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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 DJKI. Brand protection provides protection to the owner of the rights to

¹ Togi Prima Hasiholan, Rezki Pratami, and Umamah 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>.

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.

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 in previous studies, for example from Hascaryaningrum research. In this research, this research has the advantage of protecting logos based on copyright through the Cross Border Measure.⁵ This research explains more about the protection of IPR through the Cross Border Measure but does not explain in detail the protection of logos. Furthermore, Raihan research has advantages in the role of IPR protection against the use of logos on the internet.⁶ This research describes the role of law in protecting a logo and describes the consequences related to misuse of a logo, however, this research does not explain the efforts that can be taken by owners of brand rights or copyright rights if they have been harmed by other parties. Finally,

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 Putri Hascaryaningrum et al., "Perlindungan Hukum Hak Cipta Terhadap Hak Cipta Atas Logo Melalui Mekanisme Cross Border Measure," *Jurnal Hukum, Politik Dan Ilmu Sosial* 1, no. 4 (2022): 42–52, <https://doi.org/https://doi.org/10.55606/jhps.v1i4.633>.

⁶ Muhammad Raffi Raihan Jauhari and Rani Apriani, "Peran Serta Hukum Dalam Perlindungan Hak Kekayaan Intelektual Atas Penggunaan Logo Dari Internet Untuk Tujuan Komersial," *Jurnal Ilmiah Wahana Pendidikan* 8, no. September (2022): 399–406, <https://doi.org/https://doi.org/10.5281/zenodo.7067890>.

Mustofa research has the advantage of legal protection for government agency logos based on IPR and according to state financial law.⁷ However, this research still does not mention further measures that can be taken if a violation occurs.

Reviewing previous research, this research is different from previous research, namely in its discussion which focuses more specifically on the misuse of logos in terms of Law No. 20 of 2016 concerning brands and geographical indications and the consequences of misuse of logos on social media. So the aim of this research is to find out the form of legal protection against misuse of logos without permission in accordance with Law number 20 of 2016, and aims to find out the legal consequences for content creators on TikTok social media who misuse logos from television stations without permission for content creation parody.

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.⁸ 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.⁹ The specifications of this research are analytical descriptive by describing applicable regulations related to legal theory and the practice of implementing law in society.¹⁰ 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.¹¹

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 impacts.¹² Violations can occur if the logo used is misused by a third party without the permission of the rights holder. So 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

⁷ Mustofa Kamal and Efridani Lubis, "Perlindungan Hukum Atas Logo Instansi Pemerintah : Hukum Kekayaan Intelektual Versus Hukum Keuangan Negara," *Living Law* 11 (2020): 87–95.

⁸ Peter Mahmud Marzuki, *Penelitian Hukum*, Jakarta: Kencana Prenada Media, vol. 55, 2005.

⁹ Bahder Johan Nasution, *Metode Penelitian Ilmu Hukum* (Bandung: Mandar Maju, 2008).

¹⁰ Sugiyono, *Metode Penelitian Pendidikan Pendekatan Kuantitatif, Kualitatif Dan R&D* (Alfabeta, 2013).

¹¹ Soerjono Soekanto, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat* (Raja Grafindo Persada, 2007).

¹² Wahyu Beny Mukti Setiawan, Erifendi Chumiawan, and Femmy Silaswaty Faried, "Upaya Regulasi Teknologi Informasi Dalam Menghadapi Serangan Siber (Cyber Attack) Guna Menjaga Kedaulatan Negara Kesatuan Republik Indonesia," *Jurnal USM Law Review* 3, no. 2 (2020): 275, <https://doi.org/10.26623/julr.v3i2.2773>.

the owners and not causing losses to logo rights holders, and is intended to have a deterrent effect on violators.¹³

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.¹⁴ However, on the other hand, there is also a need for legal awareness for the public to support the implementation of applicable regulations.

Previously, logos were categorized as a creation which was included in fine art in the form of images, this was regulated in Law No. 19 of 2002. However, after the enactment of law no. 18 of 2014 concerning copyright, logos are no longer part of copyright. As 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. So in article 1 number 1 of law no. 20 of 2016, the logo is part of the brand, because the logo is a distinguishing sign that is used as a brand.

