



Copyright Protection for Dance Creators New Creations

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Abstract. *This study aims to analyze copyright protection for the creators of new dance creations in Pontianak City. In the context of copyright protection, the registration of new dance creations, which are categorized as works of art reflecting local cultural identity, is a key step in preventing plagiarism or unauthorized use of works and the resulting damages. Through a normative empirical approach and data collected through interviews and literature studies, it was found that awareness of the importance of copyright exists, but knowledge about the mechanisms and benefits of copyright registration for new dance creations is not yet optimal. The results of this study are expected to enhance understanding of copyright protection and serve as a bridge for the government to gradually and selectively disseminate information.. The main obstacle faced by new creation dance creators in Pontianak City is the lack of knowledge and awareness about the mechanism of copyright registration and the benefits obtained from such registration. Many dance creators find the registration process complicated and expensive, so they are not interested in registering the copyright of their work. In addition, socialization from the government regarding the importance of copyright and how it is recorded.*

Keywords: *Copyright Protection; Dance Creator; Indonesian Copyright Law; Law; Moral Rights.*

1. INTRODUCTION

The protection of intellectual property rights, particularly copyright, plays a vital role in safeguarding the creative economy and ensuring that artists receive proper recognition and economic benefits for their work (Deshpande et al., 2022). In the realm of performing arts, dance especially new choreographic creations is increasingly gaining prominence as a medium of cultural expression, artistic innovation, and commercial performance (Duarte, 2021).

However, alongside this growth in creative output, there is a growing concern regarding the lack of legal protection and awareness about copyright laws among local dance creators. Many of these choreographers are unaware of their moral and economic rights as provided under Law Number 28 of 2014 concerning Copyright in Indonesia. As a result, their works are vulnerable to unauthorized use, modification, or commercial exploitation without proper licensing or attribution.

Dance art contains elements of movement, artistic, aesthetic, rhythm, space of purpose and purpose. So it can be concluded that dance art is an expression of the soul expressed in the form of beautiful rhythmic movements, containing elements that must be able to express the value of beauty and harmony with the use of expressive movements. The traditional dance in question is a form of ideas that are expressed in typical movements that are also their respective cultural and ethnic identities and generally symbolize the identity of Indonesia's diversity.

As in essence, human beings since birth have been equipped with intellect and mind that can create a work in the fields of science, technology, art and others. The results of these

works need to be appreciated and maintained so that there is no duplication or grafting of original ideas from the creator. Not only as an award from a moral point of view but also from an economic side, so that the creators of these works are not only protected but also benefit economically (Restuningsih et al., 2021).

The protection of these works has been regulated in Law Number 28 of 2014 concerning Copyright. Inventions protected in this law include inventions in the fields of science, art and literature (Zamroni, 2019). It is stated in article 40 paragraph 1 letter e that dance and choreography are one of the protected forms of creation mentioned above. The provision of protection for copyright can provide an increase in the appreciation of any works related to Indonesian ethnicity and culture (Rahim et al., 2022). Then dance or choreography is protected in the Law through article 40 paragraph 1 letter e which states that dance and choreography are protected their rights (Bhatt, 2019). That moral rights have been obtained for dance creators through declarative principles as something inherent when a work of art is manifested in a tangible form (Abu Alhaj, 2023). However, protection of economic rights will be obtained when a dance work is legally registered as a copyright through the Directorate General of Intellectual Property Rights or the Ministry of Law and Human Rights as an extension (Alamgir, 2017). The development of science and technology brings changes in the way a work is published and has a positive impact and a negative impact. One of the negative impacts of these developments is the ease of access to see a dance work in line with the ease of duplication or use of the dance work without permission from the dance creator. For this reason, it is important to research how the conditions of copyright protection for new dance creations in Pontianak City are one of the efforts to maintain the culture and identity of the country in general and to maintain and fight for the moral and economic rights of dance creators in particular (Oppenheim, 2020).

