



COMPARATION OF INTERNATIONAL COPYRIGHT LAW IN INDONESIA COUNTRIES - HONGKONG - SINGAPORE - MALAYSIA AND THAILAND VIEWED FROM THE ASPECT OF CRIMINAL SANCTIONS ON CORPORATION

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ABSTRAK

Copyright Law No. 28 of 2014 concerning Copyright in Indonesia has been ratified since 2014, and came into force and can be implemented or operationalized after two years later in 2016. The main problems that arise with the application of the Copyright Act Cipta in Indonesia there are other issues related to juridical issues regarding the formulation of criminal provisions and related to the problem of unclear issues regarding the formulation of criminal offense qualifications or unclear violations, determination of the subject of corporate law is not regulated, corporate criminal sanctions are not regulated, formulation of sanctions for sanctions that are not clear, against criminal offenses in the Copyright Act. Juridical problems in the Copyright Act in Indonesia will have an impact on the implementation and operation of the current and future Copyright Laws. Furthermore, a discussion on the comparative policy formulation of criminal provisions against corporate legal entities in Indonesia with the Copyright Act in other countries. Copyright Regulations, except for the Indonesian state, do not regulate criminal sanctions against corporations, while Malaysia, Singapura, Malaysia, Hong Kong and Thailand all regulate criminal sanctions against corporations and include them as strict legal subjects in their material and formal laws. That, proving that, copyright infringement in the eyes of foreign countries is considered important and crucial, so it needs to be regulated in the policy formulation of criminal provisions in that country in order to protect copyright holders, related rights and performers of copyright. Unlike the Copyright Act in Indonesia, only regulates the legal subject of individuals, while corporate legal entities are only referred to in the juridical definition in general provisions of the Copyright Act only, but the provisions in the formulation policy of criminal provisions are not clearly and clearly regulated. Though it is clear that criminal liability sanctions between individuals with criminal sanctions corporate legal entities differ in the imposition of sanctions. Corporations are legal entities created by law. The body that it creates consists of a "corpus" that is, its physical structure and into it the law of entering "animus" which makes the body have a personality. Because the legal entity is a legal creation, except for its creator, its death is also determined by law. To identify how the forms of legal entity are called corporations in general. The corporation has an important characteristic namely; is an artificial legal subject that has a special legal position, has a limited life span, obtains power from the state to carry out certain business activities, owned by shareholders. Shareholder responsibility for corporate losses is usually limited to the shares he owns. Furthermore, to support the objectives of this study, the paradigm used in this study is the post-positivism paradigm. Post-positivism paradigm wants to prove everything is based on reality that can be built based on experience, observation, researchers are neutral towards the object of research, even though researchers holding this

paradigm remain neutral towards the object of research, but he wants to examine what actually happens from things that actually as if for sure. The post-positivism paradigm ontologically conceptualizes reality as it really is, but it is realized that there are actually many factors that influence that reality. Consequently, ontologically the post-positivism paradigm conceptualizes the law as a set of rules that apply in society whose behavior will be influenced by economic, political, cultural, and other factors. Epistemologically, researchers sit themselves impersonal, separate from the object of research. The researcher's position on the object of research is neutral and impartial.

Keywords: Copyright Law, Comparison, Corporations, Corporate Crimes and Legal Subjects

