



Legal Protection Of The Creator Of Online SKCK Computer Programs Which Hasn't Be Registered Under Law Number 28 Year 2014

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Abstract

Copyright is one part of intellectual property that has the broadest scope of protected objects, because it includes science, art and literature (*art and literary*) which includes computer programs. Copyright is a special right for the creator or recipient of the right to announce or reproduce the copyright or give permission for it in the fields of science, art, and literature, with certain restrictions. In Article 1 point 1 of Law No. 28 of 2014 concerning Copyright (hereinafter abbreviated as UUHC) it is regulated that copyright is the exclusive right of the creator which arises automatically based on the declarative principle after a work is realized in real form without reducing restrictions in accordance with statutory provisions - invitation. Anform of legal protection for creators of SKCK computer programs *online* unregistered, that computer programs are including works protected by law. The creator has an exclusive right that is moral rights and economic rights, and the rights are published since an idea is realized in a tangible form, copyright occurs not because of registration of the creation. The creator has the right to obtain proactive and repressive legal protection for the work if the rights are violated. The legal strength of the SKCK computer program *online* that has not been registered under Law No. 28 of 2014, that the registration of a work is not a requirement and for registrants to be considered as the creator, but if a work is transferred and the transfer of the work is not made in writing as referred to in Article 16 paragraph (2) letter e UUHC, then because it is a must, the transfer of copyright without being made in writing, either under the deed of hand or an authentic deed, is considered to have never occurred a transfer of copyright and there is no written evidence if disputed on the basis of copyright infringement.

Keywords: Legal Protection, Creator, Online

I. Introduction

Intellectual property rights are rights to do something about intellectual property that is governed by applicable norms or laws. Intellectual property rights are the result of human brain processing implemented in the form of works in the form of works, art, designs and inventions that can be utilized in human life. The results of brain processing were then formulated as intellect. Munir Fuady revealed, intellectual property rights are legal and recognized material rights over intangible objects in the form of intellectual property / creations, which can be in the form of copyrights, patents, brands, and others.

Copyright is one part of intellectual property that has the broadest scope of protected objects, because it includes science, art and literature (*art and literary*) which includes computer programs. Copyright is a special right for the creator or recipient of the right to announce or reproduce the copyright or give permission for it in the fields of science,

art, and literature, with certain restrictions. In Article 1 point 1 of Law No. 28 of 2014 concerning Copyright (hereinafter abbreviated as UUHC) it is regulated that copyright is the exclusive right of the creator which arises automatically based on the declarative principle after a work is realized in real form without reducing restrictions in accordance with statutory provisions - invitation.

The intended copyright is the exclusive right of the creator as specified in Article 1 number 1 of the UUHC, that copyright is "the exclusive right of the creator which arises automatically based on the declarative principle after a work is realized in real form without reducing restrictions in accordance with statutory provisions". Copyright arises by itself based on a declarative meaning that copyright gets protection from the moment the idea is realized in a tangible form without reducing restrictions in accordance with statutory provisions, copyright is an exclusive right that is moral rights and economic rights. This right is in accordance with Article 4 of the UUHC, that copyright is an exclusive right consisting of moral rights and economic rights.

According to Muhammad Djumhana, copyright is an exclusive right for a creator to announce or reproduce his work in the fields of science, art and literature, which may consist of books, computer programs, lectures, lectures, speeches and other similar creations with it, as well as the right related to copyright. Moral rights are rights that are eternally inherent in the creator to keep their names or not listed in the copy in connection with the use of his work to the public; use the alias or pseudonym; change their creations according to propriety in society; change the title and subtitle of the work; and retain their rights in the event of a distortion of the work, mutilation of the work, modification of the work, or matters which are detrimental to their self-respect or reputation as referred to in Article 5 paragraph (1) of the UUHC.