In addition, it is an effort to protect a work of art from traditional cultural expressions, in other words a protection of traditional cultural expressions in the field of dance. The Government of Indonesia through Law No. 5 of 2017 has provided protection for traditional cultural expressions carried out by creating its own wealth database. Later it will be broadcast on the internet so that everyone knows (the traditional art) of Indonesian origin, who is the maestro, who is the expert, who is the teacher who can be visited if you want to learn, that's a way to protect it (Pambudi, 2018).

Especially with the development of technology and information dissemination systems in this era where in general these works can be watched easily on social media, both Youtube, Instagram, Tiktok and other social media (Elam, 2016; McDonagh, 2022). Technological

developments not only have a positive impact on the creators of the dance, but also have a negative impact. Duplication or use of the created dance work is often used by other parties without permission from the creator (Ravetto-Biagioli, 2021). Therefore, providing protection for works that are included in intellectual rights is the most appropriate step in protecting moral and economic rights to creators (Borroni & Carugno, 2021; Wijayanti, 2021).

The most common problem is that dance creators often do not have enough knowledge about copyright protection. Copyright, as well as how they can defend and fight for the rights of dance creators that are violated by irresponsible people in accordance with the applicable laws in Indonesia. In cities like Pontianak, which possess rich cultural diversity and an emerging creative scene, there has been a noticeable rise in the number of independent choreographers and dance creators producing original works that blend local traditions with contemporary styles. These works are not only performed in cultural festivals and community events but also adapted into commercial performances, educational programs, and digital content. This situation creates a significant urgency to address the gap between the legal framework that exists at the national level and its implementation or accessibility at the local level especially in regional cities like Pontianak.

The urgency of this study lies in the growing vulnerability of dance creators in Pontianak whose new choreographic works are often used, adapted, or commercialized without proper authorization. Despite the existence of Law Number 28 of 2014 concerning Copyright, many choreographers are still unaware of their rights or lack the means to enforce them. This legal gap poses a risk to the sustainability of local creative industries, especially as dance becomes an increasingly popular medium for cultural expression and commercial performance. Protecting these creators is essential not only to safeguard their intellectual property but also to encourage innovation and the preservation of cultural identity through modern dance forms. The novelty of this research lies in its specific focus on copyright protection for new dance creations in Pontianak a topic that has received minimal academic attention. While much of the existing literature discusses traditional or classical dances, few studies have examined the legal status and practical challenges faced by individual choreographers creating contemporary works in regional cities like Pontianak. This study bridges that gap by highlighting the intersection between law, culture, and modern creative expression at the local level, offering fresh insights into how copyright can function effectively in a non-metropolitan artistic context.

2. METHODS

This study uses an empirical normative research method to obtain an overview of how copyright protection has been carried out in the people of Pontianak City, especially among dance creators and creators of creative traditional dance movements and analyze it using existing regulations. This approach is considered to be more able to explain the phenomenon that occurs, whether protection efforts have been carried out both from the creator's side and what obstacles are faced by creators in efforts to protect the copyright of the new dance creation. Research on the effectiveness of law is legal research that discusses how the law operates in society. Factors that can affect the functioning of the law in society are (1) the rules of the law/regulations themselves; (2) officers/law enforcers; (3) the facilities or facilities used by law enforcement; (4) public awareness. The data needed in this study includes primary data and secondary data. Primary data is field research data, namely data collected and obtained directly from the first source in the field, namely respondents or informants. In this study, primary data was obtained directly from respondents who are dance creators in Pontianak City as the subject of this study as well as employees of the Ministry of Law and Human Rights of West Kalimantan Province. The primary data collection technique in this study was obtained through direct interviews with the samples or dance creators referred to above to find out the extent of understanding and what obstacles are faced in recording the copyright of new dance works that they create. In addition, an interview was also conducted with one of the parties from the Ministry of Law and Human Rights of West Kalimantan Province as an institution in charge of copyright registration. The secondary data collection technique used is literature study. This study was conducted by conducting an inventory of laws and regulations as a positive legal basis to analyze the focus of the research. The data analysis method used in this study is qualitative analysis. The method of processing and analyzing data qualitatively is carried out by looking at the patterns of general principles for the phenomena that occur in human life, be it in the social, economic or humanities fields and then analyzed by looking at the basic rules of positive law that apply in Indonesia

