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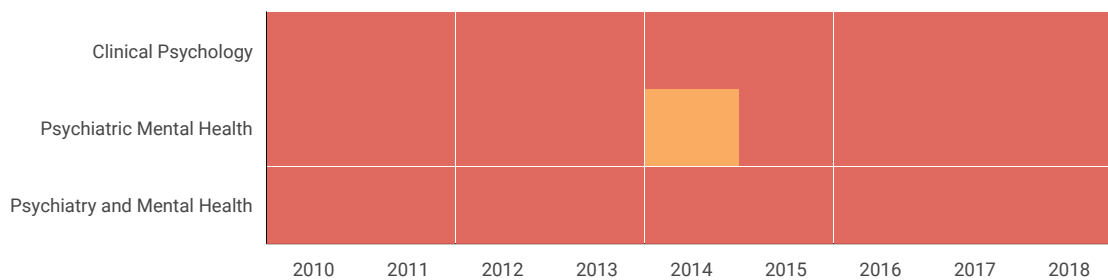
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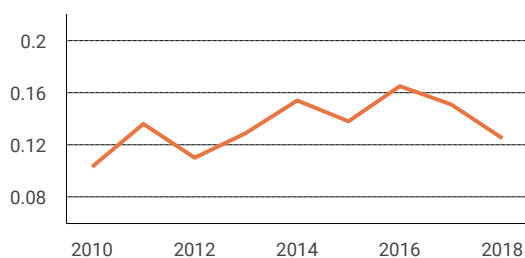
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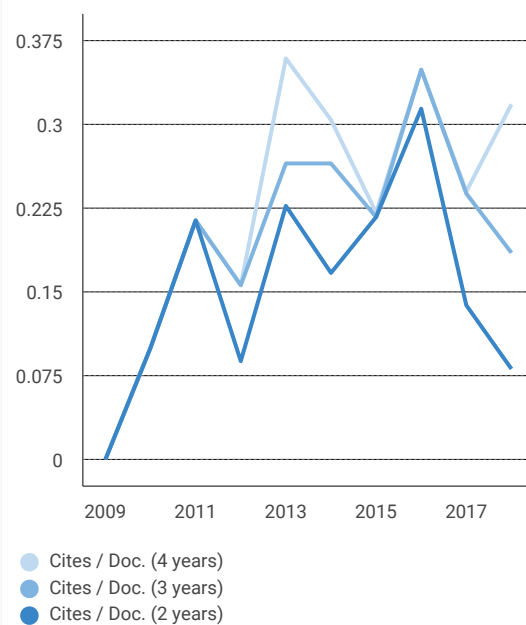
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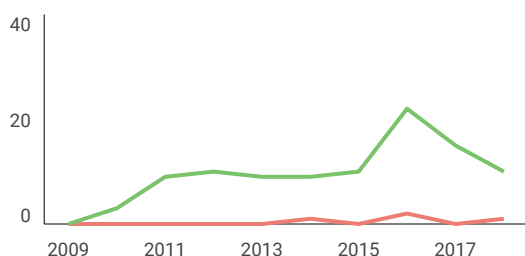
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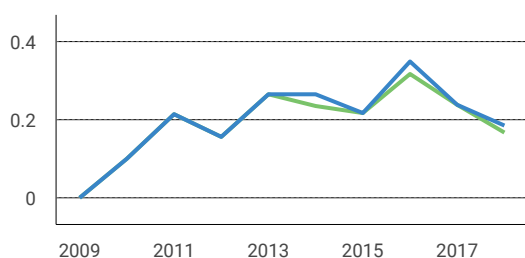
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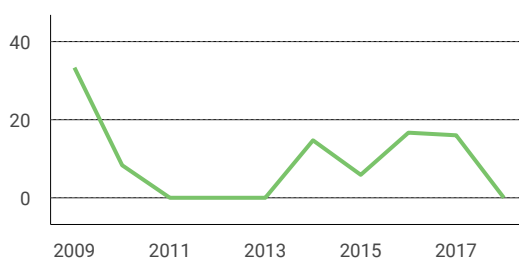
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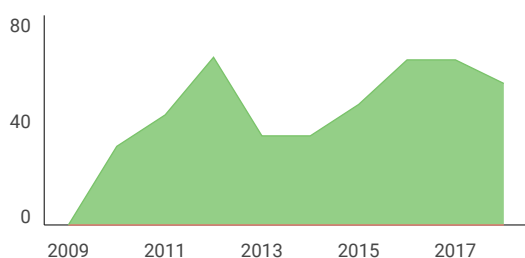
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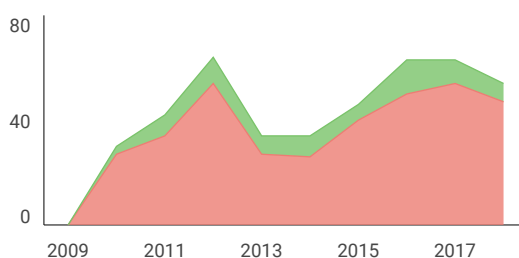
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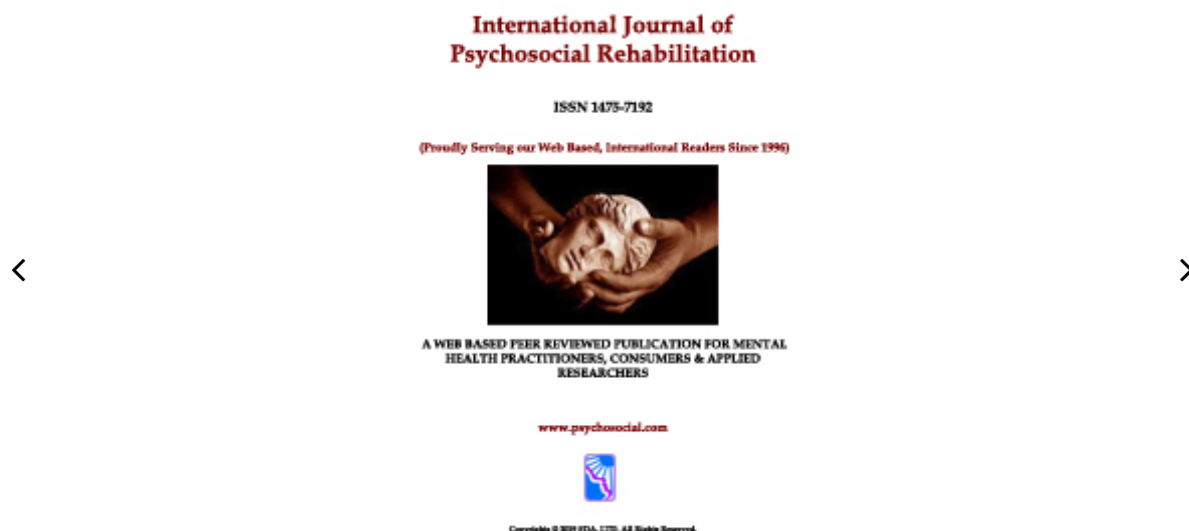




