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# **Legal Protection of Copyrighted Dance Works as an Effort to Preserve Culture in Karawang District**

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Abstract: An exclusive right that is born automatically inherent in a creator of a copyrighted work that has a real form by way of declaration is called copyright. Regarding the art of dance is a creative work of gesture derived from the process of thinking and imagination gained from experience processed based on the ability and skill which is then realized into a real form. The legal basis for the protection of dance artworks is Law Number 28 of 2014 concerning Copyright. The identification of the problems of the research that the authors have carried out, namely about how the form of legal protection of copyrighted works of dance art in law - law number 28 of 2014 on copyright and how efforts made by dance artists in Karawang Regency to protect copyrighted works of dance art. In conclusion, among dance artists in Karawang Regency, Law Number 28 of 2014 concerning Copyright has not been implemented so that dance artworks in Karawang Regency have not been maximally protected, this is due to the lack of awareness of Karawang Regency dance artists to protect their work. So, further socialization is needed regarding the form of legal protection of copyrighted dance works regulated in Law Number 28 of 2014 concerning Copyright.

**Keyword:** Legal Protection, IPR, Copyright, Dance Art.

#### **INTRODUCTION**

The uniqueness of various cultures has become the identity of the Indonesian nation, every corner of Indonesia has unique artistic and cultural characteristics so that it becomes part of the national identity that needs to be maintained and developed through various new innovations following the times.

Artwork is a form of human creativity which then reveals something beautiful in his views and feelings, then give birth to a form in real form which means it can be seen, heard and felt its existence, such as the art of gesture or dance, literature, songs, and other works. The results of the creative process of human thought produces a real work that is usually called a copyrighted work gives rise to exclusive rights for its creator, hereinafter referred to as copyright.

One of the intellectual resources is the wealth of Indonesian cultural arts that must be given protection by legislation. However, the wealth in question is not for art and culture alone, but by involving its creators it can be utilized in the fields of industry and trade. Thus, works of art and culture that receive protection can prosper their creators, and can even improve the welfare of the nation and state because art and culture include the identity of our country. In addition, it also ensures legal certainty for the creators so that they will not hesitate in creating subsequent works without worrying about the spread or duplication without the permission of the owner. So the role of copyright as protection of the creation, dissemination and distribution of an intellectual work is very important to implement.

From a legal point of view, a work of art is a component of IPR, which stands for intellectual property rights, which are rights born as a result of human creativity that results in innovative works that are implemented in human life. Then the law provides protection to works of art and their creators as a result of the process of creating; the spirit, and taste and intellect of an artist (Faza Noprisal, 2009).

One of the interesting centers of attention of Indonesian culture that smells of tradition and is protected is dance. Dance is the art of body movement that comes from the expression of a choreographer or creator. The creator is a person or several people who individually or jointly produce a creation that is distinctive or personal (Law Number 28 of 2014 concerning Copyright). (Harjono, et al. 2019) In this case, the creator of dance choreography is referred to in the law as a copyrighted work or creation.

Dance has been inherent as a tradition of cultural heritage gestures in Indonesia that arise in certain sacred spaces or rituals, and community performance spaces from a long time ago, for example religious ceremonies, welcoming guests, celebrating marriages and circumcisions within the family until now the art of dance in its development has also experienced many new creations, but still based on traditional art as a benchmark / template in carrying out the artistic process.

Dance art is included in IPR or IPR (Intellectual Property Right), which is the right of human cultivation to produce processes or products used in human life itself. IPR contains economic rights from the results of intellectual creativity, and works born from human expertise in intellectuality are objects regulated in IPR. Legal protection of IPRs is based on the provisions in the 1945 Constitution of the Republic of Indonesia which says "everyone has the right to have private property rights and such property rights shall not be taken over arbitrarily by anyone" (Article 28 letter f paragraph 4).( Aris Prio A.S, Tri Wisudawati, Eccliisia Sulistyowati. 2021) And more specifically regulated by applicable regulations or laws, namely UUHC 2014 (Law Number 28 of 2014 concerning Copyright).( Kasianto, 2017)

In addition, other laws and regulations that are the basis for art are regarding the promotion of culture (Law No. 5 of 2017 concerning the Promotion of Culture) which was declared valid in 2017. Then the issuance of Government Regulation No. 87 of 2021 concerning Implementing Regulations for the Law on the Promotion of Culture. The legislation provides a description of the efforts made for the promotion of culture such as protection, guidance, development and utilization. Intangible Cultural Heritage (WBTB) is a protection program by the government, whose recording is carried out at the district / city level. While the proposal for the determination of WBTB Indonesia is carried out by the government in the field of culture. In this case, dance is included in the WBTB group with the performing arts family. (Rois Leonard Arios 2024)

The current condition, namely the variety of conflicts regarding efforts to protect existing culture, illustrates that WBTB protection efforts themselves have not been maximized so that they need special attention. This is due to the large diversity of types of culture and traditions in each region of Indonesia. One of the Indonesian regions that has a variety of cultural heritage traditions is the Karawang Regency area which is known for its distinctive "Goyang Karawang" jaipong dance art.