1. INTRODUCTION

Copyright Law No. 28 of 2014 concerning Copyright in Indonesia has been passed since 2014, and came into force and can be implemented or operationalized after two years later in 2016. The main problem that occurs with the UUHC in Indonesia, is the problem juridical in the formulation of policy provisions formulation of criminal provisions. The problems that now arise with regard to UUHC are, related to unclear issues regarding the qualification of offense, determination of the subject of unregulated corporate law, unregulated corporate criminal sanctions, formulation of unclear criminal compensation sanctions, regarding formulation between crimes or violations of criminal offenses in UUHC. Juridical problems in UUHC in Indonesia will have an impact on the implementation and operationalization of UUHC now and in the future. Juridical problems in the formulation of criminal provisions policy in the new UUHC have been discussed in the previous chapter. For this chapter, we will discuss the comparison of policy formulation comparisons of criminal provisions against corporate legal entities in Indonesia with those compared to the UUHC in other countries. The following will explain the arrangements for Copyright in Indonesia, Malaysia, Singapura, Malaysia, Hong Kong and Thailand. Judging from the UUHC criminal provisions in Malaysia, Singapore, Thailand and Hong Kong, the regulation of criminal provisions governing the sanctions of criminal offenses committed by agencies law or corporation is strictly regulated both in terms of material and formal law. That, proves that, copyright infringement in the eyes of foreign countries is considered important and crucial, so it needs to be regulated in the policy formulation of criminal provisions in that country. Unlike the UUHC in Indonesia, only regulates the subject of individual law, while corporate legal entities are only mentioned in jurisdictional definition in the general provisions of the UUHC only, but the provisions in the

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formulation policy on criminal provisions are not clearly and clearly regulated. Though it is clear that criminal liability sanctions between individuals with criminal sanctions corporate legal entities differ in the imposition of sanctions. Satjipto Raharjo stated, corporations are entities created by the law. The body that it creates consists of a "corpus" that is, its physical structure and into it the law of entering "animus" which makes the body have a personality. Because the legal entity is a legal creation, except for its creator, its death is also determined by law. To identify how the forms of legal entity called corporations in general, the authors refer to the opinion of the I.S. Susanto. The corporation has an important characteristic namely;

- a. Is an artificial legal subject that has a special legal position
- b. Has a limited life span
- c. Obtain power from the state to carry out certain business activities
- d. Owned by shareholders
- e. Shareholder responsibility for corporate losses is usually limited to the shares he owns.

In criminal liability in UUHC in Indonesia it is not specifically regulated in the formulation of criminal provisions policy formulation. Therefore, it makes UUHC considered weak in terms of enforcing criminal law for performers in Indonesia. N.E. Algra explained that in terms of criminal responsibility "toerekenbaarheid" states, "toerekenbaarheid" means it can be accounted for on an action that can be punished or can be accountable to the culprit for his own actions, if the mistake (cq intentional) of the culprit is proven (elements / elements) and is not accountable there is a reason for abolishing the sentence ". Sudarto, stated that the conviction of a person is not enough if that person has committed acts that are against the law or are against the law. So, even though the act fulfills the formulation of offense in the law and is not generalized (objective breach of a provocation), it does not yet meet the requirements for criminal conviction. For criminalization there is still a need for a condition, that person who doing that action has a mistake or is guilty (subjective guilt). In other words, the person must be held accountable for his actions or if viewed from the standpoint of his actions, his actions can only be accounted for by that person. In addition, Moeljatno's view said, "that the teaching of *kontorowict*, between criminal acts and accountability in criminal law, there is a close relationship such as matters with actions and people who commit acts. A new criminal act has a meaning if beside it is an accountability, on the contrary it is impossible to have an accountability, if there is no criminal act. Mistakes are an element, even an absolute condition for accountability in the form of criminal charges. Because also for the people of Indonesia applies the principle of not being convicted if there are no mistakes: *geen straf zonder schuld, keine strafe ohne schuld*, or in other languages: *actus non facit reum nisi mens sit rea*, (an act daes not make person quilty unless his mind is

quilty). As for the evidence that this principle applies is, even if he did not have a mistake, surely it was felt to be unjust and improper. The fundamental problem in the discussion of corporate criminal liability is related to the legal juridical construction of the conduct of the corporate management can be stated as a corporate act and concerns the juridical construction of the corporate actor as the maker and nature of corporate criminal liability. Mardjono Reksodipuro, stated that there are three models of corporate criminal responsibility, namely:

- a. Corporate management as the maker and management are responsible
- b. The corporation as a responsible maker and management
- c. The corporation as a maker and also as responsible.