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Value Of Ultrasound in the Evaluation, Estimation & Assess Relation of Transverse Cerebella Diameter with Fetal Gestational Age Parameters in Normal & Reduced Fetal Growth Fetus (<https://www.psychosocial.com/article/PR260001/13132/>)**Authors:** Dr. Hadeel Mohamed Farook Ahmed Al hialy**DOI:** 10.37200/IJPR/V24I6/PR260001 (<https://doi.org/10.37200/IJPR/V24I6/PR260001>)**Pages:** 1-9**Keywords:** Ultrasound, Evalution, Relation, Fetal Gestational, Parameters, Growth Fetus[Abstract \(<https://www.psychosocial.com/article/PR260001/13132/>\)](https://www.psychosocial.com/article/PR260001/13132/)[Download \(/register-login\)](#)**B- Lynch suture as prophylaxis measure or therapeutics measure in management of postpartum haemorrhage (<https://www.psychosocial.com/article/PR260002/13134/>)****Authors:** Nadia saddam fahad al-assady**DOI:** 10.37200/IJPR/V24I6/PR260002 (<https://doi.org/10.37200/IJPR/V24I6/PR260002>)**Pages:** 10-17**Keywords:** B- Lynch, hysterectomy, postpartum haemorrhage[Abstract \(<https://www.psychosocial.com/article/PR260002/13134/>\)](https://www.psychosocial.com/article/PR260002/13134/)[Download \(/register-login\)](#)**Methodology for sequencing sensitive data encryption methods are improved using the applied mathematics model (<https://www.psychosocial.com/article/PR260003/13136/>)****Authors:** Azhar malik**DOI:** 10.37200/IJPR/V24I6/PR260003 (<https://doi.org/10.37200/IJPR/V24I6/PR260003>)**Pages:** 18-34**Keywords:** non-reversible encryption, hash encoding, log binding, security.[Abstract \(<https://www.psychosocial.com/article/PR260003/13136/>\)](https://www.psychosocial.com/article/PR260003/13136/)[Download \(/register-login\)](#)