The economic rights of the creator or holder of copyright, as Article 7 of the UUHC. Economic rights are the exclusive rights of creators or copyright holders to obtain economic benefits for the work as stated in Article 8 of the UUHC. The creator or copyright holder as referred to in Article 8 has the economic right to: publish the work; duplication of creation in all its forms; translation of creation; adaptation, arrangement, or transformation of the work; distribution of works or copies; show creation; announcement of creation; communication of creation; and leasing the creation.

In copyright there are also two rights whose meanings are expressed in the statement above, namely:

a. Moral

b. Rights Economic Rights of

Creation are based on inspiration, ability, thought, imagination, dexterity, skill, or expertise expressed in tangible form. This means that the intended creation is an idea from the creator and the idea is expressed in a tangible form, so that it is referred to as a creation if it contains two things, namely: expression of an idea; originality of an idea. Expressed or stated in a certain form, formed by creation and obtained legal protection, expression or pouring of ideas in a distinctive and personal form, may not imitate other people's ideas, meaning that the creation is required to be original or original from the work of the creator himself.

The party who has the original ideas and ideas then the ideas are expressed in the form of creation, then from that time received legal protection that is the protection of the creator's rights from the actions of other harmful parties, the protection was given to the public so that they can enjoy all the rights granted by law . Legal protection for a work since an idea is realized, because there is no obligation for the creator to register his work. Although there is no obligation for the creator to register his work, but by registering a work it can be used as evidence in the form of a copyright certificate.

If it is related to the case of the creation of the SKCK computer program, in which the creator as the copyright holder or the exclusive right for the creator, both moral rights and economic rights, if there are other parties who will outsource a work, then the copyright holder must approve it. The creator in utilizing his creation collaborates with the police in Sidoarjo, if the creation is used by someone else without rights, then it must be able to prove that the computer program is an original idea X and is expressed or realized in the form of a creation, if it cannot prove that the computer program it is not original, so does not get legal protection.

The creator of the SKCK computer computer program *online*, in this case X, if he can prove it as an creator, then obtain a right as an author, that is, an exclusive right as Article 1 number 1 of the UUHC, which determines that copyright is the exclusive right of the creator which arises automatically based on declarative principles after a work is realized in real form without reducing restrictions in accordance with statutory provisions.

Taking into account the description of Article 1 number 1 of the UUHC as mentioned above, it can be explained that the owner or creator of the SKCK computer program *online*

in this case X by law is given the rights known as exclusive rights according to Article 4 UUHC is a right consisting of moral rights and economic rights, according to the Elucidation of Article 4 of the UUHC, exclusive rights are rights that are only reserved for the Creator, so that no other party can utilize these rights without the author's permission. Copyright holders who are not creators only have a part of the exclusive rights in the form of economic rights. In this position X as the creator by UUHC was given exclusive rights namely moral rights and economic rights, while the police agency as the recipient of copyright as the holder of economic rights did not have moral rights.

The moral rights of the creator in this case X according to article 5 of the UUHC are the inherent inherent rights of the creator to keep their names or not listed in the copy in connection with the use of their work for the public. Use the alias or pseudonym; change their creations according to propriety in society; change the title and subtitle of the work; and retain their rights in the event of a distortion of the work, mutilation of the work, modification of the work or things that are detrimental to their self-respect or reputation. Moral rights can not be transferred as long as the creator is still alive, but the exercise of these rights can be transferred with a will or other cause in accordance with the provisions of the legislation after the creator dies.

Moral rights are rights that protect the personal interests or reputation of the creator. Moral rights are inherent in the person of the creator or inventor. If economic rights can be transferred to other parties, moral rights cannot be separated from the creator or inventor because they are personal and eternal. The eternal nature shows the characteristics associated with the good name, abilities and integrity that only the creator has. Regarding this matter Muhamad Djumhana and Djubaedillah are "rights which protect the personal interests of the creator".

The work in the form of SKCK's computer program *online* owned by X as the creator by the police agency has been edited so that what happens is the distortion of the work, mutilation of the work, modification of the work, or things that are detrimental to their self-respect or reputation, because it was done without X's approval as the creator. The act has violated the copyright that is violating the moral rights of X as the creator protected by law as referred to in Articles 4 and 5 of the UUHC.