Juridical construction of corporate actors can be declared as having an error, Van Bemmelen, quoting Remmelink's opinion which says that; "The shared knowledge of most members of the board of directors can be considered as a deliberate intent of the legal entity, if possible as a conditional intentional and that the minor misconduct of each person acting for the corporation, if collected will constitute a major error of the corporation itself,". Corporate legal entities as perpetrators of copyright crimes carry out piracy encoding without the right to the creation of music and songs and physical means of CDs and DVDs as well as digital facilities (internet-optical discs) the *modus operandi* carried out is from the results of the author's research in the field:

- a. Optical disc manufacturers or businesses using CDs or DVDs signify copyright in music and song fields without the permission of the copyright holder, and related rights apprentices
- b. The optical disc factory has an industrial business permit from the local industry office
- c. Optical disc manufacturers do not have a letter of legalization of registration of optical disc machines and industrial equipment from the Ministry of Industry
- d. Optical disc manufacturers do not install company signage according to regulations
- e. Printing equipment on a printer at an optical disc factory does not have a production code in the form of a "mold code" (mold code)
- f. Stamper does not have a production code in the form of a stamper code (stamper code)
- g. The results of the production of optical discs do not have a production code, either mold code or stamper code
- h. Optical disc manufacturers that import raw materials (polycarbonate) or machines do not have, a letter of appointment as IT optical discs from the Ministry of Trade, an appointment letter of import for every activity of importing raw materials or machinery from the Ministry of Trade.

Marshall B Clinard and Peter C Yeager said that criteria for applying criminal sanctions against corporations were:

- a. *Darajat loss to the public*
- b. *Level of involvement by corporate managers*
- c. *The duration of the crime*
- d. *The frequency of criminal offenses by criminal offenses*
- e. *Evidence intended to commit a crime*
- f. *Extortion, such as in bribery cases*
- g. *Degree of public knowledge about the negative things caused by media coverage*
- h. *Jurisprudence*
- i. *History of serious criminal offenses by corporations*
- j. *Possible prevention*
- k. *The degree of corporate cooperation aimed at corporations*

Muladi also stated that the punishment of a corporation should pay attention to the position of the corporation to control the company, through the policies of the executives or the executives (corporate executing officers) who have the power to make decisions (power of decision) and the decision has been accepted (accepted) by the corporation. The application of criminal sanctions against corporations does not eliminate individual wrongdoing. Seeing from the views of some of the scholars mentioned above, that in fact corporate criminal offenses can be carried out efforts to punish corporate criminal offenders, only juridical weaknesses in the formulation of criminal provisions policy in the UUHC in Indonesia do not explicitly regulate criminal sanctions against corporate criminal offenders . This is the weak point of the formulation of criminal provisions in UUHC No. 28 of 2014 concerning Copyright. That, is very dangerous for the state and the perpetrators of gambling in Indonesia, because the spearhead of criminal law enforcement is seen as the right solution for the rise of criminal acts of piracy in the field of music and song copyright which is mostly done by corporations in Indonesia. Based on the author's research, which is compared to the UUHC in Indonesia and in several countries such as Malaysia, Singapore, Thailand, Hong Kong, it is very different in formulating policy formulation of criminal provisions on the subject of corporate criminal law. In these countries, clearly and unequivocally, corporations are included as subjects of criminal law, and corporations of criminal law can be taken if they violate copyrights. Thus, legal protection for legal certainty for copyright owners in these countries is guaranteed by the UUHC in that country.

2. METHODS

The approach in this research uses a normative juridical approach and at the same time a sociological approach is used, namely as a study of law in society which is essentially a social

research. Thus, this research is also called social-legal-research, which is sociological research of law carried out in everyday people's lives and regarding the practice / application of law in society.¹

The sociological juridical approach that is meant is that the research approach is about the suitability of the discussion of the problem with the applicable legal provisions, and to see reciprocity arising between social life and law enforcement officials or agencies in this study. So in this study the sociological character cannot be separated from the normative element, because the government apart has carried out its duties based on norms in the form of statutory regulations in the form of laws, government regulations, presidential decrees, ministerial regulations and so on. Normative research looks at documents, laws and regulations, journals and books related to the issues to be studied.