Karawang Regency is part of the Indonesian territory located on the island of Java, more specifically in West Java adjacent to Bekasi and Purwakarta. Karawang Regency has a variety of arts ranging from Jaipong dance, Gamelan Music, Wayang Golek, Topeng, Ronggeng and others. So that Karawang Regency also contributes many works of art as the identity of West Java in an effort to preserve culture in West Java.( Angel, 2024)

Based on data from 2023, the total number of arts in West Java is 1,054, an increase of 7.69% (opendata.jabarprov.go.id). while the number of dance studios incorporated in the Karawang Dance Studio Association (PSTK) is more than 27 studios (Interview with Agus Dadaksakala (PSTK Chairperson, 2015) which means that it contributes a lot of West Java dance art works. The large number of arts in West Java requires creators to make efforts to protect their work so as not to cause conflict with each other. Awareness of the importance of protecting intellectual works is a benchmark for public understanding of their rights as a creator and the moral to respect each other's work. So that the government needs to pay quite intensive attention to the implementation of laws and regulations regarding IPR, especially the 2014 UUHC. Thus, the author has an interest in choosing the research title "Legal Protection of Copyrighted Dance Artworks as an Effort to Preserve Culture in Karawang Regency" While the formulation of problems in the author's research, namely, first How is the Form of Legal Protection of Copyrighted Dance Artworks in Law Number 28 of 2014 concerning Copyright, Secondly How are Efforts Made by Dance Artists in Karawang Regency to Protect Dance Art Copyrighted Works.

#### **METHOD**

The approach taken by the author is empirical juridical or commonly known as field research. By conducting direct interviews with artists in Karawang Regency and the Karawang Dance Studio Association (PSTK). The author uses descriptive research, with primary data and secondary data. The author also uses methods in collecting data with field studies and literature studies. While in analyzing the data the author conducts qualitative data analysis.

#### RESULTS AND DISCUSSION

# Forms of Legal Protection Against Copyright of Dance Artworks in Law Number 28 of 2014 concerning Copyright

Sajipto Raharjo said that "legal protection is an effort to protect one's interests by allocating a power to act in the framework of these interests." (Satjipto Rahardjo, 2003) The existence of applicable regulations aims to provide protection to legal subjects and is implemented through the sanctions contained therein. There are two types of protection, namely:

#### 1. Preventive Protection

This type of protection is preventive before there is a violation. Carried out by providing regulations in the form of laws and regulations by the government.

# 2. Repressive Legal Protection

The type of protection that is settlement in nature, is carried out after a dispute or violation by sanctioning the violation committed to the party proven guilty.

In Aristotle's theory of justice, everyone who has done a job is entitled to receive his rights in proportion to his work. (Donna Y, M Abas, Yuniar R, Adyan L, 2024) Thus the ideas and ideas in a work of art that come from the creator must be proportional to the rights received by the creator of the work of art.

In Indonesia, copyright is accommodated with UUHC 2014 and in the international scope of copyright arrangements derived from several international conventions such as the Berne Convention, UCC (Universal Copyright Convention), and TRIPs Agreement, (Nanda Dwi R, Hardi Ferdiansyah. 2022). The Netherlands included Indonesia in the Berne Convention because at that time as a country in the Dutch colonial period, since the text of the convention

was signed by the Netherlands precisely on April 1, 1913 (Staatsblad 1914 No. 797). Then the Bern convention ditinaju back in Rome precisely on June 2, 1928, listed in Staatsblad Year 1931 No. 325 which states also applies to Indonesia regarding copyright in the international scope. The birth of the Bern Convention is based on three main principles, namely, the principle of Automatic Protection, the principle of Independence of Protection and National Treatment or Assimilation (Faza Noprisal, 2009).

One of the three principles relating to copyright is the principle of automatic protection, which means that the protection of copyright arises automatically, without the need to be registered so that legal protection exists when a creation is realized in real form (Darwance, 2025). This is evidenced in the UUHC 2014 which does not require prior registration. It explicitly states that "the recording of a work is not an entitlement to copyright" (Article 64(2) UUHC 2014).