X rights related to economic rights or the right relating to interests that are economic (*Economic Rights*). The existence of economic interests in the copyright, is an embodiment of the nature of the copyright itself, namely that the creations which are the

products of human thought have a value, because they are a form of wealth, even though their form intangible. According to Article 8 of the UUHC, that economic right is the exclusive right of the creator or copyright holder to obtain economic benefits for the work. Economic rights are the exclusive rights of the creator in addition to moral rights, while for the copyright holder is not the creator as Article 4 of the UUHC, only has economic rights. Regarding economic rights for the creator in this case X as Article 9 UUHC, that the creator or copyright holder has the economic right to publish the work; duplication of creation in all its forms; translation of creation; adaptation, arrangement, or transformation of the work; distribution of works or copies; show creation; announcement of creation; communication of creation; and leasing the creation. Every person who exercises economic rights is required to get permission from the creator or copyright holder. Any person without the author's permission or copyright holder is prohibited from making a copy and / or commercial use of the work. The work in the SKCK computer program *online* is used by police agencies whose commercial use is in the use of the computer program creation without first asking permission from X as the creator, so that it can be said to have violated the economic rights of X as the creator.

The term copyright was first proposed by Moh. Shah, at the Cultural Congress in Bandung in 1951 as a substitute for the term author rights that are considered less broad in scope of understanding. The term author rights itself is a translation of the Dutch term Auteurs Recht. Declared "less extensive" because the term author rights gives the impression of "narrowing" meaning, as if covered by the author's rights are only the rights of the authors alone, which have to do with the fabric of the authors, while the term copyright is broader, and the term also includes the fabric of coral.

According to Patricia Loughlan, Definition of Copyright is a form of ownership that gives the holder exclusive rights to supervise the use and use of an intellectual creation, as creations are specified in the copyright category, namely literature, drama, music and art work, as well as sound recordings, films, radio and television broadcasts, as well as works that are reproduced through publishing.

Definition of Copyright according to McKeoug and Stewart, Copyright is a concept in which the creator (artist, musician, filmmaker) has the right to use his work without allowing other parties to imitate the results of his work.

Copyright according to Article 1 number 3 of the UUHC, is every work in the field of science, art and literature that is produced on inspiration, ability, thought, imagination,

dexterity, skill, or expertise expressed in tangible form. A work is the work of a human being born because his intellectual ability comes from the mind, imagination, dexterity, skill, or expertise, therefore the copyrighted work is truly an original work, in other words, the work must be produced by someone who recognizes the work as essay or his creation. The work may not be copied or reproduced from other works. If the creator or author has applied a fairly high level of knowledge, expertise and judgment in the process of creating his work, this is sufficient to be considered sufficient to meet the nature of authenticity in order to obtain copyright protection.

Regarding creation according to Harsono Adisumarto, stated as follows: It is called a creation if it contains two things, namely: expression of an idea; originality of an idea. Inspiration of a person or people based on thoughts, imagination, dexterity, skills or expertise is still an idea. At this phase there is no legal protection. If the idea is expressed or stated in a particular form, the creation is formed and obtained legal protection, the expression or pouring of ideas in a form that is unique and personal, must not imitate other people's ideas, it means that the creation must be original or original from the work of the creator himself.

There is no obligation for the creation to register, the creator if registered will obtain a certificate of copyright, but the legal force is considered as the creator known as the declarative registration system. The right to creation is born from the moment an idea is expressed and expressed in a specific and special form, as well as the originality of an idea, so that it is in the form of a creation and receives legal protection. Rahmi Jened regarding registration stated that it meant, although registration was not a requirement, there was a high willingness to register, given a number of reasons. Copyright registration is a requirement that is required by law to establish a violation suit. It is also the need to obtain compensation specifically stipulated by the UUHC and the registration certificate establishes the initial facts of the validity of the copyright. Finally, registration is needed for the transfer of ownership so that the third party knows about the interests of the recipient right after the transfer. Because a work is born since the idea is expressed and expressed in a specific and special form, it means that the creation adheres to a declarative registration, meaning that the right to a work is not born due to registration, but is born at the same time as embraced by the Indonesian state.