3. RESEACRH AND RESULT

Copyright protection for new dance creators in Pontianak City

Copyright is a legal term used to name the results of creations or innovations in the fields of science, art and literature. This term, which is adapted from the English word copyright, and its Dutch equivalent is *auteur recht*. Scientists, writers, artists, and various other creators are the parties who most often intersect with Copyright. Through the enforcement of

this right, they obtain the exclusive right to publish, reproduce, and license their works to the public without restrictions based on applicable laws and regulations (Johnson, 2021).

The basic framework of thought is given to an individual a legal protection of his creation starting from a theory that cannot be separated from the dominance of the Doctrine of Natural Law which emphasizes the human factor and the use of reason as known in the *Civil Law System* which is the legal system used in Indonesia. The philosophy of the importance of providing legal protection for copyright is based on the theory of natural law, and is also justified by utilitarians who emphasize that the intelligence of economic principles, then copyright protection is needed to provide incentives for creators to produce their copyrighted works. According to the civil law system, human beings have natural intellectual property rights that are the product of human thought. This means that human beings have natural rights to both material and immaterial products derived from their intellectual labor and must be recognized as ownership. If this concept of thinking is applied to copyright, it can be said that the theory mentioned above is the most essential foundation that a creator has because of work (Yang & Yu, 2022).

New Creation Dance is developing in the modern era, usually in the form of a dance that no longer follows the standard rules of traditional dance. This dance is the result of the creativity of an artist who wants to express something through body movements based on his observations, feelings, and reflections. As explained in Chapter II above, new dance creations as works of art are protected in Law No. 28 of 2014 concerning Copyright, with the protection mentioned in Article 40 paragraph 1 letter (e) of the law.

Mechanism for recording copyrights of new dance creations

The process of registering dance copyrights in Indonesia is carried out through the Directorate General of Intellectual Property (DJKI) of the Ministry of Law and Human Rights of the Republic of Indonesia. Through this recording, the creator of dance artworks gets the exclusive right to control the use and distribution of their works. Copyright is protected by Law Number 28 of 2014 concerning Copyright.

Creators of artworks, in this case creators of new dance creations, can access a detailed application guide on the DJKI website. To access the copyright handbook on the Directorate General of Intellectual Property (DJKI) website First, open a browser and visit the official website of the DJKI at <https://dgip.go.id>. Once the main page opens, look for a menu or link that leads to the "Publications" or "Guides" section. The section provides a variety of downloadable documents and guidebooks, including guides on copyright. Use the search feature on the site to quickly find the necessary documents. Once you've found the copyright

handbook you want, click on the link to download it. This guide provides detailed information about copyright registration procedures, rights and obligations of copyright holders, and various other important information for creators and users of copyrighted works (Perez, 2019).

Based on an interview with the Regional Office of the Ministry of Law and Human Rights of West Kalimantan Province, the creator is required to attach an example of the creation to be recorded in the form of a recorded video in mp4 format with a maximum of 20 MB (megabytes) or in a link on the Youtube channel or other platforms as a form of publication of the creation.

