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Legal Protection For Misuse Of Television Station Logo Without Permission In Tiktok Social Media

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Abstract

This writing aims to find out the form of legal protection against misuse of the logo without permission and to find out the legal consequences for content creators on TikTok social media who misuse the logo. This research can provide information to content creators and the public to protect logos and to find out the legal consequences for parties who misuse logos. In this writing, normative legal research methods are used. This article has a novelty, namely a more specific discussion of logo misuse in terms of Law No. 20 of 2016 and the consequences of misuse of logos on social media. The result of this writing is to find out the form of legal protection for the owner of the rights to the logo, if the logo owner experiences a loss caused by another party then the party who caused the loss can be given sanctions in accordance with Law No. 20 of 2016 and to find out the legal consequences for content creators who misuse the logo without permission on TikTok social media are subject to imprisonment and/or fines as regulated in Law No. 20 of 2016, and can also file a civil suit for compensation and/or to stop misuse of the logo. If the violation is committed on social media, you can be sentenced to imprisonment for a maximum of 4 years and/or a fine of a maximum of IDR. 750,000,000,- (seven hundred and fifty million rupiah) as regulated in article 45 paragraph 3 of the ITE Law.

Keywords:Consequence;Legal protection; Logos

1. INTRODUCTION

Technological developments, especially internet technology, are now growing very rapidly, this can be seen from the emergence of many popular social media. Currently the media that are developing in Indonesia are TikTok, Skype, Instagram, Facebook and YouTube. On social media, people can exchange, collaborate and get to know each other visually or audiovisually. Since 2020, Tiktok social media has increasingly developed and attracted the public's attention. TikTok social media experienced development during the Covid-19 outbreak, at that time the state implemented restrictions which made people bored, so TikTok became a solution for Indonesian people as an entertainment medium by watching the varied content available in a fun way.¹

Social media has been proven to have a positive impact on the progress of human life, including: mass media to disseminate information; means to develop skills; Communication media; and others.² Apart from the many benefits obtained from this technology, it also has negative impacts that can destroy human life itself. For example, misuse of logos and creating content without thinking about the impact. Currently, the existence of logos in Law Number 28 of 2014 is no longer regulated as copyright, a logo is considered an identity or distinguishing mark of a company, organization, legal entity and so on. So the logo will get legal protection in the form of a brand. Protection of a brand can be ensured if it has been registered with the Directorate General of Intellectual Property. Brand protection provides

¹ Togi Prima Hasiholan, Rezki Pratami, and Umaimah Wahid, "Pemanfaatan Media Sosial Tik Tok Sebagai Media Kampanye Gerakan Cuci Tangan Di Indonesia Untuk Mencegah Covid-19," *Communiverse: Jurnal Ilmu Komunikasi* 5, no. 2 (2020): 70–80, <https://doi.org/https://doi.org/10.23960/metakom.v4i1.103>.

² Fikri Shofin Mubarak, "Pemanfaatan New Media Untuk Efektivitas Komunikasi Di Era Pandemi," *Jurnal Ilmiah Komunikasi Makna* 10, no. 1 (2022): 28, <https://doi.org/10.30659/jikm.v10i1.20302>.

protection to the owner of the rights to the brand and also to consumers who want to obtain guarantees, security and quality in obtaining goods and/or services.

Currently, violations of brands are still frequently committed by the public, therefore the public needs to know that brands are ideas or creations of the human mind that deserve to be protected so as not to harm the owner of the rights to the brand. Recently, many content and social media creators have used the logo of one of the Indosiar television stations without permission to create parody content of that television show. Several parties in the parody content that went viral on TikTok social media caused violations of brand rights and the ITE Law. This is in accordance with article 27, paragraph (3) of the ITE Law which explains that anyone is prohibited from distributing electronic information and/or electronic documents containing offensive and/or defamatory content, done intentionally and without permission.

The parody video is considered to be defaming the good name of the Indosiar television station because the content creators have created a parody of a mobile service that is similar to the scene shown in the Indosiar soap opera even though the content creators have changed the logo of the television station's logo. However, the similarity of the logo in the content that has been parodied is considered to be using someone else's work without permission, even though the wording has been changed in its use, for example changing the name of the institution in the logo. Basically, a brand in the form of a logo has its own philosophy, value and meaning, so that using part of a copyrighted work requires permission for the rights to the logo.