3. Discussion

a) Copyright Act 332 of 1987 Amendment of Act A1139 of 2002 State of Malaysia

In Malaysia, the latest Copyright Act 332 of 1987 was amended under Act A1139 of 2002 expressly establishing a legal entity as a criminal law subject in addition to a person in the human sense in general as well as being the subject of a criminal offense. In Section 42 Offence subsection (4) confirms, "where in offence under this section is committed by a corporate body or by a person who is a partner in a firm, every director, secretary or manager of the corporate body, as the case may be, every other partner of the firm shall be deemed to be guilty of the offence unless he proves that the offence is committed with oral consent or connivance and that the exercise is all due diligence to prevent the commission of the offence. (Where violations under this section occur by companies or individuals who are partners in a firm, all directors, secretaries or managers of the company or as a case may be, every other partner in the firm can be considered guilty of violations unless he proves the violations were carried out without his permission or conspiracy and he did everything to prevent violations). Corporations as subjects of crime in the Malaysia legal system can also be found in The Criminal Procedure Code 2006 (Act 593) governing the procedure for summons in criminal cases with corporate suspects is by submitting an outcast to the secretary or other officials in the corporation (in case of corporation the summons may be served on the secretary or other like the reviewer of the corporation).

B. Copyright Act, B.E.2537 of 1994 in the State of Thailand

¹ Soerjono Soekanto, Pengantar Penelitian Hukum (Jakarta: Penerbit Universitas Indonesia (UI-Press),2006), hlm. 5.

Thailand's copyright law also states explicitly that legal entities are subject to criminal acts. In full Section 74 Copyright Act, BE2537 of 1994 states, "If a legal (juristic) person commits an offense under this act, all the directors or managers of the legal (juristic) persons shall be considered joint offenders with the legal (juristic) person unless they can prove that the legal person has committed the offence without their knowledge or consent, " (If a legal entity (juristic) violates this law, all directors, managers of a person can be a common offender with that person, unless they can prove that the person has committed an offense without their knowledge or permission. "This means that in the UUHC in Thailand, legal subjects other than individuals can also carry out criminal legal efforts carried out by legal entities or corporations including directors and secretaries in the company. In Thailand Penal Code, BE2550 of 2007, as a general provision in the applicable criminal law mentions about corporations as subjects of crime. Corporations as subjects of crime develop in the practice of justice in Thailand. The Supreme Court Decisions of Thailand Number: 1669/2506 and 584/2508 state that, "although corporations cannot carry out human actions, if human actions are entered as a corp action oration as referred to in the statement of establishment in the deed of incorporation of corporations and corporations that have used or received profits from such actions, the corporation must be held criminally responsible. (Decision of the Supreme Court of Thailand No: 1669/2506 About the managing director of one of the Ltf companies that has fabricated fake documents and uses fake documents to send minerals to foreign countries according to their corporate purposes). Criminal procedural law in Thailand (The Criminal Procedure Code Act BE 2535), also regulates criminal procedural actions against corporations as perpetrators of criminal acts. Article 4 paragraph (3), "the following persons may act on behalf of the injured person; the manager or other representative of a juristic person in respect of any offense committed against such a juristic person ". And Article 7 states that in pre-trial hearings, hearings in cases where the corporation is a suspect or defendant, a summons must be addressed to the manager or representative of the corporation by the examination or court official for the person who can provide information, but the person is not present, an arrest warrant will be issued against the person. but cannot apply for parole detention of manager or corporate representative. The name of the corporation with the name of the corporation's representative must be clearly stated in the indictment.

C. Copyright Ordinance Chapter 528 Section 125 Liability of Persons Other Than Principal Offender, Hong Kong

In Hong Kong, the UUHC firmly states that, corporations can be subject to criminal law, as can the copyright law system in Malaysia, Thailand and Singapore. In Section 125, it is explained, "where a section of a company commits a violation under this law considering actions

that appear to be carried out with permission or by conspiracy, or to be attributed to each action in the part of, every director, manager, secretary or similar official of the part of the company or people who support actions in its capacity, is also part of the company committing the violation ". Subsection (1), applies in relation to the acts of a member in connection with his function of management if he was a director of corporate body. (Where the problem in the body of the company is managed by its members, subsection (1), it is expected that in relation to its management function, for example, he is the director of the company. 3) regulated actions of procedural law related to the submission of a plea in writing submitted to the court by a corporate representative, if the suspect or defendant is a corporation.

