? This question is an interesting issue that needs to be discussed and solutions are found so that the HKI owned by creators in Bali can provide welfare and be used as an investment.

5. Prosperity and Investment

Traditional knowledge (PT) such as sarcophagus, temples, pure, reliefs, architecture, and the like as traditional cultural heritage is an investment that will not run out all the time and is able to provide welfare to the community. Art creators, PT designers for creative creative objects including traditional cultural expressions (EBT), for the needs of the tourism industry, advertising, and other services. To be more efficient, and economically valuable, PT which is used as an object of creative creation contributes to regional revenue. So PT in the future will be able to provide welfare and investment for children and grandchildren. PT is protected by the Cultural Heritage Law (law of the Republic of Indonesia, no 11 of 2010) <https://www.regulasip.id/book/1183/read>, as an investment. Politically, the presence of the Regional Government to issue a Government Regulation (PP) on contributions for creators who use PT as an object of creation. The reality of HKI implementation in Bali is not as.

Getting HKI protection for creators, artists, craftsmen, designers working hard to prepare creations, requires money, time, and thought. The hard work at this time the reward is limited to "imagery", unlike in developed countries while getting economic value in the form of royalties is also worth investing. The results of excerpts from interviews with several art creators about HKI issues in Bali are as follows. Putu Sudiadnyani (50 years old) a silver

craft entrepreneur named "Bara Silver" located, in Br.Celuk, Celuk, Sukawati, Gianyar, Bali tells the following story.

To be honest, it directly does not get the financial value of copyright, but HKI protection can affect sales to my other works. HKI as one of the marketing instruments that is relied on to lift and encourage the interest of consumers who visit my gallery. One of my creations favored by HKI is not only making "imagery" but encouraging product sales in the local and global markets. HKI for me is important in addition to encouraging creativity as well as to protect so that our works are not claimed or instead suspected of plagiarism. In the digital era, people very easily and quickly "burst" the creations of others who can sell well in the market. It is also emphasized that in order for HKI to be more highly business-empowered, there should be some kind of professional association that regulates the relationship with licenses and royalties. So in the future HKI is not as an "image" but has been seen as an investment of economic value (interview tg 16, August,2023).

Furthermore, Beki Purwanto (60 years old), a retired civil servant at the Law and Human Rights Office, Bali Province, handles HKI issues, and as a lawyer, argues as follows.

We recommend that creators, artists, craftsmen in Bali are related to the global market and digitalization that has an impact on plagiarism, licensing, royalty and similar issues, it is time to form a professional association so that the handling of these problems is more systematic. I observe that the average art creator in Bali is skilled in creation, does not have a foundation in thinking how their creations can provide prosperity and can be an investment. The proof is that art creators in Bali have pocketed quite a lot of HKI but the benefits are only as "imaging". To get welfare from royalties, a kind of professional association (container) should be formed to take care of license management to the rights of art creators in accordance with HKI law. His advice; HKI holders sit together to form a legal asosiasi (container) (interview on 12, May, 2022).

Furthermore, Bekti said that still around HKI ownership in Bali, the problem of mutual lawsuits between entrepreneurs arises. Lawsuits between entrepreneurs who feel ownership of each other over copyrights, trademark results in Bali. If there is some kind of professional association, it is very unlikely that cases will reach the realm of law, and it can be resolved familiarly. The development of HKI in the digital era really requires the presence of a professional association (container), its task is to take care of HKI issues, such as licenses, royalties, and including bridging between creators and entrepreneurs (production).

The study of the results of interviews with Putu Sudiadnyani, Bekti Purwanto, both have the same views related to HKI issues in Bali. In essence, HKI is important for art creators, not only does it provide the blessing of "imaging" but also can encourage increased creativity and sales. HKI as an investment, can provide welfare for children and grandchildren, it is necessary to form a professional "association" institution (container).

6. Royalty

Royalty is a reward paid by the licensee of a work that already has HKI from the entrepreneur for the profits obtained from selling, distributing, staging, doubling according to the results of the agreement. The licensee has the right to duplicate, manufacture of a product. In accordance with the HKI law, the field of copyright Chapter V. article 45, paragraph (4) royalties must be paid to the owner of the work in accordance with the agreement of the employment contract. Special licensees, creators continue to make a profit (perpetual investment), but copyrights are not lost as long as they are not sold to other parties. Licensing is obtained by an application mechanism based on submission and has been agreed upon by HKI holders.