In normative terms, the regulations regarding brands and geographical indications are quite good, but so far the government's role in protecting brands has not been optimal. This can be seen from the lack of public awareness of the issue of brand rights, so that there needs to be a lot of outreach from the government to ensure the protection of brand rights.³ Public awareness plays a very important role, apart from that, efforts to protect brands must also be in accordance with the provision of strict and appropriate sanctions based on applicable legislation.⁴

Research discussing the protection of brands in the form of logos has been carried out by previous researchers, for example from Wildan's (2021) research entitled "Legal protection of logo copyright (Comparative Study Based on Law Number 28 of 2014 concerning Copyright and Legal Review Sharia Economics)" which focuses on research analysis of legal protection for Logos. The advantage of the research is that there are differences and similarities in logo protection which are reviewed based on Law Number 28 of 2014 concerning copyright and sharia economic law.⁵ However, this research also has shortcomings, namely that this research does not explain the legal consequences for perpetrators of violations of the logo. Based on this description, the difference between this

³ Imam Lukito, "Peran Pemerintah Daerah Dalam Mendorong Potensi Indikasi Geografis," *Jurnal Ilmiah Kebijakan Hukum* 12, no. 3 (2018), <https://doi.org/http://dx.doi.org/10.30641/kebijakan.2018.V12.313-330>.

⁴ Ujang Badru Jaman, Galuh Ratna Putri, and Tiara Azzahra Anzani, "Urgensi Perlindungan Hukum Terhadap Hak Cipta Karya Digital," *Jurnal Rechten: Riset Hukum Dan Hak Asasi Manusia* 3, no. 1 (2021): 9–17, <https://doi.org/10.52005/rechten.v3i1.22>.

⁵ Wildan Kholis, "Perlindungan Hukum Hak Cipta Logo (Studi Komparatif Berdasarkan Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta Dan Tinjauan Hukum Ekonomi Syariah)" Penelitian Ini Dilatarbelakangi Oleh Permasalahan Mengena" (Hukum Ekonomi Syariah IAIN Syekh Nurjati Cirebon, 2021).

research is that the previous research was based on Law Number 28 of 2014, while this research is based on Law Number 20 of 2016.

Another research conducted by Vita (2019) entitled "Legal Protection for PT. Indonesian Railways (PERSERO) Against the Unauthorized Use of Railway Logos by the Train Lover Community", The advantage of this research is that it lies in observations by explaining the efforts that can be made by logo owners against unauthorized use of logos.⁶ However, this research also has a weakness, namely that this research does not clearly explain how legal protection for logos is. Based on this description, the difference from this research is that previous research did not explain how legal protection is provided for

Reviewing Previous research discussing the legal protection of brands which is reviewed based on Law Number 28 of 2014. However, currently the author's research focuses on examining legal protection based on Law No. 20 of 2016, as well as the consequences of misuse of a brand. So this research aims to determine the form of legal protection against misuse of logos without permission in accordance with Law number 20 of 2016. And to find out the legal consequences for content creators on TikTok social media who misuse the logo of a television station without permission to create parody content.

2. METHOD

The type of research used in this research is normative legal research. So this research focuses on studying the application of positive legal norms to answer the issues faced.⁷ The approach method in this research uses a legal approach method and a legal conceptual approach method. This statutory approach is carried out to examine statutory regulations relating to the research to be studied.⁸ The specifications of this research are analytical descriptive by describing applicable regulations related to legal theory and the practice of implementing law in society.⁹ This research uses literature study collection techniques, so this research is carried out by looking for sources or opinions from experts and then analyzing them to interpret the applicable law.¹⁰

3. RESULTS AND DISCUSSION

3.1 Legal Protection Against Misuse of Logos Without Permission in View of Law Number 20 of 2016 concerning Marks and Geographical Indications

Currently, developments in the fields of technology and information are increasingly rapid, people can use various methods to take advantage of developments in the fields of technology and information. In the development of technology and information, it has a strategic role in developing brand rights in the form of logos. However, on the other hand, developments in the field of technology and information can also be a tool for violating the law. In dealing with negative impacts, it is necessary to ensure that they are not easily misused and appropriate legal regulations need to be made to maximize their positive

⁶ Vita Fatimah Ananda Putri, "Perlindungan Hukum Bagi PT. Kereta API Indonesia (Persero) Terhadap Penggunaan Tanpa Hak Logo Kereta API Oleh Komunitas Pecinta Kereta API," n.d.