This is in accordance with the Natural Right Theory (Theory of Natural law) John Locke in terms of recognition and protection of copyright. Based on the theory that the rights - natural rights (natural right) has been owned by humans since birth as a Basic Right. Naturally, copyright is born after the copyrighted work has a form in real form (after being made), so it can be said that the protection and recognition is attached automatically without the need to go through certain formalities (Haryono, Agus Sutono. 2017). Registration of creation only facilitates the process of proof in the event of a dispute related to copyright. The provisions on copyright registration contained in Article 66 to Article 77 of the UUHC 2014 described the registration of copyright. Then more details are set out in Government Regulation No. 16 of 2020 concerning the recording of creations and related rights products.

Regarding dance artworks, the author has conducted research at the Karawang Dance Studio Association (PSTK) and several dance studios in the Karawang regency. Based on the results of the author's research, dance is generally classified into three types of dance groups, namely:

#### 1. Traditional Classical Dance

This dance develops from the palace environment, has its own standard rules or provisions, is magical and sacred. This dance has its own meaning following the rules and is a hereditary heritage that must be preserved. Usually having a long duration using traditional gamelan instruments, this dance is used in coronation, welcoming and entertainment events.

#### 2. Folk Dance

This dance is usually taken from the cultural elements of the local community so that it has its own uniqueness by raising the customs carried out by the community group in its environment. Some of these dances are usually inherited from ancestors who are still maintained as the identity of the community. It is characterized by a cheerful music genre and an attractive dancer's appearance, but the duration of the dance tends to be long and still uses traditional gamelan instruments. In the West Java region, well-known figures as pioneers of this type of dance are Tjeje Somantri and Gugum Gumbira.

# 3. Contemporary Dance or New Creation

This dance is a type of dance that follows the demands of the times, the result of the creativity of dance artists who are separated in whole or in part from traditional elements. This dance is more renewable because it comes from the ideas of today's dance artists based on the experiences they have experienced which are expressed in the form of dance. This dance is divided into two, namely contemporary dance / new creations developed by still paying attention to the provisions of folk / populist dance and contemporary dance / new creations, which are entirely independent of traditional elements.

Of the three types of dance groupings in general, only two types of dance are often used in Karawang Regency, namely folk dance and new creation dance. The reason the studios do not apply classical traditional dance is because it is no longer in accordance with today's thirst for change, besides that the level of difficulty is high because it is based on standard rules that

cannot be changed for fear of changing the meaning of the dance. So regarding legal protection, the author only focuses on two types of dances that apply in Karawang, namely Popular Tradition Dance and New Creation Dance.

## 1. Object of copyright

The object of copyright mentioned in Article 40 letter e UUHC 2014 that "drama, musical drama, dance, choreography, puppetry and pantomime" including objects granted copyright protection so that folk dance in Karawang such as Jaipong dance, and pencugan and dance new creations in Karawang included in the object of copyright protection. In the case of copyright whose creator has died then included in the protection of Article 19 paragraph (1) which reads as follows:

"Copyright owned by the Creator that has not been, has been, or has not been made Announcement, Distribution, or Communication after the Creator dies belongs to the heirs or beneficiaries of the will."

As for if the copyrighted work of the creator is not / rarely known as in classical traditional dance and folk traditional dance legal protection refers to article 39 (a) says:

"In the event that the Creation is unknown to the Creator and the Creation has not been announced, the Copyright on the Creation shall be held by the State for the benefit of the Creator."

And for folk traditional dances and new creation dances that have been declared and known to the creator or use a pseudonym, the legal protection refers to Article 39 paragraph 2 which reads: "In the event that the Creation has been announced but the Creator is unknown, or only the alias or disguise of the Creator is stated, the Copyright on the Creation shall be held by the party who made the Announcement for the benefit of the Creator."

### 2. Scope of Copyright

Its scope includes announcement and distribution. As stated in article 1 point 11 which provides a definition that :

"Announcement is the reading, broadcasting, exhibition of a work by using any electronic or non-electronic means or doing it in any way so that a work can be read, heard or seen by other people."

While distribution is explained by article 1 point 17, namely:

"Distribution is the sale, distribution, and/or dissemination of Creation and/or Related Rights products."