D. Copyright Act 690 of 2005 Singapura State

Like other countries, such as Malaysia, Hong Kong, Thailand, Singapore, the country is also strict in compiling the policy formulation of criminal provisions concerning copyright also includes the subject of corporate law. Singapura State, asserts that corporations as subject to copyright criminal acts as governed in Section 45 concerning Offence by body of person. Section Paragraph (1) letter a, "in the case of the corporate body other than a partnership. Every director or secretary of the corporate body shall also be committed to having committed the offence. (In the case of a corporate legal entity other than an association, each director or secretary of that corporation will also be convicted of a criminal offense). Article (1) letter b, "In the case of a partnership, every partner shall also deemend to have committed offence," (In the case of an association, each partner will also be convicted of committing a criminal offense). Regulations in the state of copyright in Singapore, regarding the policy formulation of corporate criminal provisions which are stated as subjects of criminal offenses in the legal system, are also found in the latest Singapore Penal Code Ordonance No. 4 of 1871 amended in 2007 (Ordinance No. 51 of 2007) in Chapter II of General Exlanation, number II states, "the word" person "includes any company or associated or body persons, whether incorporated or not. Corporate recognition as a subject of criminal offenses in the legal system in Singapore can also be found in the Criminal Procedure Code 2010 (Act 15 of 2010), which began and took effect on January 2, 2011. In Part I Preliminary, the third part of service of notice, order and document, is regulated concerning criminal procedural actions in relation to cases from a corporate body or a limited liability partnership. From the research by comparing the formulation of criminal provisions policies that specifically force corporations as subjects of criminal acts, it means that these countries have been able to predict the possibility of criminal acts in the future or in the future. The legal certainty of criminal sanctions against legal entities and corporations is very clearly regulated in the provisions of his speech. As is known, in the copyright business of music and song in Indonesia, even the world is a business that promises large and fast profits for the corporation. Therefore, these countries are incumbent on corporations as subjects of criminal offenses, in order to be able

to suppress the level of criminality in those countries concerning the misuse of copyright infringement globally. Therefore, examining after looking at the comparison of the policy system of the formulation of corporate criminal provisions in Malaysia, Singapore, Hong Kong and Thailand, it is advisable that the UUHC policy formulation system in Indonesia should be reformulated again by including corporations as subjects of crime, with clear rules and regulations and expressly stipulated in the criminal provisions in UUHC No. 28 of 2014. This must be done to provide protection for show performers in guaranteeing legal certainty because Indonesia is also the same as the countries mentioned above in enforcing copyright law using the tradition of civil law law, where the legal certainty is highlighted as the frontline in the interests of the general public.

As a matter which is included as a policy issue, then the use (criminal) law is actually not a necessity. H.L. Packer in his book "The Limits of Criminal Sanction", as stated by Muladi and Barda Nawawi Arief:

- a. Criminal sanctions are absolutely necessary; we cannot live, now or in the future, without crime (the criminal sanction is indispensable; we could not, now or in the future, get along without it).
- b. Criminal sanctions are the best tools or means available, which we have to deal with crimes or major and immediate dangers and to deal with threats from danger (criminal sanction is the best available device we have for dealing with cross and immediate harms and threats of harm). Criminal sanctions were once the main / best guarantor and at one time were the main threat to human freedom. He is a guarantor if used sparingly carefully and humanely; it is a threat if used carelessly and by force (the criminal sanction is or once primeguarantor and prime threatener of human freedom. Used providently and humanely, it is guarantor; used indiscriminately and coercively, it is a threatener).