⁷ Peter Mahmud Marzuki, *Penelitian Hukum*, Jakarta: Kencana Prenada Media, vol. 55, 2005.

⁸ Bahder Johan Nasution, *Metode Penelitian Ilmu Hukum* (Bandung: Mandar Maju, 2008).

⁹ Dr Sugiyono, *Metode Penelitian Pendidikan Pendekatan Kuantitatif, Kualitatif Dan R&D* (Alfabeta, 2013).

¹⁰ Soerjono Soekanto, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat* (Raja Grafindo Persada, 2007).

impacts.¹¹ Violations can occur if the logo used is misused by a third party without the permission of the rights holder. Legal protection will be provided if there is a violation of the logo. Legal protection of logos is carried out with the aim of guaranteeing the rights of their owners and not causing losses to logo rights holders, and is intended to have a deterrent effect on violators.¹²

In legal protection, a law is used as a means to protect one's rights, as regulated in Article 28D paragraph (1) of the 1945 Constitution which explains that everyone has the right to legal protection. A legal regulation can function in advancing and carrying out its role in accordance with the provisions of the applicable law, so that making laws is a rational and fast method compared to other legal methods. The law is committed to securing a person's disposition by giving him the ability to act in accordance with applicable regulations.¹³

Currently, Indonesia is still on the "Priority Watch List" or a list of countries that have had quite serious levels of violations of intellectual property rights over the last 33 years, this is because law enforcement is still weak. To get out of this status, the government is trying to form an operations task force to overcome Indonesia's PWL status. The formation of the task force aims to provide a better impact on violations of intellectual property. Apart from efforts to form a task force, DJKI also carries out investigations and resolves disputes by coordinating with intellectual property representatives at the Ministry of Law and Human Rights regional office in Indonesia. In this case, DJKI provides training and education to Civil Servant investigators in the hope that violations can be resolved.

The Government's efforts to protect intellectual property are demonstrated by improving existing legal regulations, improving bureaucracy and protecting intellectual property owners. It is hoped that the birth of a legal regulation can be put to good use, so that society can explore intellectual property which can encourage national economic development. In increasing efforts to protect the law, the government has carried out in accordance with the state's role in realizing the ideals of Indonesian law, namely as follows:¹⁴

- a. The state increases legal protection;
- b. The state will realize social justice;
- And c. The country is based on the divinity of the One and Only.

Justice has a philosophical perspective, namely the supremacy of law, the values of equality, morality and ethics. Law was created with the aim of realizing the values of justice, then justice also becomes a basic element of law.¹⁵ The enactment of law no. 20 of 2016 covers government efforts to protect brands. Brands in the form of logos play an important role for consumers in choosing goods and/or services. A logo has a function as a means of

¹¹ Wahyu Beny Mukti Setiyawan, Erifendi Chumiawan, and Femmy Silaswaty Faried, "Information Technology Regulatory Efforts in Dealing With Cyber Attack To Preserve State Sovereignty of the Republic of Indonesia," *Urmal USM Law* 3, no. 2 (2020): 275–95, <https://doi.org/http://dx.doi.org/10.26623/julr.v3i2.2773>.

¹² Langit Rafi Soemarsono and Rianda Dirkareshza, "Urgensi Penegakan Hukum Hak Cipta Terhadap Pembuatan Konten Dalam Penggunaan Lagu Di Media Sosial," *Jurnal USM Law Review* 4, no. 2 (2021): 615, <https://doi.org/http://dx.doi.org/10.26623/julr.v4i2.4005>.

¹³ Muhamad Shafwan Afif and Heru Sugiyono, "Perlindungan Hukum Bagi Pemegang Merek Terkenal Di Indonesia," *Jurnal USM Law Review* 4, no. 2 (2021): 565–85, <https://doi.org/http://dx.doi.org/10.26623/julr.v4i2.4097>.

¹⁴ Bernard L Tanya, Yoan Nursari Simanjuntak, and Markus Y Hage, *Teori Hukum* (Genta publishing, 2013).