Creative Dance as a form of art is protected by Law Number 28 of 2014 concerning Copyright, which gives exclusive rights to its creators in the form of moral rights and economic rights as stated in Article 4. Moral rights include the right of the creator to include or not include his name, use pseudonyms, maintain the integrity of the work (including the right to give permission to alter or adapt the work), as well as the right to change the title and maintain the honor of his work. In the case of adaptation, the work must be given a new title and can only be done with the written permission of the creator or his heirs. Economic rights give creators the authority to utilize their work commercially through various forms such as performance, distribution, broadcasting, and public borrowing. Article 40 paragraph (1) letter e states that dance, choreography, and other performing arts are protected works, so only creators or licensed parties may publish or reproduce them. The provisions regarding the granting of permits or licenses are further regulated in Articles 80 to 86. Legal protection for dance works applies during the lifetime of the creator plus 70 years after his death, in contrast to the classical dance of the palace which involves collective protection based on customs and traditions, and the legal subject can be in the form of communities or cultural institutions, while dance creations are protected individually.

Sanctions for Copyright Infringement

Of course, copyright infringement can be subject to various sanctions in accordance with Law No. 28 of 2014 concerning Copyright. If a person commits an act without rights related to the commercial use of new dance creations, such as duplication or dissemination without a permit, they can be subject to a maximum of 2 years in prison and/or a maximum fine of Rp300,000,000 (three hundred million rupiah), according to Article 112. In addition, parties who manage trading places who allow the sale or duplication of infringing goods can also be fined up to IDR 100,000,000 (one hundred million rupiah) in accordance with Article 114 (article 10 concerning trade). If the violation is committed more seriously, such as violating a wider economic right without permission, the criminal sanctions can be heavier, with

imprisonment of up to 4 years and/or a fine of up to Rp1,000,000,000 (one billion rupiah) as stipulated in Article 116. In cases of piracy, where copyright infringement is committed extensively and without permission, the penalty can be significantly increased, with imprisonment of up to 10 years and/or a fine of up to Rp4,000,000,000 (four billion rupiah), as stipulated in Article 118. All of these sanctions are designed to provide strict protection for the copyrights of new dance creations and prevent copyright abuse in the arts industry.

Copyright Protection of New Creation Dance in Pontianak

In particular, the copyright protection of new dance creations in Pontianak City has not experienced significant development when compared to creations produced by dance creators. This can be caused by several things, including the legal awareness of the dance creator to record his dance work in order to get protection of his moral rights and economic rights legally. According to Sudikno in Hamda Sulfinandia, legal awareness means awareness of what should be done or done or what should not be done or done to others (Sulfinadia, 2020). Meanwhile, according to Soejono Soekanto, legal awareness is the awareness or values contained in humans about existing laws or about laws that are expected to exist (Sulfinadia, 2020).

The above legal awareness is directly related to obedience to the law. The higher the legal awareness, the higher the legal obedience that exists in humans, including when there is a violation of the human being and what losses he suffers. As the results of interviews with several creators of Kreasi dance in Pontianak. According to Budi M.Sn, one of the interviewees, based on experience and personal observations, dance creators in Pontianak do not really understand the importance of a work being copyrighted. Assuming the length and complexity of the registration process and the costs that will be incurred, will it provide appropriate benefits for dance creators.

On the same occasion, Budi also conveyed that so far there has been no violation of his dance work by others. However, if that happens, it certainly gives disappointment and annoyance over the use of his work without permission. Considering the process of making works, related to time and cost, which is long and expensive, of course it is unethical. Budi admitted that even if it happened, there was not much he could do about the violation legally. So far, what dance creators have done is to contact people who use their work without permission and ask them to include the creator's name in the work.

Meanwhile, according to Markurius Uwing, the resource person who had used his dance work created by one of the Malaysian citizens and uploaded it on the Youtube platform without including his name as the creator of the original work, stated that the experience was an experience that was not worn for him. Annoyance and anger that arises when knowing that

his work is being used and acknowledged by others without permission from him. At that time, what could be done was to ask a friend for help to provide a comment on the Youtube channel in question to let them know that the published dance work was a dance work created by him.

However, in line with Budi, Markurius Uwing expressed his lack of understanding of the mechanism of copyright registration of his dance works and the financial usefulness of the copyright registration for him. Especially based on his experience working with government agencies, related to several things, usually complicated and time-consuming, so he does not have much hope for the government's contribution related to the protection of the copyright of the dance works he produces.

