

Perlindungan Hukum atas Penggunaan *Music On Demand Services: Spotify* di Ruang Komersial Kafe di Kabupaten Sleman Yogyakarta

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INTISARI

Penelitian ini bertujuan untuk mengetahui dan memahami tentang Perlindungan Hukum atas Penggunaan *Music On Demand Services: Spotify* di Ruang Komersial Kafe di Kabupaten Sleman Yogyakarta.

Penelitian ini dilakukan di Kabupaten Sleman Yogyakarta, adapun yang menjadi objek penelitian adalah *Music On Demand Services: Spotify* dan penggunaannya di Ruang Komersial Kafe, di Kabupaten Sleman Yogyakarta,. Pertama, penelitian ini dilakukan melalui penelitian lapangan, berupa pengambilan data dan wawancara dengan para pelaku industri kafe, pelaku industri musik, Lembaga Manajemen Kolektif, dan pejabat bagian kekayaan intelektual Kantor Wilayah Kemekumham DIY. Penelitian kedua melalui hasil penelitian kepustakaan berupa literatur, dokumen-dokumen yang berkaitan dengan penelitian. Hasil penelitian dilapangan diolah dan dipaparkan secara deskriptif dan argumentatif.

Hasil penelitian menunjukkan bahwa 75% responden yang berpartisipasi dalam penelitian ini; tempat Ruang Komersial Kafe di Kabupaten Sleman Yogyakarta menggunakan *Spotify* selama jam buka mereka, namun atas penggunaan *Spotify* secara komersial ini yang berpotensi melanggar belum ada yang diselesaikan melalui jalur hukum. Yang dapat dilakukan para artis dan/atau pencipta lagu, *music publisher* dan/atau *music distributor* adalah dengan menyerahkan sepenuhnya ke pihak Lembaga Manajemen Kolektif untuk lebih giat mencari ceruk pendapatan terkait penggunaan *Spotify* secara komersial sesuai dengan peraturan perundangan yang berlaku. Didapati pula dari penelitian, 65% responden dalam penelitian ini membayar premium untuk menggunakan *Spotify*, lebih lanjut dari hasil Wawancara ke Bagian Kekayaan Intelektual Kantor Wilayah Kemenkumham DIY dan Lembaga Manajemen Kolektif: WAMI, menyatakan bahwa membayar premium pada *Spotify* tidak menggugurkan kewajiban membayar royalti atas penggunaan musik secara komersial.

Kata kunci: perlindungan hukum, musik, komersial, kafe,

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Legal Protection for the Use of Music On Demand Services: Spotify in Commercial Kafe s in Sleman Regency, Yogyakarta

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ABSTRACT

This research aims to find out and understand about Legal Protection for the Music On Demand Services: Spotify, its usage in a Commercial Space Kafe in Sleman Regency, Yogyakarta.

This research was conducted in Sleman Regency Yogyakarta, while the object of research was Music On Demand Services: Spotify and its usage in Commercial Kafe s in Sleman Regency, Yogyakarta. First, this research was conducted through field research, in the form of data collection and interviews café industry player, music industry player, Collective Management Organisation and officials from the Intellectual Property Division of the Regional Office of The Ministry of Law and Human Rights DIY. The second, research through the results of library research in the form of literature, documents relating to research. Field research results are processed and presented descriptively and argumentatively.

The results showed that there are 75% respondent who participates in this research; Commercial Space; Cafes in Sleman, Yogyakarta using Spotify on their operating hours, but none of their commercial usage of Spotify which potentially violates copyright law have been resolved through legal channels. What can be done by the artist and/or songwriter, music publisher and/or music distributor is to leave it entirely to the Performing Rights Organization in accordance to be more active in looking for a niche income in commercial usage of Spotify along with the regulations in force. It was also found from research, 65% of respondents in this research paid a premium to use Spotify, further from the results of interviews to the Intellectual Property Section of the DIY Ministry of Law and Human Rights Regional Office and Collective Management Organisation: WAMI, stated that paying premiums to Spotify does not invalidate the obligation to pay royalties for commercial usage of music .

Key words: legal protection, music, commercial, cafe,

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