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CRIMINAL LAW POLICY IN OVERCOMING INFRINGEMENT OF COPYRIGHT

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Abstract

The Indonesia Copyright Act states that criminal acts of copyright constitute a complaint of infringement. Legal issues are, first, whether the development of copyright provisions has provided legal protection to the creator. Second, how the policy of criminal law is to provide legal protection to the creator. This research is based on normative research methods. The results showed that, first, the effectiveness of copyright provisions in the provision of legal protection to creators has not yet been shown to be active. Although the attack usually empowers law enforcement officials to take direct action against copyright infringement. With the new provisions, the copyright owner must actively complain that there is a violation of its creation without complaint; the nature appears to be unprotected by the law. Second, the criminal law policy of providing legal protection to the creator at the stage (legislative policy) appears to lack the ability to be able to include social symptoms in legal rules by modifying the infringement of copyright is an infringement of the complaint. On the other hand, at the application stage (policy justice), law enforcement officials appear to be passive in their response, and the execution stage (executive policy) of the statutory regulation is formed by the hope that they can be consciously accepted and obeyed by all people without exception.

Keywords: Copyrights Law; Creator; Offenses; Social.

1. Introduction

Indonesia has been a member of various international conventions / treaties in the field of intellectual property rights in general and copyrights in particular, which require a demonstration within the national legal system. Indonesia Promotes Law of the Republic of Indonesia Law No. 28 of 2014 on copyright, which repeals Law No. 19 of 2002 on copyright. The nature of the infringement of copyright in accordance with the Law of the Republic of Indonesia No 19 of 2002 on copyright is a common offense. Provisions of Law No. 28 Year 2014 on copyright. There are very fundamental changes made by the Government in amending this law relating to the nature of copyright infringements. Article 120 of Law No. 28 of 2014 on copyright expressly provides that the criminal acts referred to in that law constitute an offense of complaint. Empirical phenomena support it for rampant piracy, forgery and other infringements of copyright. Copyright as an individual right gives the right to claim if there is a violation of rights that harm the creator or the heir. This provision is the right of the creator to make claims to other parties that cause losses. The claim for compensation is a legal claim in the field of civilisation.

In the prevailing situation of infringement of copyright, the government still undertakes to provide the creators with more adequate protection measures. Copyright protection is designed to create a better climate for growth and a passion for creativity in the fields of art, literature and science. Forms of copyright infringement (copyright infringement) revolve around two main issues, namely: (Djumhana, 2014)

1. Deliberately and without the right to announce, reproduce, or give permission to do so. One example of such infringements is in the form of intentionally violating the prohibition of announcing any creation that is contrary to government policy in the field of national defense and security, public policy and public policy.
2. Deliberately displaying, distributing, or selling to the public, as a result of an infringement of copyright. Thus copyright, which was initially a public domain for the development of society, the protection of copyright law, also came into the realm of criminal law. However, the existence of protection under criminal law against infringements of copyright has not been optimal.