¹⁵ Fenny Cahyani et al., "Kedudukan Hak Imunitas Advokat Di Indonesia," *Jurnal USM Law Review* 4, no. 1 (2021): 146, <https://doi.org/10.26623/julr.v4i1.3328>.

identification for consumers, so this function requires a logo to be different from other logos, so that it does not cause difficulties in identifying goods and/or services. With this function, it is easier for consumers to choose goods and/or services according to their wishes.¹⁶

Previously in law no. 19 of 2002 explains that a logo can be categorized as a creation which is included in fine art in the form of an image. However, after the enactment of law no. 18 of 2014, logos are no longer part of copyright. This is explained in article 65 of law no. 18 of 2014 that registration of creations cannot be carried out on painted art in the form of logos or distinctive marks used as brands. Currently the logo is part of the brand. A logo being part of the brand is explained in article 1 point 1 of law no. 20 of 2016. According to the explanation of article 1 number, a brand has a very important function for the owner of the rights to the brand as well as for consumers. Therefore, in order to get legal protection for the brand, the brand owner needs to register with the DJKI and the Ministry of Law and Human Rights. However, currently many business actors do not register their marks, this happens because there are still many business actors who do not realize the importance of trademark registration. Business actors believe that the trademark registration process is difficult, requires expensive costs and there is a lack of understanding regarding legal protection for a trademark. Basically, legal protection will occur if the brand has been registered. Trademark registration is considered very important for business entities because it creates conditions for increasingly tight commercial competition. A trademark that has been registered will be protected for a period of 10 years and can be extended for the same period, as explained in Article 35 paragraph (1) of Law Number 10 of 2016.

Currently, the process for registering a trademark is shorter than before, the process that takes place during the substantive examination has been shortened to 150 days and the period for issuing a trademark to 2 months. Previously under substantive examination for a period of 9 months and brand announcement for 3 months.¹⁷ Applications for trademark registration are regulated in Minister of Law and Human Rights Regulation Number 67 of 2016 and its amendments. Based on these regulations, it is explained that applications are submitted by filling out a form in 2 (dual) copies in Indonesian which is filled in by the applicant himself or his proxy which is then given to the Minister of Law and Human Rights.

An application for registration can be submitted electronically or non-electronically. Applications for electronic registration can be made by uploading documents as intended in Article 3 paragraph (3) and filling in the application form via the official website of the Directorate General of Intellectual Property. Meanwhile, applications for non-electronic registration can be submitted in writing by attaching documents to the Minister of Law and Human Rights. After the application is received by the Minister, the registration application will be verified for completeness. If the requirements for the registration application have not been met, the applicant or his proxy will receive a notification letter. To fulfill the requirements for a registration application, the applicant or his/her attorney has 2 months.

¹⁶ Fandy; Djuwityastuti Ahmad, "Kajian Yuridis Sengketa Keabsahan Logo Sebagai Sebuah Merek Dan Hak Cipta," *Jurnal Privat Law* 7, no. 1 (2019): 87, <https://doi.org/10.20961/privat.v7i1.30110>.

¹⁷ Tim Visi Yustisia, *Panduan Resmi Hak Cipta: Mulai Mendaftar, Melindungi, Dan Menyelesaikan Sengketa* (VisiMedia, 2015).

However, if the registration application is not completed, the registration application is considered withdrawn. Meanwhile, registration applications that comply with the requirements will be given an acceptance date announced by the Minister of Law and Human Rights in the official trademark gazette.

After the application for trademark registration is declared accepted, the rights to the trademark will arise. This is explained in Article 1 Number 5 of Law Number 1 Article 20 of 2016, namely that the right to a trademark is an exclusive right granted by the State to the owner of a registered trademark within a certain period of time by using the trademark himself or giving permission to another party to use within a certain period of time. However, when registering a trademark, it can also be rejected or cannot be registered, a trademark that is rejected or cannot be registered if it contains the following elements: 1. The registered mark is contrary to applicable laws and regulations, violates religious morality, decency and public order; 2. A registered mark is no different from other marks; The registered mark has become public property; And 3. The registered mark is a description of or relates to the goods or services for which registration is requested

The trademark registration system in Indonesia follows a constitutive system. This system explains that a brand must be registered first in order to obtain legal protection. In this system it is called first to file, which means that the first person to register the mark is the person who has the rights to the mark. Protection of well-known brands that are not registered in Indonesia will also be protected because Indonesia has ratified the Paris Conference and the TRIPS agreement (the world trade organizations Trips agreement).¹⁸ Creating a logo that is easy for many people to understand is not an easy thing, in the process of creating a logo the creator requires ideas, creativity, time and a lot of money. If a logo is used by another party, a license is required, namely granting permission to the other party in accordance with a written agreement whose contents are based on the applicable laws and regulations. When making this agreement, a registration request must also be made to the Minister of Law and Human Rights. If the agreement is not requested for registration, then the agreement has no legal consequences.