If you look at the contents of the Copyright law, article 10, paragraph (2) in explaining protecting folk culture and people's culture rights are in the hands of local governments (Saidin: 2004). Just as PT is often used for creative creation, advertising, and other business interests, user entrepreneurs are required to provide royalties to local governments. (<http://www.hakataskekayaanintelektual.com/penctatan,perjanjianlisensi/syarat>) . The PT is protected by cultural heritage laws, if anyone uses it for business purposes by asking people first ask permission from the local government. Written in the copyright law, article 10, paragraph (3) to utilize, or reproduce, especially not Indonesian citizens first get permission from the relevant agency. The problem is who takes care of royalties?, here it is important the existence of professional "associations" in charge of managing, plagiarism, licensing, including royalties in Bali.

DISCUSSION

1. Art Creators and the Rise of HKI

Art creators with academic backgrounds such as from art colleges, artists, craftsmen, and entrepreneurs in Bali are starting to be aware of protecting their creations with HKI. Similarly, Putu Sudiadnyani, Nyoman Lodra, Wayan Swandi, Kun Adnyane, Suklu, Dayu Trisnawati, Arsiniwati, Ni Luh Sustiwati, have protected their intellectual works with HKI (source: Lodra, 2018, HKI database). Their motivation is to protect creation because of the rampant practice of plagiarism, claims of creation, and for the management of promotions. from among academics.

The phenomena of openness in the digital age and awareness in free trade competition evidence the progress of thinking for the protection of creation. This is a sign that in the future Balinese cultural values will be preserved, continued, and there is no need for worry, fear of claims from other regions and foreigners. Awareness to protect creation will continue to grow, develop if in the future HKI is not only as an "image" but to sustain prosperity. Like

songwriters, recorders, film narrators in Jakarta, they can prosper from royalties and as investments. All that is obtained is inseparable from the role of the presence of professional "association" institutions.

How art creators in Bali pocket quite a lot of HKI, especially in the field of copyright Suasti Bandem once conveyed the issue of creating a type of dance drama, "Kunti Seraya" created by his parents has been widely staged for the tourism industry, which is commercial in nature. What about royalties can be obtained by his heirs? Very eraonist on the part of users get welfare and profit, while creators get nothing, still in a position of "hope". Art creators in Bali, can refer to what has been done by artists in Yogyakarta, formed an association or container at the house of Puspo Budoyo Yoyakarta (formed on Rabo day, November 20, 2017), Indonesian Dance Artists Association (ASETI).

<https://antiyank.wordpress.com/2017/12/21/asosiasi-seniman-tari-indonesia-asati/>. Likewise, Heru Londo (on March 1, 2018) formed the Indonesian Artists Association (APERI) in Yogyakarta. These professional associations include dealing with HKI issues including royalties. <https://jogja.tribunnews.com/2018/03/13/asosiasi-perupa-indonesia-terbentuk-ini-tujuannya>. If art creators in Bali think more ahead, they can unite to form a professional association, no matter what the name is, the most important forum or professional association has a vision and mission to fight for the welfare of HKI owners and fight for royalty rights.

2. Professional Association

The revival of the spirit of art creators in Bali to protect their intellectual works with HKI, copyright as a sign of growing awareness for the protection, preservation of cultural values and the preservation of national morals and economic values. To achieve maximum goals, it can also be for future investments to be inherited by children and grandchildren. The phenomenon of growing spirit of Intellectual Property (IP) protection of art creators in Bali, of course, accompanied by the formation of a professional "Association" that is a legal entity. The container is a combination of several professions such as dance, crafts, fine arts is very effective, and effective, because Bali is a "warehouse" of art and world tourism destinations.

IV. CONCLUSION

The conclusion of the discussion of the results of the research mentioned above is as follows. The awareness of art creators such as dance, fine arts, contemporary music, dramadance in Bali has been protected by HKI, but has not been able to provide welfare still considers it as an "image". The factor causing HKI has not been able to provide welfare and is not worth investing, because there is no professional "association" or forum that takes care of it. Art creators should be able to live a prosperous life like in Jakarta in Bali known as the world

tourism destination. HKI management needs to have an institution like a professional "association" (container) if you want to get profit (profit).

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