If reviewed based on the type of dance that has been explained previously then:

- a. Classical traditional dances and folk dances whose creators are unknown, are already public property and have become state property. So, every citizen has the right to announce and distribute these dances, but still prioritize the provisions in the dance.
- b. New / contemporary creation dance, this dance is purely created by dance artists manifested in the form of choreography / body movements, not everyone can create this work so that the creator of this dance or called the copyright holder of this dance is entitled to the announcement and distribution of his work using the exclusive rights it has, of course, in accordance with the provisions in UUHC 2014 such as permits or licenses contained in article 80 to article 86.

# 3. Rights contained in copyright

Taking into account the scope of copyright that has been discussed earlier, here are the rights contained in copyright:

- a. The reproduction right is the right to grant permission to duplicate or produce more versions of a work, using both traditional methods and modern technology.
- b. Distribution rights refer to the creator's right to disseminate his or her work to the public through sales, rentals, or other methods so that the work can be widely recognized.

- c. Adaptation is the right to authorize adjustment activities such as translating, arranging or making modifications. Provisions on this right are found in the Berne Convention and the UCC.
- d. Performance rights are governed by the Rome Convention, the UCC, as well as the Berne convention. Performance is equated with publication, which means making the work accessible, seen, heard and enjoyed by an audience.
- e. Broadcasting rights or cable casting rights are rights regarding broadcasting through cable networks.
- f. The broadcasting right is a right that grants permission to transmit works through wireless devices. It is specifically regulated in the Rome Convention (1961) and the Brussels Convention (1974).
- g. Public/social rights mean that copyright functions not only as an exclusivity for individuals but also has a social function. This right is usually called the public lending right.
- h. Moral Rights, to provide protection to a creator's personal matters related to reputation. This includes mentioning the creator's name, whether it is a real name or a pseudonym, as well as other identities related to his or her work. (Endang Purwaningsih, 2012).

# 4. Protection Period/Time

This protection period is given so that copyrighted works that exist for a long time or in the condition of the creator has died can be protected properly and there is a limit to how long the creator or his heirs can hold the rights contained therein. After the expiration of the period of protection is expected to work of art given protection can be used or preserved by everyone for the benefit of the work itself.

If reviewed based on the type of dance, then:

a. Term/Time of Classical Traditional Dance

Because these dances are usually unknown to the creator, so that the work becomes the property of the state, the period is determined without time limit as stated in article 60 of the 2014 UUHC, namely:

"Copyright on traditional cultural expressions held by the state as referred to in Article 38 paragraph (1) shall apply indefinitely"

b. Term/Timeframe Folk and Contemporary Dance/New Creation.

Regarding the time period of this type of dance which is purely the result of the mind of a creator, of course, his identity is known, so it is valid during his lifetime and even regulated after death in order to provide maximum protection for a work, there are provisions in Article 58 of the 2014 UUHC, namely:

"...is valid during the life of the creator and continues for 70 (seventy) years after the creator dies, starting from January 1 of the following year"

# Efforts Made by Dance Artists in Karawang Regency to Protect Copyrighted Works of Dance Art

How are the efforts of dance artists towards a work that they have created in terms of duplication, change, multiplication for commercial activities without permission / illegal. The following is an explanation of the efforts made by dance artists in Karawang Regency in protecting their dance works that the author has interviewed.

Legal protection used by dance artists in Karawang Regency is still using a form of legal protection in Automatic Protection or automatically, considering the UUHC (Act No. 28 Year 2014) has not been socialized at all. (Tatang Sukari, 2025) They think that the copyright registration system is quite difficult, ranging from finding people / institutions related to the requirements they must prepare. With minimal knowledge, problems such as plagiarism arise, while they just stand by without knowing what steps to take when a dispute occurs. They have

only ever heard of copyright without knowing the protection system that is very useful to protect his work.

The legal protection efforts made are by documenting the work. Dance artworks that have gone through the process of composing until the end are documented in the form of photos and videos stored on a Compact Dist (CD) or cassette. Then the next effort is to announce the work by means of pasanggiri or competition activities, so the work that has been completed is then carried out workshop activities for the work to be competed later. So that when a dispute occurs, it can be proven by showing the documentation, although this proof system is still weak compared to copyright registration. However, this is an effort that has been used by the average dance artist in Karawang Regency.

With the rapid development of the technological world today, dance artists in Karawang Regency also store documentation in the form of photos and videos on several social media platforms such as Youtube, Tiktok, and Instagram. By adding a description such as "PROHIBITED TO USE THIS DANCE WITHOUT OUR PERMISSION". As done by Sanggar Surya Medal Cikampek on its YouTube channel (Surya Medal Cikampek Dance Studio). This is the most effective way to prevent the duplication of copyrighted dance works because of the announcement of the work as stated in the UUHC 2014.