The intended copyright is the exclusive right of the creator as specified in Article 1 number 1 of the UUHC, that copyright is "the exclusive right of the creator which arises

automatically based on the declarative principle after a work is realized in real form without reducing restrictions in accordance with statutory provisions". Copyright arises by itself based on a declarative meaning that copyright gets protection from the moment the idea is realized in a tangible form without reducing restrictions in accordance with statutory provisions, copyright is an exclusive right that is moral rights and economic rights. This right is in accordance with Article 4 of the UUHC, that copyright is an exclusive right consisting of moral rights and economic rights.

According to Muhammad Djumhana, copyright is an exclusive right for a creator to announce or reproduce his work in the fields of science, art and literature, which may consist of books, computer programs, lectures, lectures, speeches and other similar creations with it, as well as the right related to copyright. Moral rights are rights that are eternally inherent in the creator to keep their names or not listed in the copy in connection with the use of his work to the public; use the alias or pseudonym; change their creations according to propriety in society; change the title and subtitle of the work; and retain their rights in the event of a distortion of the work, mutilation of the work, modification of the work, or matters which are detrimental to their self-respect or reputation as referred to in Article 5 paragraph (1) of the UUHC.

Taking into account the description and discussion as mentioned above, it can be explained that X as the creator of the SKCK computer computer program *online* was used or the collaboration of a work with the police, but this form of cooperation was made in an unwritten cooperation agreement, but based on mutual trust. The creator has moral rights and economic rights and these rights initially X obtained their rights as creators, that is, moral rights with the creator's approval of the use of the work and economic rights, in the form of royalties it receives in each month. In subsequent developments there was a change of leadership, although in general they still used the SKCK computer program *online*, changes were made to the character of the screen display even though the core modifications had been made, and since then economic rights were no longer accepted by X. The act of changing the character display the screen even though the same modifications have been carried out without the approval of X, the actions of the police agency have violated the copyright that is the exclusive right in the form of moral rights and economic rights.

The creation computer SKCK computer program *online* was not registered by X as the creator. Referring to the provisions of Article 5 of the UUHC, that the exclusive rights of

the creator that arise automatically based on the declarative principle after a work is realized in tangible form. In connection with copyright registration, that arises automatically based on declarative principles, that registration of a work is not a necessity, because the work has obtained protection since the idea was realized and the work was original. Registration is not a necessity, meaning that the work has a registration system *declarative* (the registrant is considered as the owner of the rights to the work). This is consistent with what was stated by Saidin that in systems *constitutive* where the location of a copyright exists depends on its registration. If registered (with a system *constitutive*) the copyright is recognized as an existence *de jure* and *de facto* whereas in the *declarative system* the emphasis is placed on the perception as the creator of the registered rights, until others can prove otherwise. In another formulation, even in a system *declarative* the copyright is registered by law only recognizes as if the person concerned is the owner, *de jure* must be proven again, if someone else denies that right.

Legal Repressive protection is the final protection in the form of sanctions such as fines, imprisonment, and additional punishment given if a dispute has occurred or a violation has been committed. This means that if preventive legal protection is intended to resolve problems that occur outside the court, then the repressive resolution is the final solution when the settlement by means of incentives does not pay off.

Compensation lawsuits for acts that violate copyrights are unlawful acts, but the UUHC does not provide an explanation regarding claims for compensation on the basis of acts that violate the law, because special rules do not regulate them, what is used is the rules of violating common law regulated in Article 1365 The Civil Code (hereinafter abbreviated as the Civil Code), which determines: Every act that violates the law, which brings harm to another person, obliges the person who by mistake issued the loss, replacing the loss ".

The provisions of Article 1365 of the Civil Code mentioned above contain the following elements:

- 1) Acts that violate the law (*onrechtmatige daad*);
- 2) There must be an error;
- 3) There must be losses incurred;

There is a causal relationship between acts and losses.

