

Juridical Analysis: Unraveling Malaysia's Modification of the Song 'Halo-Halo Bandung' Within the Legal Parameters of Law No. 24 of 2014

Tobias Halim¹, Ravano Harsha², Gogo Sinurat³

Universitas Pelita Harapan, Indonesia

¹gogoapplejuice4778@gmail.com

Abstract

Copyright in particular is an essential component of intellectual property rights, which are necessary to protect artistic creations and acknowledge author ownership. These rights provide writers complete control over their works, guaranteeing that they are properly credited and compensated for their contributions. Malaysia misrepresented the song "Halo-halo Bandung" as "Hello Kuala Lumpur," falsely claiming it to be a Malaysian anthem despite its obvious similarities to the original Indonesian composition by Ismail Marzuki. This is an example that emphasizes the significance of this allegation. This misattribution is against copyright laws, demonstrating a disregard for the integrity of intellectual property and creative boundaries. Article 40 within the framework of Law No. 28 of 2014 regarding Copyright explicitly identifies musical compositions as a specific form of creative work entitled to protection under copyright law. The study aims to detail and demonstrate how Malaysia misinterpreted the song "Halo-Halo Bandung" in contravention of Copyright Law. This serves to exemplify Indonesia's endeavors as a member of the World Trade Organization in addressing Malaysia's infringement of the song's copyright. In order to prevent such infringements and maintain the originality of creative expression, this thesis highlights the need of maintaining copyright rights and the necessity of international cooperation.

Keywords: Copyright; necessary; protect

A. Introduction

The foundation for recognizing and preserving the products of human ingenuity and creativity is the protection of intellectual property rights. Copyright is a crucial legal protection that gives authors the only right to assert ownership and distribute their works. It grants authors the exclusive right to display their works as their own, guaranteeing that the fruits of their copyrighted labors stay theirs,

unshared and unutilized by others without express permission.¹

In the realm of copyrighted works, such as music compositions, the essence of legal protection is profoundly enshrined, as highlighted in Article 40 of Law No.28 of 2014 concerning Copyright, which explicitly delineates the scope of safeguarding creative works. An intriguing case study arises in understanding the Malaysian misrepresentation of the song "Halo-halo Bandung," illuminating Indonesia's ardent efforts as a member state of the World Trade Organization to combat copyright infringements.²

After further inspection, it is quite obvious that Malaysia has altered the spirit of "Halo- halo Bandung." Platforms such as the Kanak TV songs YouTube channel and other social media channels where the song was shared clearly demonstrate this distortion. The misrepresentation of Malaysia is evident in the song "Hello Kuala Lumpur" being marketed as a patriotic Malaysian anthem, even though it bears a striking musical notational and lyrical similarity to the 1946 original composition by Ismail Marzuki.³

The inconsistency between attribution and recognition indicates a violation of copyright integrity, highlighting Malaysia's disregard for the creative limitations imposed by copyright legislation. In addition to undermining the integrity of intellectual property, the intentional mixing of different musical compositions also compromises the fundamentals of artistic authorship and cultural legacy.

This case essentially highlights the importance of maintaining copyright protections and the critical requirement for diligent adherence to the legal frameworks that define intellectual property rights. It serves as a painful example of the need for international collaboration and respect to established norms in order to prevent copyright infringements and protect the value of creative expression,

¹ Aditya, I Gusti Putu Agung Angga. *Perlindungan Hak terkait Sehubungan Dengan Cover Version Lagu berdasarkan Undang-Undang Hak Cipta*. Faculty of Law Udayana University, 2018

² Swari, P. Dina Amanda and Subawa, I Made. *Perlindungan Hukum Lagu Yang Diunggah Tanpa Izin Pencipta Di Situs Youtube*. Faculty of Law Udayana University, 2020.