According to the explanation of article 1 point 1, a brand has a very important function for the owner of the right 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. In Indonesia, brand protection adheres to a constitutive system based on the first to file principle. This principle explains that the first trademark to be registered is the one that will receive legal protection. Protection of a registered trademark can provide exclusive rights to the trademark holder, these rights can only be used by the holder of the trademark rights. By implementing the first to file principle, it can provide legal certainty for brand rights holders and can also provide strength in evidence.

This legal protection can be carried out in two ways, namely: 1) preventive legal protection; and 2) repressive legal protection. Preventive legal protection is protection intended to prevent unlawful acts before harm occurs. Meanwhile, repressive legal protection is a last resort, namely by providing certainty and affirmation by imposing sanctions or punishments in the form of fines, imprisonment and other additional penalties. This penalty or sanction is given if a violation has occurred which could harm the owner of the rights to the mark.¹⁵ Basically, legal protection is given to brand rights owners to prevent unfair competition. This prevention is carried out to prevent other parties from committing brand violations such as copying well-known brands.

¹³ Langit Rafi Soemarsono 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>.

¹⁴ 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>.

¹⁵ Wizna Gania Balqis, "Perlindungan Merek Sebagai Hak Kekayaan Intelektual: Studi Di Kota Semarang, Indonesia," *Journal of Judicial Review* 23, no. 1 (2021): 41–56, <https://doi.org/http://dx.doi.org/10.37253/jjr.v23i1.4360>.

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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. Even though the protection of a brand is very important, the brand acts as a characteristic of the origin of the goods and services associated with the producer.¹⁶ Therefore, 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.

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.¹⁷ 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. However, if there is a violation of a trademark, the owner of the trademark rights has the right to report it to the authorities. To avoid violations, we need to be careful in using a trademark and need to understand the regulations and trademark rights.

Nowadays in Indonesia there are frequent violations of brand rights, lately we often see many perpetrators copying logos or creating logos that are similar to other logos. Misuse of logos without permission often occurs, so far there have been several cases of misuse of logos, one of which is the use of logos without PT permission. Pertamina. Recently, Pertamina has appeared, which is a type of retail fuel business that resembles PT. Pertamina. However, the pump and measuring tube used are tools that are not valid according to law. PT logo. Pertamina is the official logo and has the rights to the brand which has been registered with the directorate general of intellectual property. Pertamina which uses the PT logo. Pertamina is using another company's logo illegally without permission from the brand owner, this is done to make big profits.

Misuse of this logo is carried out due to intentional factors, the desire of business actors to gain large profits, and a lack of awareness of business actors and consumers. Currently, there are still many people who are unfamiliar with the regulations governing logos/brands. Therefore, there is a need for outreach to the public so that they understand this, if there is a violation/misuse of a brand, the public will not buy/use goods/services belonging to a party that is detrimental to the owner of the rights to the registered mark. The legal consequences for Pertamina business actors who commit brand violations can be given sanctions as regulated in Article 100 paragraph 1 of Law No. 20 of 2016 with a maximum imprisonment

¹⁶ Dian Nastiti and Fahmi Fairuzzaman, "Perlindungan Hukum Merek Dagang Dan Logo (Studi Pada Restoran Ayam Geprak Bang Topan)" (Universitas Muhammadiyah Surakarta, 2023).

¹⁷ Callesta Aydelwais De Fila Asmara, Zaenal Arifin, and Fahrudin Mubarak Anwar, "Penyelesaian Sengketa Hak Cipta Antara Pencipta Lagu Dan Penyanyi," *Jurnal USM Law Review* 6, no. 2 (2023): 860–72, <https://doi.org/http://dx.doi.org/10.26623/julr.v6i2.7499>.

¹⁶ of 5 years and/or a maximum fine of Rp. 2,000,000,000.00 (two billion rupiah), because this action does not have legal rights to use the logo.

The problem in the country regarding the legal protection of logos is not given maximum attention, this can be seen from the large number of misuses of logos that occur. The increasing number of violations against logos means the need for protection of logos, but also the need for support from the public to understand brands so that violations no longer occur. Protection of logos is carried out with the aim of providing protection for the rights of their owners and so that there are no losses for the rights holders of the logo. The law used as a tool to protect these rights is as regulated in Law No. 20 of 2016.