According to Muladi and Barda Nawawi Arief, criminal sanctions are a good effort in threatening the freedom of people who commit crimes, who have committed crimes. Therefore, in the formulation policy formulation of criminal provisions in the Copyright Act No. 28 of 2014 concerning Copyright, which is currently indicated as having juridical problems must be reformulated or re-enacted so that in the formulation policy criminal provisions can truly resolve criminal acts of piracy both of which carried out by people or corporate legal entities. The main problem now experienced by producers phonogram performances is, in the criminal acts of pirating music and song copyrights, which currently lies in the large number of piracy criminal

acts committed by corporate groups of legal entities, while those who become ironis, against perpetrators of corporate criminal acts The new Copyright Law does not regulate clear and explicit regulations regarding the imposition of criminal sanctions against criminal liability. Another thing, related to copyright issues, economic rights, moral rights, and the formation of institutions supporting the withdrawal of royalties such as the National Collective Management Institute are well accommodated in the provisions of this Copyright Act. Only, from the aspect of policy formulation, only criminal provisions are now indicated to have strong legal problems. The legal problem that is enforced is, the problem where in the formulation of criminal provisions in the product Law No. 28 of 2014 concerning Copyright does not use the basic guidelines as regulated in the Law for the Establishment of Laws and Regulations No. 12 of 2011. When we talk about corporations, we will be faced with companies that have enough financial in doing business activities. Businesses that are currently rife are those related to the business of buying and selling CDs, DVD cover song content on YouTube, piracy, through the means of digital machines, the internet, by way of breaking the law. Acts against the law that are often violated by corporate companies are, do not ask for licenses from copyright owners, holders of copyright and related rights. Thus, the perpetrators of criminal acts of corporate piracy carry out their business activities in a way that is against the law and is carried out clandestinely. It is very difficult to prosecute corporations and corporate owners, because aside from being slick in running their business, they are also well known for their many colleagues and relations related to the authorities and state apparatus. So it is very rare for the perpetrators of criminal acts of piracy by this corporation, both the company or the ranks of the descent within the company to be exposed to the crime. In addition they are also very close to ruling elements and elements of the state as law enforcers, the Copyright Act also does not regulate sanctions for those corporations who commit criminal acts of copyright piracy Very ironic thing. Therefore, in the context of tackling crimes committed by corporations, the Supreme Court of Republic of Indonesia issues Supreme Court Regulation No. 13 of 2016 concerning Procedures for Handling Criminal Acts by Corporations. This supreme court rules was approved by the Chairman of the Supreme Court of the Republic of Indonesia M. Hatta Ali on December 21, 2016 and was just promulgated on December 29, 2016. This Republic of Indonesia Supreme Court Regulation is a guideline for law enforcement officers and fills the legal vacuum related to procedures for handling certain crimes committed by corporations and / or their management. So far, certain Laws (Laws) have placed corporations as legal subjects that can be convicted for harming the state and / or society. However, it is very minimal to be processed in court because there is no procedural law for investigative procedures, prosecution to trial, especially in formulating indictments for corporate entities. This Perma Corporation Criminal Code contains the formulation of corporate error criteria which can be called committing a crime; anyone who can be held liable for corporate

crime; the procedures for examining (investigating and prosecuting) the corporation and / or the management of the corporation; the procedure for corporate trials; type of corporate punishment; decision; and implementation of decisions. In terms of error criteria there are a number of things that need to be considered;

- a. the corporation gains or benefits from certain criminal acts or the crime is committed for the benefit of the corporation.
- b. the corporation allows criminal acts.
- c. the corporation does not take preventative or preventive measures and ensure compliance with applicable legal provisions to avoid criminal offenses. "In the event that one or more of the Corporate Management terminates, or dies does not result in the loss of (criminal) corporate responsibility. This Supreme Court Regulation not only regulates criminal liability carried out by a corporation on the basis of a work relationship or other relationship, but also can ensnare corporate and corporate groups in mergers, mergers, acquisitions, and disbanding processes. However, corporations that have disbanded after a crime cannot be convicted. Comparison of several copyright laws in other countries, most of which regulate criminal sanctions for corporations included as legal subjects. Therefore, if a criminal offense is committed by a corporate legal entity, the corporation may be subject to additional criminal and criminal law sanctions that impose sanctions on the legal entity. Because Article I of the Criminal Code Book 10 stipulates the types of principal and additional crimes. in Law No. 12 of 2011 concerning the Formation of Regulations for Invitation to Article 126, "criminal offenses can be committed by individuals or by corporations. Crimes against criminal acts committed by corporations are handed down to: legal entities such as, companies, associations, foundations, or corporations; and / or b: the party who gave the order to carry out a criminal action or who acts as a leader in committing criminal acts. That is, in copyright laws should be regulated in criminal provisions against additional sanctions imposed on legal entities or corporations, because additional criminal sanctions against corporations directly impact on corporations such as operational termination, revocation of licenses, confiscation of goods, announcement of judge decisions , etc.