In contrast to the opinion expressed earlier, Kusmindari Triwati, one of the speakers who is also a senior dancer in West Kalimantan, argued that she did not feel the need to register the copyright of her dance works. In fact, he does not object to the use of his dance works without permission by others. According to him, each dance work is created through a very long process, such as determining the composition of movements, floor patterns, attachment of movement to the story or message that wants to be conveyed through dance and many other things. So that if there is a use of the dance work created without permission, then the dance loses its soul, the message of the dance will not be conveyed, and the result will not be beautiful.

According to Kusmindari Triwati, if the work is registered as copyrighted, the work loses its meaning. Each work has an essence to be utilized, studied and developed. The recording will limit the space used by his works.

From the results of the interview, it can be concluded that the legal goal of providing protection and security to the community has not been achieved optimally as long as the community does not know the legal product itself, both the reason for the legal product being made, the mechanism for implementing the law, the advantages and disadvantages of the existence of the legal product or how to remedy the violations that occur.

Obstacles faced by dance creators in efforts to protect copyrights for new dance creations in Pontianak City

Based on the results of interviews with the creators of the dance creations, the obstacles faced by them in the efforts to protect the copyright of their new dance works are their ignorance of the importance or benefits if they register the copyright of their work. As stated by two other speakers, namely Diego and Albertus Benny, who are also the creators of creative dances in Pontianak City, that they also have no knowledge of the recording mechanism in question.

Each resource person has the same idea about how to register the copyright of their work, which is complicated and costly. With the above thought, they have never been interested in registering the copyright of the new dance work they have created. However, if there is a violation or use of their work without permission, then they will contact the relevant party personally, either by asking to include their name as the creator of the dance or deleting the published video.

As conveyed by Budi, what is expected from the government is socialization regarding the recording of new dance copyrights. The socialization is expected to be carried out by specifically targeting participants, namely new dance creators in the city of Pontianak. Moreover, Budi conveyed, Tanjungpura University has a study program in Drama, Dance and Music Education where students carry out their final projects by creating a work, one of which is a new dance creation (Johnson, 2021).

The government, especially the Ministry of Law and Human Rights, through an interview in this study said that it has carried out a program to promote and disseminate Intellectual Property to education on law enforcement and protection of copyrighted works. These efforts are carried out periodically every year, not only in Pontianak, but also in all regencies/cities in West Kalimantan. In addition, the Regional Office of the Ministry of Law and Human Rights also opens up consultation opportunities, registration assistance and things that support efforts to increase the registration of Intellectual Property to various parties, both MSMEs, APH, agencies and creative art actors (Riwanto et al., 2023).

On the same occasion, the regional office of the Ministry of Law and Human Rights of West Kalimantan Province gave recommendations in an effort to improve copyright protection for new dance creators in Pontianak City is that the Regional Government can fully support both in terms of facilities, education and law enforcement. The facility in question is related to the issuance of letters of recommendation and incentive facilities to ease the financing of PNBK deposited to the State.

4. CONCLUSION

Copyright protection for new dance creators in Pontianak City is regulated by Law No. 28 of 2014 concerning Copyright. The copyright registration mechanism is carried out through the Directorate General of Intellectual Property (DJKI), which gives exclusive rights to creators to control the use and distribution of their works. However, the awareness and understanding of dance creators regarding the importance of copyright registration is still low, which has an impact on the lack of legal protection they obtain. The main obstacle faced by new creation

dance creators in Pontianak City is the lack of knowledge and awareness about the mechanism of copyright registration and the benefits obtained from such registration. Many dance creators find the registration process complicated and expensive, so they are not interested in registering the copyright of their work. In addition, socialization from the government regarding the importance of copyright and how it is recorded has not been specifically targeted according to the needs of a group.

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