⁵⁴ 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

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. Creating content requires creative thinking, 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.¹⁵

Content creators must understand the importance of intellectual property rights to ensure the integrity of ideas. 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.¹⁸ 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 recently there have been frequent violations of intellectual property

¹⁸ 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>.

rights which can be detrimental to the State and the owner of the rights to the brand. These losses occur due to illegal and criminal use, piracy and misuse of copyrights or trademarks. Trademark infringement consists of several types of violations, namely as follows: 1) Trademark infringement without rights, namely infringement that occurs if the applicant for trademark registration registers a mark that is the same as a mark located abroad, whether there are similarities in substance or in whole; 2) Violation of trademark registration without rights accompanied by its use, namely infringement that occurs when the party violating the rights to the trademark is accompanied by misdirection and deception regarding the source and quality of a good/service. This is considered to damage the image of a brand and can also mislead consumers; 3) Use of a brand without rights, namely infringement that occurs if the infringing party uses without rights, the counterfeit product 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) Owners of rights to registered trademarks can file a lawsuit, excluding the rights of users of trademarks who have similarities by filing a lawsuit for compensation and/or dismissal of all actions related to the use of the trademark; 2) The lawsuit referred to in paragraph 1 can be submitted to the commercial court.

If a violation has occurred, the owner of trademark rights can report the violator by taking several dispute resolution efforts, namely as follows: 1) Civil dispute resolution: Dispute resolution 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: Dispute resolution by seeking criminal responsibility with a maximum imprisonment of 5 years and/or a maximum fine of Rp. 2,000,000,000,000 (2 billion) as regulated in articles 100-103 of law no. 20 of 2016; 3) Settlement of disputes by arbitration: Settlement of 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 explained 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. If misuse of a brand in the form of a logo is carried out on social media, it 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.¹⁹ Acts of defamation

¹⁹ Bambang Sutrisno and F X Bhirawa Braja Paksa, "Penegakan Hukum Terhadap Tindak Pidana Pencemaran Nama Baik Menurut Pasal 27 Ayat (3) Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik (Uu Ite)," *Mizan: Jurnal Ilmu Hukum* 8, no. 1 (2019): 20–26.

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 In this case, the violator can be sentenced to a maximum imprisonment of four years and/or a maximum fine of Rp. 750,000,000,-.

Brand violations occur due to lack of legal awareness, lack of socialization, lack of training and the condition of society's legal culture regarding brand regulations, this results in the emergence of new problems. In fact, if the public understands the regulations on trademarks, then the public will know that the trademark owner can file an objection or lawsuit for the cancellation of the trademark registration if there is a trademark that is essentially the same or in its entirety. For this reason, there is a need for legal outreach and the need for training from the government regarding brand regulations. If the public is frequently provided with socialization, the public's legal knowledge will increase and brand violations will decrease.

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. 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.

One of the intellectual property legal disputes that has attracted the attention of researchers is the dispute over the parody content case of misuse of the Indosiar television logo on the TikTok social media. 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 MAPOLRES Metrojaya West Jakarta. This reporting step was taken so that Indosiar's image as a broadcasting 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

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>.

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, this is a complaint offense, this is regulated in Article 103 of Law No. 20 of 2016. 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.

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,- and violates 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,-. Law no. 20 of 2016 and the ITE Law are quite effective in preventing brand violations in the digital era. In this law, criminal threats can have a deterrent effect, especially on content creators to prevent unlawful actions and not repeat the same actions.

Efforts that can be made by brand rights owners so that a logo is no longer imitated or misused are by registering the brand and providing a legal basis so that a brand is protected from parties who want to violate the law, as well as monitoring unauthorized use such as misuse in any form and enforcing it. trademark rights by taking legal action against violators. However, in this case there is also a need for public awareness of brand protection so that there is no infringement of the brand. If the violator has plagiarized or misused the logo, they can report it and sue the party to the police. So it can be concluded that the use of logos without permission needs to be avoided and to be more careful in using a logo.

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.

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