³ Febriharini, Mahmuda Pancawisma. *Eksistensi Hak Atas Kekayaan Intelektual Terhadap Hukum Siber*, Vol. 5, No. 1, *Scientific Journal*. Faculty of Law University of Semarang 17 Agustus 1945, Semarang, 2016.

especially inside the World Trade Organization.

Because they are intelligent and creative beings by nature, humans create things that have a big impact on other people's lives. With the passage of time, the act of creation gives rise to rights that are codified in Law Number 28 of 2014 as copyright. This law seeks to protect the authors' intellectual property rights while acknowledging the wide variety of human creations, including music.

Legal protection of intellectual property rights, which derive from human intellectual endeavors expressed in physical products like musical compositions, is essential. Like other Intellectual Property Rights (IPRs), copyright gives artists the only right to their works, guaranteeing that the profits from them go only to them. This legislative provision emphasizes the value of protecting and recognizing the authorship and ownership of creative activities. It is stated in Article 40 of Law No. 28 of 2014.

Songs are among the creative works that are shielded by copyright laws since they are dynamic expressions that change over different genres and lyrical subjects. Songs communicate a range of emotions and social messages, from pop to jazz to hip hop and beyond in classical and modern genres. While some songs are meant to evoke feelings of love and loss, others have a more nationalistic aim, inspiring patriotism and the will to fight for one's country.⁴ Known as "struggle songs," these tunes are written to commemorate the sacrifices made by our country's warriors and to encourage grit in the next generation. The authors of these songs are entitled to copyright protection for their creations, which includes both legal and financial ownership.⁵

One such example is the well-known Indonesian "struggle song" "Halo-halo Bandung," which was written by Ismail Marzuki in 1946. Recently, "Hello Kuala Lumpur," a song from Malaysia, was broadcast. Its musical arrangement and lyrics are remarkably similar to those of "Halo-halo Bandung." Even with a few different

⁴ Setyaningrum, Indriasari. *Perlindungan Hak Eksklusif Pencipta Terkait Hak Moral dan Hak Ekonomi Dalam Perjanjian Royalti Dengan Penerbit Buku*. UB Press Malang, Bayumedia Malang, 2014.

⁵ Gischa, Serafica. 2021. "Perbedaan Lagu Wajib Dan Lagu Nasional." January 29.

<https://www.kompas.com/skola/read/2021/01/29/143009269/perbedaan-lagu-wajib-dan-lagu-nasional>.

lines, there was no denying the similarity. "Hello Kuala Lumpur" was identified as a patriotic Malaysian song in the broadcast, which was hosted by Kanak TV Songs. Even though "Halo-halo Bandung" was registered with DJKI, it was misrepresented as a patriotic Malaysian composition that was both altered and fraudulently acknowledged.⁶

This is not an isolated instance. Malaysia has recognized as its own a number of Indonesian inventions, including "Rasa Sayange," "Reog Ponorogo," "Lagu Tortor," "Batik," "Tari Pendet," and others. This position seriously jeopardizes Indonesia's creative identity in addition to disdaining the country's cultural legacy.

The question of how "Halo-halo Bandung" and Malaysia's version of "Hello Kuala Lumpur" are comparable warrants a thorough examination with consideration to legal, cultural, and ethical issues. This incident highlights the complex relationship between cultural heritage and intellectual property rights, calling into question the steps required to safeguard artistic expression in an increasingly interconnected society.

First and foremost, this copyright infringement case emphasizes how urgently strong legal frameworks are needed, both nationally – as Indonesia's Law No. 28 of 2014 outlines – and internationally – through agreements within the World Trade Organization. This highlights how crucial it is to have strong enforcement procedures and more distinct rights definitions in order to protect artistic works from unlawful duplication or misrepresentation.'

Furthermore, this issue has a strong cultural identity resonance. It highlights how easily a country's cultural heritage can be misinterpreted or incorrectly credited, which poses a serious risk to Indonesia's rich cultural heritage. The incorrect designation of "Halo-halo Bandung" as a Malaysian invention warps historical accounts and minimizes Indonesia's unique cultural legacy, calling for greater caution when recognizing and crediting the achievements of cross-cultural artists.