2. Problem Formulation

On the basis of the above description, there are problems as follows

1. Does the development of copyright provisions provide legal protection for the creator?
2. What is the policy of criminal law in providing legal protection to the creator?

3. Methods of Research

This normative research focuses on the revision of regulations. Secondary data, the main data, are in the form of primary and secondary legal materials, together with information from the copyright investigator interviewees. The data is then analyzed by means of a qualitative data analysis—first by sorting all the collected data, both secondary data and primary data. All of these data are selected in the context of the subject matter, namely data relating to copyright literacy and inclusion regulations as primary legal materials as well as the main data and journals, copyright books as secondary legal materials. All data already selected will be described and qualitatively analyzed later on. Finally, the conclusion in this paper is based on a deductive conclusion technique.

4. Results and Findings

4.1. Development of Copyright Protection in Indonesia

Indonesia's independence, which was propagated on 17 August 1945, did not necessarily mean that Indonesia changed all applicable legal rules. Article II of the transitional provisions of the Constitution of 1945, which states: 'All existing State agencies and regulations shall remain in force immediately as long as new ones have not been established in accordance with that Constitution.' As a legal consequence of the provision in the transitional provisions, all Dutch colonial legislation shall remain in force as long as it does not contradict that provision. Article II of the transitional regulation avoids the legal vacuum and, at the same time, provides a legal basis for the continuation of the enactment of Dutch colonial legislation.

The issue of copyright was formally introduced in Indonesia in 1912, that is to say, when the enactment of Auteurswet (Wet van 23 September 1912, *Staatblad* 1912 Number 600) came into force on 23 September 1912. After Indonesia's independence, the 1912 Auteurswet provisions were still declared in force following the transitional provisions laid down in Article II of the Transitional Provisions of the Constitution of 1945, Article 192 of the Provisional Constitution of the United States of Indonesia and Article 142 of the Provisional Constitution of 1950. The promulgation of the 1912 Auteurswet is, of course, temporary. (Margono, 2010)

Indonesia uses the legal provisions contained in Auteurswet 1912 until the promulgation of Law No. 6 of 1982 on copyright. This law provides for the revocation of the 1912 *Staatsblad* No. 600 of 1912 by Auteurswet. Act ii is the copyright law which was first owned by Indonesia. Looking at the content of the material, Law No. 6 of 1982 on copyright was relatively adequate as a pioneer and an introduction to the concept of intellectual property rights for the people of Indonesia.

Copyright Law No. 6 of 1982 provides that: 'Copyright is a special right for the creator or recipient of the right to publish or reproduce his work or to grant permission to do so by not reducing the restrictions imposed by the applicable laws and regulations.' As an individual right, it is given the meaning that the right is a private right, even if it does not reduce the restrictions imposed by the law. Copyright as property rights that have property rights as property rights in the concept of rights contained in social functions. This law also stipulates that copyright arises automatically, and registration is only necessary for the sake of proof if it is to be transferred or licensed. In other words, copyright registration is for verification purposes only. Copyright as an individual right gives the right to claim if there is a violation of rights that harm the creator or the heir. This provision is the right of the creator to make claims to other parties that cause losses. The claim for compensation is a legal claim in the field of civil