Copyright infringement Article 113 UUHC

- (2) Any person who without the rights and / or without permission of the Author or the Copyright holder violates the economic rights of the Author as referred to in Article 9 paragraph (1) letter c, letter d, letter f, and / or letter h for Commercial Use shall be sentenced to a maximum imprisonment of 3 (three) years and / or a maximum fine of Rp. 500,000,000.00 (five hundred million rupiah).
- (3) Every person who without rights and / or without permission of the Author or the Copyright holder violates the economic rights of the Author as referred to in Article 9 paragraph (1) letter a, letter b, letter e, and / or letter g for Use Commercially liable to a maximum of 4 (four) years imprisonment and / or a maximum fine of Rp1,000,000,000.00 (one billion rupiah).

II. Method

The research methodology used in preparing this paper is the Normative Juridical method with the Statute Approach and Conceptual Approach approach, namely through an effort to approach the problem with a normative legal nature, emphasizing the search for norms and principles in statutory regulations, as well as other relevant regulations , and outlining the norms and articles, as well as the concepts and views or opinions of experts relating to the issues raised in this paper. So it can be seen clearly the adjustment of laws and regulations related to the problem

III. Main Heading of the Analysis or Results

Law No. 28 of 2014 promulgated with the consideration that the development of science, technology, art, and literature, has been so rapid that it requires increased protection and guarantees of legal certainty for the creator, copyright holder, and owner of related rights, as Considering the Considering Section. Information technology must provide legal protection to a creature in the form of a computer program for the creator so that it is very necessary, so that the creator continues to have passion and is produced on inspiration, abilities, thoughts, imagination, dexterity, skills, or expertise expressed in tangible form.

Copyright is one part of intellectual property that has the broadest scope of protected objects, because it includes science, art and literature (art and literary) which includes computer programs as well as the UUHC General Explanation. Computer programs according to Article 1 number 9 of the HC Law are a set of instructions expressed in the

form of language, codes, schemes, or in any form intended for computers to perform certain functions or to achieve certain results.

The owner of a computer program for managing SKCK has exclusive rights and economic rights over the computer program as a form of protected creation. Economic rights are the exclusive rights of the Author or the Copyright Holder to obtain economic benefits for the work as specified in Article 8 of the UUHC. So the creator of the SKCK management computer program has economic rights and exclusive rights to the creation. The work of the SKCK management computer program with the approval of the creator is used by the Police in Sidoarjo, which means that its use is based on economic rights and if it will make changes to a work it must be with the creator's approval on the basis of being the exclusive owner of a computer program according to Article 40 paragraph (1) letter s UUHC is included as a protected work.

Exclusive rights to a work are basically born automatically based on the declarative principle after a work is realized in a tangible form, that the right to a work is not born because of an internal registration general list of works as creators, but since an idea is expressed, but if a work is registered, a letter of registration of the work and a public record will be published. Public Register of Works shall contain the name of the Author and the Copyright Holder, or the name of the owner of the product of the related Right; the date of receipt of the application; the complete date of the requirements for registration number of the work or product of related rights. The public list of Creations can be seen by anyone at no charge.

The right to a work is born since the idea is expressed in a form, which means that a work in the form of a computer program is really the idea of the creator and has been expressed in a form, so it is not because of a registration of a work. Although a computer program creation is registered, the registration is not proof that the creator of the computer program is the copyright holder. Such registration is known as declarative registration.

Registration in a declarative system for a work, especially a computer program creation, is more functioning to facilitate proof, meaning that with a letter obtaining a registration letter, it will be easy to prove if there is another party claiming to be the creator. This will apply as long as the other party cannot prove to be the creator who can prove that he is the owner of the idea and the idea has been expressed in a form of creation and is a creation that is not a pure copy.

Declarative system is a registration system that only raises the suspicion of the rights as the owner of a work. A declarative system is considered less guaranteeing legal certainty than a constitutive system based on the first registration which provides more legal protection.