From an ethical standpoint, this problem poses important questions regarding

⁶ Liputan6.com. 2009. "James F. Sundah: Kerugian Indonesia Sangat Banyak." August 27. <https://www.liputan6.com/news/read/242099/james-f-sundah-kerugian-indonesia-sangat-banyak>.

nations' moral duties to protect and preserve one another's cultural legacy. It emphasizes how crucial it is to respect and acknowledge the creators and places of creative works in order to preserve the authenticity and variety of the world's cultural landscapes. This ethical concern emphasizes mutual respect and gratitude in order to conserve the artistic contributions of other societies, going beyond legal bounds.

It also emphasizes the connection between cultural preservation, intellectual property rights, and diplomatic relations. Such cultural misrepresentations have diplomatic ramifications that underscore the necessity of bilateral or multinational talks aimed at promoting respect, understanding, and cooperation in the preservation and celebration of cultural variety.

Essentially, this episode is a clear reminder of the intricate relationships that exist between ethics, law, culture, and diplomacy. It demands that discussions about intellectual property rights, cultural appreciation, and ethical issues be reevaluated internationally within the context of our interconnected global society. As such, it offers a chance for cooperative efforts to develop stronger systems that preserve cultural heritage stability while fostering international understanding and respect.

In short, the core issues, based on the context, are as follows:

1. Did Malaysia modify "Halo-halo Bandung" in a way that violates Copyright Law No. 28 of 2014?
2. As a World Trade Organization member, what steps has Indonesia taken to remedy Malaysia's copyright violation of the song "Halo-halo Bandung"?

B. Research Methods

B.1 Type of Research

According to Soerjano Soekanto, legal research is a scientific activity that is based on methods, systematics and certain thoughts, by analyzing them. Aside from that, a thorough investigation is also done towards the legal factors to solve the issues that arise in the said phenomenon. Additionally, according to Earl Robert

Babbie, “research is a systematic inquiry to describe, explain, predict, and control the observed phenomenon. It involves inductive and deductive methods.” Inductive methods analyze an observed event, while deductive methods verify the observed event. Inductive approaches are associated with qualitative research, and deductive methods are more commonly associated with quantitative analysis.

According to Meray Hendrik Mezak, there are two types of legal research that are commonly used, namely Normative Legal Research and Empirical Legal Research. Normative Legal Research is a type of research that has a purpose of assessing the quality of the law itself, with the result that it is often classified and referred to as qualitative research. According to Prof. Abdulkadir Muhammad, the subject of the study in a Normative Legal Research is the law that is conceptualized as a norm or a rule that applies in a society and becomes a reference for every person’s behaviour. Normative legal research focuses on the inventory of positive law, principles and legal doctrine, legal discovery in concreto cases, systematic of law, the level of legal synchronization, comparison of law and history of law. On the other hand, Empirical Legal Research, according to Prof. Abdulkadir Muhammad, uses the case studies of legal behaviour products. The main study in an Empirical Legal Research revolves around the law that conceptualized as actual behaviour as a social symptom that has an unwritten nature, that is experienced by every person in social relationships. The source of data for the empirical law research does not depend on written positive law, but rather on the result of observation obtained from the research position.

Based on the type of legal research, the researcher adopts the Normative Legal Research, because this type of research aims to discuss the case study of whether Malaysia’s modification of the “Halo-Halo Bandung” songs violate, in any way, Copyright Law No. 28 of 2014, through the examination of its legal aspects, especially the legislation related to the protection of the song creations by its original composers.

B.2 Type of Data

Normative research is also known as a doctrinal method. The normative legal research method, or qualitative legal research is usually known as a study of documents, which uses secondary data as its source, such as court decision, doctrines, regulations, legal theory, or official documents, books, reports, and journals.