In addition to providing opportunities for creators to sue civilly, copyright law No. 6 of 1982 allows violators to be criminally prosecuted. The infringement of copyright in this law is categorized as a crime. Article 45 of Law No. 6 of 1982 on copyright defines the infringement of copyright as an infringement of the formula of the complaint: the criminal acts referred to in Article 44 can't be prosecuted except in the case of complaints from the copyright holder. The next development is Law No. 12 of 1997 concerning: amendments to Law No. 6 of 1982 concerning copyright as amended by Law No. 7 of 1987. Two amendments to copyright laws made in 1997 and 2002 did not alter copyright infringements. The very fundamental change made by the Government in changing this law relates to the nature of the infringement of copyright. Then there is Law No. 28 of 2014 on copyrights that revoked previous regulations. Article 120 of Law No. 28 of 2014 on copyright expressly provides that the criminal acts referred to in that law constitute an offense of complaint. When analyzed on the basis of the concept of legal modification factors, a number of opinions may be expressed on the factors that influence the change in the legal framework. Country law is a system; copyright law, in particular, is only a sub-system within the framework of Indonesia's legal system. The legal system has the following characteristics: the system also has the following characteristics in this regard: (Otje Salman, 2009)

- a. The system is open, or it is generally open. The system is said to be open when interacting with the environment. And vice versa said to be closed if they are isolated from any influence;
- b. The system consists of two or more subsystems, and each subsystem consists of smaller subsystems, and so on;
- c. The subsystems are interdependent and need each other;
- d. The system can regulate itself (self-regulation); e. The system has objectives and objectives.

Arif Sidharta argues that an open legal system is a legal system that influences and influences other systems outside the law. (Sidharta, 2012) Changes in law are essentially the result of changes in non-legal factors. It can be observed that there is a reciprocal relationship between legal changes and social changes, so that changes in non-legal factors have an impact on the dynamics of people's lives. (Arif Y. C., 2013)

This economic globalization is driving changes in the legal framework of countries, including Indonesia. Some believe that globalization is a social process or a historic process or a natural process that will increasingly bind all nations and countries of the world to one another. Realizing a new order of life or unity of co-existence by removing geographical, economic, and cultural boundaries Public. (Bhagwati, 2007)

The promulgation of Law of the Republic of Indonesia Number 28 of 2014 on copyright in Article 124 of that Law provides that Law No 19 of 2002 on copyright (*State Gazette of the Republic of Indonesia* Year 2002 Number 85, Supplement to *State Gazette of the Republic of Indonesia* Number 4220) has been revoked and declared invalid. The very fundamental change made by the Government in changing this law relates to the nature of the infringement of copyright. Article 120 of Law No. 28 of 2014 on copyright expressly provides that the offenses referred to in that law constitute an offense of complaint.

There are various opinions related to changes such as copyright crime that it is appropriate for copyright crime to qualify as a common offense. The argument used is the aspect of the state's role. It is obliged to protect the interests of its citizens, including the assets it has. Copyright is a citizen's asset and property. On the basis of this way of thinking, a common offense is appropriate for the protection of copyright. It is used to empower law enforcement officials to take direct action against copyright infringements, without waiting for complaints from the creator or the copyright holder. The creator or copyright holder feels more helped by the active attitude of law enforcement officers.

The active attitude of law enforcement officers is also expected to reduce the infringement of copyright in such a way that the creator or holder of copyright is increasingly protected. Conversely, with the new provisions, the copyright owner must actively complain if there is a violation of its creation without a complaint. Creation appears to be unprotected by law.

4.2. Copyright Criminal Law Policy.

Criminal law policy in order to enforce copyright is vital to reduce the occurrence of infringements, in order to provide protection and legal certainty for copyright holders. This means that criminal sanctions are used for a dual purpose, which is, on the one hand, a means of protecting the community and, on the other hand, a means of redressing or restoring the perpetrators of criminal acts, with the hope of discouraging existing sanctions. The determination of criminal sanctions in copyright law, which is geared towards the protection of the community and the improvement of individuals, promotes efforts to replicate criminal acts in copyright infringement with policies of criminal law. Criminal law policy According to Arief B.N: (Arief, 2007). Efforts or policies to prevent and deal with crime, including in the field of criminal policy (criminal policy) and criminal policy, can't be separated from the broader policy. Namely, social policy (social policy), which consists of social welfare policies / efforts (social welfare policy) and community protection policies / efforts (standard defense policy). Thus, if crime prevention policies or criminal policies are carried out by means of "penal" or criminal law, then criminal law policy (penal policy). Crime prevention and prevention, according to Arief B.N, that is to say, the use of "penalty" is a "penal policy" that operates through several stages: the stage of formulation (legislative policy), the stage of application (judicial policy) and the stage of execution (executive policy)..".