The legal consequences of the creation of the SKCK computer program online as a result caused by the law, on an act carried out by legal subjects in this case X who claimed to be the creator and the Sidoarjo Police Agency admitted to making some changes from the original for example on the character of the screen display although essentially the same modifications have been made. Legal consequences are a result of actions taken, to obtain an expected effect by actors legal in this case X claims to be the creator and the Sidoarjo Police Agency which recognizes the computer program is a program of his creation originating from several changes from the original for example on the character of the screen display although essentially the same modifications have been made. The intended effect is the effect regulated by law, while the action taken is a legal action that is an action that is in accordance with applicable law.

In the conditions as stated above, if each party maintains that the creation of an online computer management SKCK program is their right, then efforts must be taken to resolve disputes outside the court hearing to take a middle ground that does not harm the parties.

X, who felt himself as the creator, thus acting as the copyright holder even though he could not prove it because the work was not registered (even though there was no obligation to register a work) other than that it could not prove that the work was transferred or used by the Sidoarjo Police Agency because it could not prove the existence cooperation in the form of written evidence both under the hand and with authentic deeds as article 16 of the UUHC.

The Police Agency acknowledged that the SKCK online computer management program was edited so that there was a change from the original, for example, on the character of the screen display even though the same core modifications had been made. This action is wrong and violates the provisions of Article 6 of the UUHC.

Both parties, in this case X, who claimed to be the creators of the computer management program SKCK online in collaboration with the use of copyright with the Sidoarjo Police Agency in the form of transferring economic rights to a work, but the condition is weak in the sense that there is no legal certainty because it cannot prove as creator and

collaboration not formed in writing. The Sidoarjo Police Agency can also be said to have made a mistake because there have been some changes from the original for example on the character of the screen display even though the core modification has been done without asking for approval from X as the creator and holder of moral rights.

The moral rights of the creator in this case X according to article 5 of the UUHC are the inherent inherent rights of the creator to keep their names or not listed in the copy in connection with the use of their work for the public. Use the alias or pseudonym; change their creations according to propriety in society; change the title and subtitle of the work; and retain their rights in the event of a distortion of the work, mutilation of the work, modification of the work or things that are detrimental to their self-respect or reputation. The distortion of the work referred to in the Elucidation of Article 5 letter e UUHT is an act of distorting a fact or identity of the work. It is said to distort the fact that the Sidoarjo Police Agency acknowledged that the computer program was a creation of X that was used on the basis of collaborative use of online SKCK management, but by having done some editing or made some changes from the original for example there were fictional characters even though their core modification was the same. do it.

The Police Agency acknowledged that the SKCK online computer management program was edited so that there was a change from the original, for example, on the character of the screen display even though the same core modifications had been made. This action is wrong and violates the provisions of Article 6 of the UUHC.

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The moral rights of the creator in this case X according to article 5 of the UUHC are the inherent inherent rights of the creator to remain included or do not include his name on the copy in connection with the use of his work for the public. Use the alias or pseudonym; change his creation in accordance with propriety in society; change the title and subtitle of the work; and retain their rights in the event of a distortion of the work,

mutilation of the work, modification of the work or things that are detrimental to their self-respect or reputation. The distortion of the work referred to in the Elucidation of Article 5 letter e UUHT is an act of distorting a fact or identity of the work. It is said to distort the fact that the Sidoarjo Police Agency acknowledged that the computer program was a creation of X that was used on the basis of collaborative use of online SKCK management, but by having done some editing or made some changes from the original for example there were fictional characters even though their core modification was the same. do it.

Moral rights can not be transferred as long as the creator is still alive, but the exercise of these rights can be transferred with a will or other cause in accordance with the provisions of the legislation after the creator dies.

Based on the description and discussion as mentioned above related to the legal power of the SKCK computer program *online* that has not been registered according to Law Number 28 of 2014, that X's position as a creator is protected as long as it can prove that the computer management program for SKCK online is his creation. However, the work was utilized by the Sidoarjo Police Agency on the basis of an agreement on the use of economic rights which has no legal force because it is expressly regulated in Article 16 of the UUHC, that the transfer of rights to a work must be made in written form both under the hand and authentic deed.