In this research, the author uses secondary data, which consists of primary, secondary, and tertiary legal materials. The secondary data of this research is comprised of:

1. Primary Legal Materials are legal materials that has an authoritative nature, which means that it has an authority or binding effect. It consists of laws and regulations, official records or treaties in the establishment of legislation, and/or court verdicts. The following legal material that the author will be using is Law No. 28 of 2014 concerning Copyright
2. Secondary Legal Materials are legal materials that provide an explanation on the primary legal materials, which can also help the author to do more analysis and have deeper understanding towards it. Secondary Legal Materials consists of all publications regarding law that are not part of an official document, including books, literature, journals and scientific research related to the issues at hand.
3. Tertiary Legal Materials or Non-Legal Materials are materials that provide guidance and further explanation on the primary legal material and secondary legal material, such as Black's Law dictionary, English dictionary, as well as Indonesian dictionary (Kamus Besar Bahasa Indonesia)

B.3 Data Processing Method

Because this paper is a normative legal research, and every data that are used by the author is secondary data. So, consequently, the author relies mostly in the use of the library research method. The library research method would require the author to collect all data from the regulations, journals, book, website, dictionary, regarding

the Indonesian Copyright Law.

B.4 Type of Approach

In a normative legal research, there are several types of approaches that can be used to examine the issues:

1. **Statutory Approach:** Statutory approach is done by reviewing all laws and regulations that are related to the legal issue that is being handled
2. **Case-Based Approach:** This approach is done by reviewing cases that are related to the issue faced, especially the cases that have had an inkracht court verdict. In using this approach, the aspect that must be understood is ratio decidendi, that is the legal reasons that are used by the judge to reach the verdict.
3. **Historical Approach:** Historical approach is used to track the history of legal institutions from time to time. This approach helps to understand the philosophy of law from time to time. Through this approach, the changes and development of philosophy of law will be understood.
4. **Comparative Approach:** Comparative approach is done by conducting comparative study of law. It is an activity to compare the law in a certain country with another country or the law from a certain time with another time. Through this approach, a clear picture about the consistency of philosophy and laws in several countries will be obtained.
5. **Conceptual Approach:** Conceptual approach is derived from views and doctrines that develop in the field of law. By studying these views and doctrines in the field of law, ideas that give birth to the understanding of law, concepts of law and principles of law that are related to the issue being discussed will be obtained.

Based on the type of research, the author adopts the Statutory Approach. This is due to the fact that the author would like to examine whether Malaysia's modification towards the "Halo- Halo Bandung" song is, in any way, a violation of Law No.28 of 2014 concerning Copyright.

B.5 Data Analysis Method

There are two types of data analysis, qualitative and quantitative methods. Qualitative data is a type of data that is presented in the form of verbal word, not in the form of numbers. On the other hand, Quantitative data is the type of data that can be measured or counted directly which are usually in the form of information or explanation that are expressed by numerals or numbers.

In this paper, the author uses the qualitative method which is not numerical, that can be found from written materials, such as regulations, books, journals. Etc. in purpose to examine Malaysia's modification of the "Halo-Halo Bandung" song is, in any way, a violation towards Law No. 28 of 2014 concerning Copyright.

C. Discussion and Analysis

C.1 Brief Overview

A multifaceted research strategy encompassing various methodologies would be necessary to thoroughly investigate the contentious issue surrounding the songs "Halo-halo Bandung" and "Hello Kuala Lumpur" in the context of Indonesia and Malaysia. Beginning with a rigorous legal analysis, a deep dive into both nations' copyright laws, particularly Law No. 28 of 2014 in Indonesia, would reveal the legal frameworks dictating intellectual property rights and potential violations concerning copyright regulations. An in-depth comparative study involving meticulous examination of the original composition and the allegedly derivative piece would include musical, lyrical, and notational analysis aimed at identifying resemblances or divergences crucial in determining probable instances of copyright infringement.