Based on the explanation above, the researcher is of the opinion that logos are included in the protection of intellectual property rights within the scope of brands. so that a logo gets legal protection on the basis of registration. Trademark registration is very important for business actors, so that business actors have a legal basis when misused by responsible parties. In protecting brands, emphasis is placed on legal certainty in their enforcement, that is, with written laws, brands can be guaranteed and protected from behavior/actions to imitate and/or misuse them and can uphold the principle of fundamental equality with the principle of good faith. A form of legal protection for logos through brands, if the owner of the rights to the logo experiences losses caused by another person/party, then that person or other party will be given sanctions in accordance with Law No. 20 of 2016.

3.2 Legal Consequences for Content Creators Who Misuse Television Station Logos Without Permission on Tiktok Social Media

¹⁸ Putu Eka Krisna Sanjaya and Dewa Gde Rudy, "Perlindungan Hukum Terhadap Hak Merek Terkenal Di Indonesia," *Jurnal Kertha Semaya* 6, no. 11 (2018).

As technology and information develop, technology plays an important role. Modern technology makes everything seem faster and easier to understand, but as technology and information develop, it seems that this does not always have a positive impact. The development of technology and information has caused the emergence of new crimes which also have an impact on intellectual property rights. For example, by creating content on social networks. If the content created by the content creator has intellectual property rights, it will be legally protected from copying other content creators' ideas. To create content, creative thinking is required, this is an unlimited resource that has very high economic value. Therefore, efforts from the government are needed to make the public aware of the importance of intellectual property rights.

Content creators must understand the importance of intellectual property rights to ensure the integrity of ideas. The use of social media does not eliminate the possibility of creative ideas going viral and provides a lot of potential for stealing ideas from other content creators. In Indonesia, intellectual property rights currently cause many losses due to illegal and criminal use, piracy and misuse of copyrights or trademarks. This happens because those who do it get profits quickly and easily, but this action can be detrimental to consumers and producers, and also detrimental to the country. Trademark infringement consists of several types of violations, namely as follows: 1. Unauthorized trademark infringement : This violation occurs if the applicant for trademark registration registers a mark that is the same as a mark located abroad, whether it is the same in essence or in its entirety; 2. Violation of trademark registration without rights accompanied by its use : This violation occurs when the party who violates brand rights is accompanied by misdirection and deception regarding the source and quality of a good/service. This is considered to damage the image of the brand and can also mislead consumers; And 3. Unauthorized use of the brand : This violation occurs if the infringing party uses without authorization the counterfeit product which is the same as the original. So consumers have difficulty distinguishing genuine goods from imitation goods.

Infringement of a trademark can give rise to legal consequences, so that if a violation occurs, the business actor/owner of the right to the trademark can file a lawsuit as regulated in Article 76 of Law No. 20 of 2016, namely as follows: 1. The owner of the rights to a registered trademark can file a lawsuit, excluding the rights of brand users who have similarities by filing a lawsuit for compensation and/or dismissal of all actions related to the use of the trademark; And 2. The lawsuit referred to in paragraph 1 can be submitted to the commercial court.

So in this case the owner of the trademark rights can report the infringer by taking the following dispute resolution efforts: 1. Civil dispute resolution : Settlement of disputes by filing a civil lawsuit with the commercial court in accordance with its jurisdiction, this is regulated in Presidential Decree 97/1999. In article 83 paragraph 1 of the MIG Law, it is explained that the owner of the rights to a registered trademark can file a lawsuit for compensation and/or termination of action against the party using the trademark; 2. Criminal dispute resolution : Settlement of disputes by seeking criminal responsibility with imprisonment for a maximum of 5 years and/or a fine of a maximum of IDR

2,000,000,000,000 as regulated in articles 100-103 of law no. 20 of 2016 concerning brands and geographical indications; And 3. Settlement of disputes by arbitration : Resolving disputes by using an arbitration institution based on the agreement of both parties.