Table: Comprative Criminal Law Copyright Law in Indonesia with Countries Malaysia, Thailand, Singapore, Hong Kong Regarding Corporations Included in the Subject of Copyright Crimes

No	Theory	Indonesia	Malaysia	Thailand	Singapura	Hongkong

*Comparison Of International Copyright Law In Indonesia Countries - Hongkong - Singapore - Malaysia And Thailand Viewed From The Aspect Of Criminal Sanctions On Corporation
Dr. Edi Ribut Harwanto, S.H., M.H.*

1	<i>Rights Settings Ekklusif</i>	<i>Explicitly states that copyright is an exclusive right</i>	<i>Explicitly states that copyright is an exclusive right</i>	<i>Explicitly states that copyright is an exclusive right</i>	<i>Explicitly states that copyright is an exclusive right</i>	<i>Explicitly states that copyright is an exclusive right</i>
2	<i>Settings for multimedia creation</i>	<i>Regulated with regard to the protection of sound recording rights, broadcasting rights, computer programs, and cable programs, even regulating the future validity of copyright for performers and phonogram producers</i>	<i>Regulated related to the protection of voice recording rights, broadcasting rights, computer programs, and cable programs, even regulating the future validity of copyright.</i>	<i>Regulated related to the protection of voice recording rights, broadcasting rights, computer programs, and cable programs, even regulating the future validity of copyright.</i>	<i>Regulated related to the protection of voice recording rights, broadcasting rights, computer programs, and cable programs, even regulating the validity period of copyright expressly provides copyright protection in the form of digital format</i>	<i>Regulated related to the protection of voice recording rights, broadcasting rights, computer programs, and program cables.</i>

3	<i>Regulation of Economic Rights and Moral Rights</i>	<i>Regulations on Economic Rights and Moral Matters are clearly regulated in the juridical formulation in general provisions and Article 5 and Article moral rights and economic</i>	<i>Does not expressly regulate economic rights but explicitly mentions moral rights</i>	<i>Not explicitly mentioning moral rights and economic rights</i>	<i>It explicitly mentions the protection of economic and moral rights</i>	<i>Does not expressly regulate economic rights but explicitly mentions moral rights</i>
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		<p><i>rights</i> <i>Article 7</i> <i>part 3</i> <i>paragraph 1</i> <i>Does not expressly regulate economic rights but explicitly mentions moral rights</i> <i>Does not explicitly mention moral rights and economic rights</i> <i>Expressly mentions the protection of economic rights and moral rights</i></p>				
4	<p><i>Corporate regulations as subjects of copyright crime</i></p>	<p><i>Corporate regulations as subjects of copyright crime</i> <i>Not explicitly regulating, the subject of corporate law as the subject of a criminal offense, is only included in the juridical explanation in the general provisions of Article I number 27.</i> <i>However, in</i></p>	<p><i>Regulating corporations as subject to copyright law, material and formal criminal law has also been regulated</i></p>	<p><i>Regulates corporations as subject to copyright law, material criminal law does not regulate corporations as subject to criminal acts, but in formal law regulates procedures for actions against suspects or corporate defendants corporation as a subject of criminal</i></p>	<p><i>Regulating corporations as subject to copyright law, material and formal criminal law has also been regulated</i></p>	<p><i>Regulates corporations as subject to copyright law, material criminal law does not explicitly regulate corporations as subjects of crime, but in formal law there are procedures governed by suspects and defendants committed by corporate legal entities</i></p>