Concurrently, a thorough examination and analysis of media archives, historical documents, and recordings related to both songs would provide critical insights into their conception, evolution, and public recognition. Case studies on previous instances of copyright disputes or cultural misappropriation between Indonesia and Malaysia could provide precedents

and contextualize the current situation, while interviews with legal experts, musicians, copyright holders, and stakeholders from both countries could provide diverse perspectives and valuable insights into the matter.

Furthermore, an examination of the diplomatic landscape and bilateral relations between the two countries, particularly in the areas of intellectual property rights and cultural heritage, would shed light on the broader implications and diplomatic strategies used in such scenarios. Integrating qualitative data such as copyright registration records and digital footprints with qualitative data gleaned from interviews, surveys, and public sentiment analysis would provide a comprehensive picture of the legal, cultural, and public perception dimensions of this cross-border dispute, which is critical in understanding the multifaceted dimensions of this cross-border dispute.

C.2 Comparative Legal Analysis of Copyright Laws

In Article 1, Paragraph (1) of Law No. 28 of 2014, it is explained that Copyright is the exclusive right of the creator that arises automatically based on a declarative principle after a creation is manifested in tangible form. Therefore, according to the Copyright Law (UUHC), the creator automatically becomes the copyright holder. The copyright holder can be the creator as the owner of the copyright, a party who legally receives the rights from the creator, or another party who further receives the rights from the legal recipient. Under the UUHC, a creator or a copyright holder has gained inherent rights, namely the economic rights and the moral rights of their creation. In the case of the song "*Halo-Halo Bandung*," it turns out that there are different holders for economic and moral rights. Mr. Ismail Marzuki, the songwriter of the song "*Halo-Halo Bandung*" first manifested on May 1, 1946, holds the moral rights. This information is recorded with the Directorate General of Intellectual Property of the Ministry of Law and Human Rights under application number EC00202106966. Meanwhile, the economic rights are held by PT Harmoni Dwi Selaras Publisher. Furthermore, here are the moral rights and the economic

rights of the holder of the song "*Halo-Halo Bandung*".

a. Moral Rights Holder of the Song "Halo-Halo Bandung"

The moral rights holder of the song is the creator, Ismail Marzuki, who first announced the song on May 1, 1946. According to Article 58 of Law No. 28 of 2014 on copyright, protection of copyright lasts for 70 years after the creator's death. Ismail Marzuki passed away on May 25, 1958, so the protection of his copyright is still valid until January 2029. Thus, the moral rights are still held by Ismail Marzuki, now continued by his daughter, Racmih Aziyah.

b. Economic Rights Holder of the Song "Halo-Halo Bandung"

The economic rights of the song "Halo-Halo Bandung" are held by PT Harmoni Dwiselaras Publisher. PT Harmoni Dwiselaras Publisher is a publishing house created by Hadi Sunyanto, a senior figure in the Indonesian music industry, located at Komp. Ruko Agung Sedayu (Harco Mangga Dua) Blok J.30 RT.011/RW 013 Kel. Mangga Dua Selatan, Kec. Sawah Besar, Jakarta Pusat 10730. In the intellectual property data, the copyright holder for the economic rights in the song "Halo-Halo Bandung" is recognized by the Ministry of Law and Human Rights in 2021.

C.2 Comparative Analysis of The Malaysian and Indonesian Version

Moral rights (of the creator) are inherent rights that prevent unauthorized changes or destruction of a creation without the creator's permission and ensure recognition as the originator of the creation. Moral rights encompass two major aspects:⁷

- **Right of Integrity:** This protects the value and character of artists or writers from disrespectful or demeaning treatment. Limitations on reducing, destroying, or altering a creation that may impact the

⁷ Soelistyo, Henry. *Hak Cipta Tanpa Hak Moral*. Jakarta: RajaGrafindo Persada, 2011.

creator's integrity define how this right is applied. The essence of the work must be preserved and must align with its original form.

- **Right of Attribution:** The creator's name or pseudonym must be mentioned in the creation to fulfill the right of attribution. There is a possibility for creators to conceal their identities and remain anonymous when releasing their works online.