In this case, trademark infringement can also take the form of imprisonment or a fine as described in articles 90 to 95 of Law No. 20 of 2016. Imprisonment for violations of this brand can be imprisoned for a maximum of five years or a maximum fine of Rp. 800 million, the fine for this violation will be transferred to the state treasury. The rise of brand infringement cannot be separated from the will of the public, the desire to get the same goods/services but at a cheaper price. Basically, a brand is very important, even though it is only an element containing a logo and writing, a brand can give soul and personality to an item/service. Therefore, a brand is the most important asset and therefore requires legal protection.

The existence of intellectual property law can prevent someone from dishonestly violating brand rights, apart from that, someone can have protection for the work they have produced.¹⁹ In order to prevent acts of violation of brand rights, the government formed law No. 20 of 2016 aims to improve services and provide legal certainty. The establishment of this law can protect the owner of rights that are imitated, forged, or misused by irresponsible parties.

In Indonesia, brand violations have recently occurred on social media. One of the violations that occur on social media is violations of brands in the form of logos. This violation can take the form of misuse, imitation or piracy of the logo by the public. This is done because the public is still unfamiliar with violations of brand rights, so there is a need for socialization from the government. According to society, the actions carried out are considered not to violate the law, therefore there is a need for legal awareness to qualify and understand intellectual property rights. Misusing a brand in the form of a logo carried out on social media can violate Article 27 paragraph 3 of the ITE Law because this act is considered to tarnish the good name of the owner of the right to the brand. However, in this violation which is considered defamation there must be clarity regarding the identity of the party being defamed. Acts of defamation committed on social media can have a global impact compared to conversational defamation. So the impact of this violation can have more complicated and complex consequences.²⁰

One of the intellectual property legal disputes that has attracted the attention of researchers is the dispute over the case of parody content misuse of the Indosiar television logo on the social media TikTok. Recently, we often come across videos that parody an event that uses the Indosiar logo. In this case, PT. Indosiar Visual Mandiri reported a case of logo misuse with parody content that went viral to resort police headquarters Metrojaya West Jakarta. This reporting step was taken so that Indosiar's image as a broadcasting

¹⁹ Gabriella Ivana and Andriyanto Adhi Nugroho, "Akibat Kekosongan Hukum Terhadap Non-Fungible Token Sebagai Pelanggaran Hak Kekayaan Intelektual," *Jurnal USM Law Review* 5, no. 2 (2022): 708-21, <https://doi.org/http://dx.doi.org/10.26623/julr.v5i2.5685>.

²⁰ Anton Hendrik Samudra, "Pencemaran Nama Baik Dan Penghinaan Melalui Media Teknologi Informasi Komunikasi Di Indonesia Pasca Amandemen UU ITE," *Jurnal Hukum & Pembangunan* 50, no. 1 (2020): 91-105, <https://doi.org/http://dx.doi.org/10.21143/jhp.vol50.no1.2484>.

institution that wants to present a variety of healthy programs is not damaged by parties who do not have permission to use the Indosiar logo, especially users who go viral on social media. This report also aims to ensure that parties who have misused the Indosiar logo can be held accountable for their actions before the law, and Indosiar hopes that similar actions will not occur again.

The program that was parodied by the content creator was a parody of a snippet from an Indosiar television station film program. The content creators parody different storylines from the films shown by Indosiar. The parody videos made by this content creator are quite unique and eccentric which makes the audience like the content. The content creators think that the content being written is just a joke, but the parody content that uses the Indosiar logo is considered unpleasant by Indosiar. This content creation embeds the logo in the parody video of the mobile service. The logo used is not only the Indosiar logo, but some also use logos such as Momsiar, Indosurya, Indoliar and Indolokal. In the parody video, it is considered to have used someone else's work, even though the sentences have been changed, there are still similarities in terms of the shape of the logo created. An Indosiar logo has its own values, philosophy and meaning, so using substantial parts requires permission from the owner of the rights to the logo/creation.