		<p><i>the formulation of the formulation of the criminal provisions the corporate criminal sanctions are not regulated Article 2 letter of the Copyright Act applies to: a: all rights and rights products related to citizens. Indonesian population and legal entity. Regulates corporations as legal subjects of copyright law, material or formal criminal law laws have also been regulated Regulates corporations as legal subjects of copyright law, material criminal law laws do not regulate corporations as subjects of criminal law, but in formal law</i></p>		<p><i>law, but in formal law has set the procedure for action against a suspect or defendant of the corporation</i></p>		
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		<p><i>has set the procedure for actions against suspects or defendants of the corporation. Regulates the corporation as a legal subject of Copyright criminal acts, the material laws of formal and formal criminal law have also been regulated. Regulates the corporation as a legal subject of Copyright criminal acts, the material criminal law laws are not explicitly regulates corporations as subjects of criminal acts, but in formal law procedures are set for actions against suspects and defendants carried out</i></p>				
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		<i>by corporate legal entities</i>				
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4. CONCLUTION

To guarantee the implementation of the formulation policy, application and execution of criminal law in the Copyright Act No. 28 of 2014 concerning Copyright in order to fulfill a sense of justice for performers (musician-singer-producer-songwriter) in Indonesia and cracking down on piracy offenders in Indonesia, so that the government immediately formulates regulations in order to suppress criminal acts of piracy in the field of music and song copyright in Indonesia. To anticipate due to legal vacuum in the Copyright Act, related to juridical issues in criminal provisions and other articles have an impact on economic losses for performers can use relevant laws that can be used as a tool to prevent and act against perpetrators criminal acts of piracy of music and song copyright can use the Corruption Act on the side of non-payment of non-tax state revenue, potentially causing state financial losses and using the Taxation Act on the act of not paying taxes due to acts of copyright criminal acts for corporations to commit violations. In the future the regulation of criminal provisions on corporations must be regulated separately and may not be combined in the formulation of persons as legal subjects, but the phrase mentioning the perpetrators of corporate criminal acts of sanctions and additional types of law must be affirmed in criminal provisions. That is as confirmed in Law No. 12 of 2011 concerning the Formation of Regulations for Article 126 Invitation, "a criminal offense can be committed by an individual person or by a corporation. Crimes against criminal acts committed by corporations are handed down to: legal entities such as, companies, associations, foundations, or corporations; and / or b: the party who gave the order to carry out a criminal action or who acts as a leader in committing criminal acts. That is, in copyright laws should be regulated in criminal provisions against additional sanctions imposed on legal entities or corporations, because additional criminal sanctions against corporations directly such as operational termination, revocation of licenses, etc. Thus, individual legal subjects and corporations are equally sanctioned for criminal violations of copyright and are distinguished between individual criminal sanctions and criminal sanctions for corporations. In the future, it is expected that in order to reformulate the application and execution of the criminal law in order to be more just in the future, and take firm action against the perpetrators of piracy by both individuals and corporations, the government can cooperate well as a teamwork with the organization related professions such as PAPPRI, ASIRI, WAMI, REI ASIRINDO and other related professional arts organizations, in collaboration with law enforcement police, prosecutors, judges, DJKI, in synchronizing juridical issues to be better structured to provide legal protection for perpetrators show in Indonesia that is just. Coordination with the Government through the president and Chair of the Indonesian House of Representatives

to revise or reorganize related criminal provisions, sanctions arrangements for corporate criminal offenses, etc. in the UUHC so that they do not become a juridical problem in the implementation of UUHC in the field. This is to facilitate law enforcement officials to take legal action. Commissioner of the National Collective Management Institution of Related Rights and LMKN National Collective Management Institute of Copyright to fight for effective protection against criminal acts of piracy in the field of music and songs and to provide songwriters or copyright holders as well as Related Rights Owners who have exclusive rights both Moral rights as well as its economic rights as a form of respect and appreciation for human rights. In order to prosper the creators of songs / lyrics and copyright holders who are entitled to their economic rights fairly and fairly and protect against criminal acts of piracy, cover of songs and music on YouTube channels without licensing of copyright holders, related rights holders and performers are currently rife in Indonesia.

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