As for protection through copyright registration in writing, Agus Dadaksakala (Chairperson of PSTK) said that out of a total of 30 dance studios in Karawang Regency, none of them have registered in the field of dance art, but complaints about disputes over some duplicated Karawang indigenous works are quite common.

Usually caused by the possibility of several factors such as lack of knowledge about copyright so that dance artists wonder where to go to register their work and how the system and what advantages they get if they register the copyright. This happens because there has been no effort from the government to socialize the copyright of dance works. In addition, the factor of not reporting disputes is also due to the lack of awareness that a tangible work is entitled to a protection.

The challenge in applying the UUHC is because there is a habit of people who often imitate the work of others and from these actions there has been no sanction from the government / law enforcement because there is no party who feels the loss, therefore there is no claim filed. (Emma Valentina T.S). So, although the UUHC has been present, its application is still experiencing challenges. (Agustian, Muhammad Ryo, Yuniar Rahmatiar and Muhamad Abas, 2024).

So that law enforcement in this case needs to be encouraged in order to obtain a positive impact. Responding to the impact if dance copyright is implemented, Tatang Sukari (Head of Puspawangi Dance Studio) said that at least there will be positive and negative impacts that occur, namely the positive dance art will become an expensive work, so that it can prosper the artists.

It will be more elevated, appreciated, recognized and develop rapidly so that dance artists feel challenged to have an interest in preserving art and helping to advance culture. However, the negative impact is that dance art becomes not easy in terms of disseminating work because the work of a dance artist has restrictions such as not being able to be carelessly used by others so that other parties who are new to the world of dance will find it difficult to get dance material considering that having a dance art license is not easy. However, some owners will share their economic rights with others known as a "license" which has a financial consequence in the form of "royalties". (Zulkifli Makkawaru. 2016).

Given that the impact is quite influential on the lives of dance artists, especially dance artists in Karawang Regency, copyright registration of dance artworks needs to be enforced which is also useful in proving in the event of unwanted disputes. Without proof of registration, it will be difficult for creators to effectively claim their copyrights and protect their works from

illegal use by other parties. Therefore, registering the work is a wise step for every creator to protect their rights more strongly. (Lia Listiana, Yuniar Rahmatiar, Muhamad Abas, 2023).

As for the dispute resolution efforts that have so far been used by the artists of dance art is in a family manner. There is no copyright dispute in the dance artwork in Karawang to the Commercial Court. (Mulyani, 2025). Though the settlement of disputes about property that includes the scope of copyright commonly called economic right or economic rights can be done in the Commercial Court, and is done through 2 (two) processes, namely civil and alleged criminal infringement. (Endang Purwaningsih. 2023). Regarding the type of infringement and about the settlement is contained in article 95-120 UUHC 2014. Settlement of copyright disputes under the law can be through arbitration or court. Civil lawsuits can be submitted to the commercial court, but criminal charges are under the authority of the district court.

### **CONCLUSION**

From the above explanation, the author can conclude that the form of legal protection of the human creative process (Intellectual) get protection Automatic Protection (automatically) and not automatically, Automatic Protection means that copyrighted works get protection automatically since the work is declared / made the announcement of the work and no formality is required to get the legal protection, this provision is obtained in the Bern Convention and other international conventions related to copyright. While legal protection is not automatic, namely the need for registration / registration actions as stipulated in the UUHC 2014 and PP 16/2020 which is useful in the process of proof in the event of a copyright dispute.

Legal protection efforts are automatically carried out by documenting works and pasanggiri activities. Dance artworks that have gone through the process of composing until the end are documented in the form of photos and videos stored on a Compact Dist (CD) or cassette. Some of the dance artists in Karawang Regency conduct pasanggiri/competition activities as an announcement of works as stated in article 1 number 11 of the 2014 UUHC. So that when a dispute occurs, it can be proven by showing the documentation, although this proof system is still weak compared to copyright registration. However, this is an effort that has been used by the average dance artist in Karawang Regency. With the rapid development of today's technological world, dance artists in Karawang Regency also store documentation in the form of photos and videos on social media such as YouTube, TikTok and Instagram by providing captions/descriptions prohibiting duplication of works. This is the most effective way to prevent the duplication of copyrighted dance works because of the announcement of the work as stated in the 2014 UUHC.

In response to this, the 2014 UUHC needs to be immediately socialized among Karawang Regency dance artists, so that Karawang dance artists can understand the protection of exclusive rights that they should get as one of the subjects of the 2014 UUHC. By providing an understanding of the exclusive rights that are important for artists to know, they can utilize their work properly, morally or economically.

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