When parodying a work, it is permissible to use the same idea but with a different expression. In this case, Indosiar has provided a statement that the use of a logo is an exclusive right, so that the use of a logo requires permission from the owner of the rights to the logo. Indosiar also prohibits anyone from using the logo, even if only for personal purposes. Regarding criminal acts committed by content creators which constitute a complaint offense, this is regulated in article 103 of Law No. 20 of 2016: "criminal acts in articles 100 to article 102 constitute a complaint offense." So complaints can be processed if there is a complaint from a party who is a victim of a criminal act. A complaint can be made in writing and must be signed by the complainant and can be done orally. Victims will receive full legal protection, law enforcement must be carried out properly, apart from that, applicable regulations must also be regulated comprehensively and precisely to ensure legal certainty for logo protection. The legal regulations used as a tool to protect these rights are as regulated in Law No. 20 of 2016.

Based on the parody video that misuses the logo, the creator's content is considered to violate applicable law which can give rise to legal consequences. Legal consequences are the result of an action carried out by an irresponsible party which is regulated by law, giving rise to legal consequences for the violator. The legal consequences of cases of parody content misuse of the Indosiar Television logo carried out on TikTok social media are that they can be sentenced to prison for a maximum of 5 years and/or a fine of a maximum of IDR. 2,000,000,000.-, as well as violating article 27 paragraph 3 of the ITE Law because this act is considered to defame Indosiar, in this case it can be punished with imprisonment for a maximum of 4 years and/or a fine of a maximum of Rp. 750,000,000.-. This legal consequence aims to make perpetrators responsible for their actions and can provide a deterrent effect, especially on content creators, to prevent unlawful actions and not repeat the same actions.

Efforts that can be made by the owner of the right to a brand so that a logo is no longer imitated or misused is by registering the brand and providing legality so that the brand is protected from parties who want to violate the law. However, in this case there is also a need for public awareness regarding brand protection so that there is no brand infringement. If a party plagiarizes or misuses the logo, they can report it and sue that party to the police. So it can be concluded that misuse of logos needs to be avoided and to be more careful in using logos.

4. CONCLUSION

Protection against logo misuse aims to determine the form of legal protection for the owner of the rights to the logo, if the logo owner experiences loss caused by another party then the party causing the loss can be given sanctions in accordance with Law No. 20 of 2016. Form of legal protection against misuse logos are regulated in article 2 paragraph 3 of Law No. 20 of 2016. The provisions of this article explain that if a logo receives legal protection in the form of a brand, a logo must be registered first. A violation will give rise to legal consequences, legal consequences will occur if a logo has been misused by another party without the consent of the owner of the rights to the logo. The legal consequences for content creators who misuse the Indosiar television station logo without permission on TikTok social media are imprisonment and/or fines in accordance with articles 100 to 102 of Law No. 20 of 2016, and can also file a civil suit for compensation and/or to stop misuse of the logo. However, if the act is carried out on social media and is considered to defame Indosiar, it can be punished with imprisonment for a maximum of 4 years and/or a fine of a maximum of IDR. 750,000,000,- as regulated in article 45 paragraph 3 of the ITE Law.

BIBLIOGRAPHY

- Afif, Muhamad Shafwan, and Heru Sugiyono. "Perlindungan Hukum Bagi Pemegang Merek Terkenal Di Indonesia." *Jurnal USM Law Review* 4, no. 2 (2021): 565–85. <https://doi.org/http://dx.doi.org/10.26623/julr.v4i2.4097>.
- Ahmad, Fandy; Djuwityastuti. "Kajian Yuridis Sengketa Keabsahan Logo Sebagai Sebuah Merek Dan Hak Cipta." *Jurnal Privat Law* 7, no. 1 (2019): 87. <https://doi.org/10.20961/privat.v7i1.30110>.
- Cahyani, Fenny, Muhammad Junaidi, Zaenal Arifin, and Kadi Sukarna. "Kedudukan Hak Imunitas Advokat Di Indonesia." *Jurnal USM Law Review* 4, no. 1 (2021): 146. <https://doi.org/10.26623/julr.v4i1.3328>.
- Hasiholan, Togi Prima, Rezki Pratami, and Umaimah Wahid. "Pemanfaatan Media Sosial Tik Tok Sebagai Media Kampanye Gerakan Cuci Tangan Di Indonesia Untuk Mencegah Covid-19." *Communiverse: Jurnal Ilmu Komunikasi* 5, no. 2 (2020): 70–80. <https://doi.org/https://doi.org/10.23960/metakom.v4i1.103>.
- Ivana, Gabriella, and Andriyanto Adhi Nugroho. "Akibat Kekosongan Hukum Terhadap Non-Fungible Token Sebagai Pelanggaran Hak Kekayaan Intelektual." *Jurnal USM Law Review* 5, no. 2 (2022): 708–21. <https://doi.org/http://dx.doi.org/10.26623/julr.v5i2.5685>.
- Kholis, Wildan. "Perlindungan Hukum Hak Cipta Logo (Studi Komparatif Berdasarkan Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta Dan Tinjauan Hukum Ekonomi Syariah)" Penelitian Ini Dilatarbelakangi Oleh Permasalahan Mengena." Hukum Ekonomi Syariah IAIN Syekh Nurjati Cirebon, 2021.