At the stage of formulation (the process of producing legislation); the apparent weakness in practice is that law enforcement is still based solely on eternal law. It is involved in the legislative field. There will appear to be a lack of capacity to be able to abstract social phenomena in the rule of law in such a way that they overlap, and there are many products of legislation produced that do not comply with the laws that live in society. (Manan A. , 2009) Whereas the legislative process/formulation/making of legislation is essentially a "in the abstract" process of law enforcement

This legislative / formulation process is a very strategic initial stage of the "concrete" law enforcement process. Errors / weaknesses at the legislative / policy stage are strategic errors that can become obstacles to "concrete" law enforcement efforts. (Arif B. N., 2007) to solve the problem of copyright infringements, which are influenced by political, economic, socio-cultural, defense and security factors. As well as scientific and technological advances in copyright, with changes from ordinary offenses to complaints, the view is that ordinary offenses are considered to be better protected because copyright infringements can be brought to court quickly.

There is no need to wait for a complaint from the creator or the copyright holder to make the creator or the copyright holder more protected. The concept of criminal law of a complaint offense is very different from that of a complaint offence. Less attention is paid to the legislators. At the application stage (judicial policy), law enforcement officials should have the capacity to protect the community and to promote national development, and should aim at the use of the legal apparatus and enhance the professional capabilities of the apparatus.

The quality of the legal apparatus must be developed by means of the quality of its people, both in terms of professional capacity and welfare, and supported by adequate facilities and infrastructure. The quality of the legal apparatus must be reflected in attitudes which uphold truth and justice, which are clean, authoritative and responsible for exemplary behavior. Law officers are expected not only to be professional and capable of dealing with different legal cases, but also to have a person who is primed, honest and fair in every legal case. (Manan A. , 2009) Against a criminal offense, then a complaint from the creator or holder of copyright or related rights is the main thing for the prosecution by the Police or Government officials.

Government Officer/Police will not be able to take legal action even if there is a copyright infringement if there is no complaint from the creator or holder of the right of conscience or related rights. With these changes, as if the victim had to prove the existence of copyright infringements, law enforcement officials should understand copyright issues very well in order to resolve copyright claims professionally in order to protect victims. At the stage of implementation (executive policy), a statutory regulation is established by the State in the hope that it can be accepted and obeyed consciously by all persons without exception. This expectation has the consequence that every statutory law must pay more attention to every social phenomenon that is developing society, including the development of copyright.

5. Conclusions

5.1. The development of provisions on copyright in the provision of legal protection to the creator has not yet been seen to be effective, since the last provision is Article 120 of Law No. 28 of 2014 on copyright, which expressly provides that the offenses referred to in that Law constitute an offense of complaint. Whereas the offense usually gives the power to law enforcement officials to take direct action against copyright infringement. Creators or copyright holders feel that the active attitude of law enforcement officers is more helpful. Conversely, with the new provisions, the copyright owner must actively complain that there is a violation of its creation without complaint.. The creation seems unprotected by law.

5.2. Criminal law Policy in the provision of legal protection to the creator. At this stage, however, at the stage of the formulation (legislative policy), those involved in the field of legislation appear to lack the capacity to be able to abstract social symptoms in legal norms. Copyright is a complaint offense by changing infringements. On the other hand, at the stage of the application (judicial policy) because the provisions of the Law on infringement of copyright constitute a complaint, the law enforcement apparatus appears to be passive in its handling. The execution stage (executive policy) of the statutory regulation is formed by the hope that all people can be consciously accepted and obeyed without exception.

6. Suggestions

For the legal protection of copyright holders, the infringement of copyright should be returned as a common offense.

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