The legal strength of the SKCK computer program *online* that has not been registered under the UUHC, as long as X can prove that the online computer management SKCK program is his creation, even though it has not been registered with legal protection. However, this legal protection cannot be maintained against the Sidoarjo Police Agency regarding the use of the computer program because it was deemed that there was never a transfer of rights. The Sidoarjo Police Agency, if it still functions to arrange SKCK with an online program, does not do any editing so that occur changes from the original, for example, on the character of the screen display, even though the same modifications have been made, as opposed to Article 5 jo Article 6 of the UUHC.

Steps taken by X as the creator with the Sidoarjo Police Agency with deliberation to reach consensus, by continuing to collaborate in the use of the creation of the computer program. Steps that need to be taken, X as the creator asked for their rights in the form of royalty that has not been paid so far by the Sidoarjo Police Agency, there is an agreement that the Sidoarjo Police Agency has not violated the provisions of Article 5

and Article 6 of the UUHC, because changing the appearance in a computer program is an action that is prohibited. Both parties agree to continue the cooperation agreement on the use of the X computer creation program by making a written cooperation agreement in accordance with what is meant by the provisions of Article 16 paragraph (2) letter e UUHC, that copyright can be transferred or transferred, both in whole or in part because of a written agreement, both in the form of a deed under the hand or with an authentic deed that is a deed made before a notary. The written agreement to transfer the copyright of a computer program in addition to guaranteeing a legal certainty regarding the transfer of copyright, can also be used as evidence if disputed. Preventive settlement steps, namely peaceful settlement, are more appropriate when compared to settling through copyright infringement claims to the court. Settlement by deliberation aside from not consuming a lot of time, energy and cost, is expected to be re-established a cooperative relationship using the computer program. If peacefully does not bring results, then the creator can settle by submitting a claim for compensation to the Commercial Court based on the provisions of Article 96 of the UUHC, that the creator, the holder of the Copyright and / or the holder of the relevant rights or heirs who suffer a loss of economic rights are entitled to obtain Compensation. Compensation as referred to in paragraph (1) shall be provided and included at the same time in the court ruling on criminal cases related to Copyright and / or related Rights.

Regarding compensation as referred to in Article 96 in conjunction with Article 1 number 25 of the UUHC, according to Abdulkadir Muhammad, in an unlawful act, according to jurisprudence "losses arising from unlawful acts, the provisions are the same as the provisions of losses arising from defaults in the agreement. These provisions are treated by analogy. " Losses incurred on the basis of default in the form of costs, losses and interest in accordance with the provisions of Article 1246 of the Civil Code, as previously quoted. So the form of compensation in an unlawful act consists of reimbursement of costs, losses and interest.

IV. Conclusion

Anform of legal protection for creators of SKCK computer programs *online* unregistered, that computer programs are including works protected by law. The creator has an exclusive right that is moral rights and economic rights, and the rights are published since an idea is realized in a tangible form, copyright occurs not because of registration of the creation. The creator has the right to obtain proactive and repressive legal

protection for the work if the rights are violated. The legal strength of the SKCK computer program *online* that has not been registered under Law No. 28 of 2014, that the registration of a work is not a requirement and for registrants to be considered as the creator, but if a work is transferred and the transfer of the work is not made in writing as referred to in Article 16 paragraph (2) letter e UUHC, then because it is a must, the transfer of copyright without being made in writing, either under the deed of hand or an authentic deed, is considered to have never occurred a transfer of copyright and there is no written evidence if disputed on the basis of copyright infringement.

The suggestions is should be registered, even though there is no need to register the work, because by registering a work there will be written evidence that the registrant is the creator. The transfer of rights to a work should be made in writing, because it is required by the UUHC, it can also be used as evidence of such a transfer if there is a dispute in the future, even if the work is not registered.

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