- Lukito, Imam. "Peran Pemerintah Daerah Dalam Mendorong Potensi Indikasi Geografis." *Jurnal Ilmiah Kebijakan Hukum* 12, no. 3 (2018). <https://doi.org/http://dx.doi.org/10.30641/kebijakan.2018.V12.313-330>.
- Mahmud Marzuki, Peter. *Penelitian Hukum*. Jakarta: Kencana Prenada Media. Vol. 55, 2005.
- Mubarok, Fikri Shofin. "Pemanfaatan New Media Untuk Efektivitas Komunikasi Di Era Pandemi." *Jurnal Ilmiah Komunikasi Makna* 10, no. 1 (2022): 28. <https://doi.org/10.30659/jikm.v10i1.20302>.
- Nasution, Bahder Johan. *Metode Penelitian Ilmu Hukum*. Bandung: Mandar Maju, 2008.
- Putri, Vita Fatimah Ananda. "Perlindungan Hukum Bagi PT. Kereta API Indonesia (Persero) Terhadap Penggunaan Tanpa Hak Logo Kereta API Oleh Komunitas Pecinta Kereta API," n.d.
- Samudra, Anton Hendrik. "Pencemaran Nama Baik Dan Penghinaan Melalui Media Teknologi Informasi Komunikasi Di Indonesia Pasca Amandemen UU ITE." *Jurnal Hukum & Pembangunan* 50, no. 1 (2020): 91–105. <https://doi.org/http://dx.doi.org/10.21143/jhp.vol50.no1.2484>.
- Sanjaya, Putu Eka Krisna, and Dewa Gde Rudy. "Perlindungan Hukum Terhadap Hak Merek Terkenal Di Indonesia." *Jurnal Kertha Semaya* 6, no. 11 (2018).
- Setiyawan, Wahyu Beny Mukti, Erifendi Churniawan, and Femmy Silaswaty Faried. "Information Technology Regulatory Efforts in Dealing With Cyber Attack To Preserve State Sovereignty of the Republic of Indonesia." *Urnal USM Law* 3, no. 2 (2020): 275–95. <https://doi.org/http://dx.doi.org/10.26623/julr.v3i2.2773>.
- Soekanto, Soerjono. *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*. Raja Grafindo Persada, 2007.
- Soemarsono, Langit Rafi, and Rianda Dirkareshza. "Urgensi Penegakan Hukum Hak Cipta Terhadap Pembuat Konten Dalam Penggunaan Lagu Di Media Sosial." *Jurnal USM Law Review* 4, no. 2 (2021): 615. <https://doi.org/http://dx.doi.org/10.26623/julr.v4i2.4005>.
- Sugiyono, Dr. *Metode Penelitian Pendidikan Pendekatan Kuantitatif, Kualitatif Dan R&D*. Alfabeta, 2013.
- Tanya, Bernard L, Yoan Nursari Simanjuntak, and Markus Y Hage. *Teori Hukum*. Genta publishing, 2013.
- Ujang Badru Jaman, Galuh Ratna Putri, and Tiara Azzahra Anzani. "Urgensi Perlindungan Hukum Terhadap Hak Cipta Karya Digital." *Jurnal Rechten : Riset Hukum Dan Hak Asasi Manusia* 3, no. 1 (2021): 9–17. <https://doi.org/10.52005/rechten.v3i1.22>.
- Yustisia, Tim Visi. *Panduan Resmi Hak Cipta: Mulai Mendaftar, Melindungi, Dan Menyelesaikan Sengketa*. VisiMedia, 2015.

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