The inherent right for creators is moral rights, ensuring that no one except the creator may use their creation improperly without their consent. Moral rights are exclusively owned by the author and cannot be utilized by others without authorization.⁸ To protect original works from imitation and other forms of copyright infringement, the creator must be publicly acknowledged.

Referring to moral rights, Article 4 of Law No. 28 of 2014 on Copyright means rights that cannot be revoked from the creator to either include or omit their name on copies distributed for public consumption and the freedom for creators to use aliases while adapting their artistic works to modern sensitivities. Specifically, under copyright law, several actions constitute copyright infringement, including mutilation, alteration, or distortion of a work, and other actions that harm an individual's honor or reputation. Distortion, in this context, refers to an action that reverses facts, rules, and so on. The essence of moral rights is to guarantee that only the creator can use their creation in a manner that aligns with their wishes, making moral rights the exclusive property of the author. In the case of "Halo-Halo Bandung," Ismail Marzuki holds the moral rights, and PT Harmoni Dwi Selaras Publisher Indo holds the economic rights, recognized by the Ministry of Law and Human Rights in 2021.

Article 1, paragraph (1) of Law No. 28 of 2014 states that Copyright is the exclusive right of the creator that applies automatically based on a declarative

⁸ Mailangkay, Ferol. Kajian Hukum Tentang Hak Moral Pencipta Dan Pengguna Menurut Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta. *Lex Privatum* Vol. V/No.4/Jun/2017 143.

principle after a creation is manifested in tangible form.⁹ Ismail Marzuki first announced the song on May 1, 1946, and his moral rights, as per Article 58 of the law, last until January 2029. Article 7, paragraph 2 of Law No. 28 of 2014 also regulates the protection of the moral rights of electronic information from the creator. Whenever "Halo-Halo Bandung" is uploaded to electronic media, the creator's name or pseudonym must be included. The lyrics of the song "Halo-Halo Bandung" contain words with patriotic meanings for Indonesia's struggle for independence during the war and inspire the spirit of young people. However, "Helo Kuala Lumpur," which was uploaded on YouTube, distorts the original meaning, portraying it as a patriotic song for Malaysia.

The identity of "Helo Kuala Lumpur" misrepresents the original identity of "Halo-Halo Bandung" as a national song for Indonesia, demonstrating a clear act of distortion, as defined by the Copyright Law. The song was uploaded to social media platform YouTube with a changed title and identity, now presented as a patriotic song for Malaysia, specifically the city of Kuala Lumpur.

C.3 Historical Background of "Halo-Halo Bandung"

The history and origin of the song "Halo-Halo Bandung" are significant, filled with meaning, and closely tied to Ismail Marzuki's personal experiences. The song has three versions: the first in Sundanese before World War 2, the second during the Japanese occupation of Indonesia, and the last known version as "Bandung Lautan Api" (Bandung, the Sea of Fire), which is still widely heard today. Initially, Ismail Marzuki composed a song titled "Hello Bandung" due to his fond memories of the city. This was partly because during that time, Ismail Marzuki met Euis Zuraidah, who later became his wife. Euis Zuraidah was also a musical collaborator during their time in Bandung. However, during that period, "Hello Bandung" had Sundanese lyrics. The lyrics were later changed to Indonesian during the Japanese occupation of Indonesia, aiming to ignite nationalist spirit. After two transformations of the

⁹ Undang-Undang No.28 Tahun 2014 Tentang Hak Cipta, Article (1) Paragraph (1)

song, it was changed again, specifically after Ismail Marzuki and his wife, Euis Zuraidah, had to evacuate from Jakarta to Bandung. At that time, British forces had taken control of Jakarta. However, when they reached Bandung, the Allied forces ordered the entire population, including Ismail Marzuki and his wife, to evacuate the city.

During this time, Japan had surrendered, and Allied forces came to Indonesia to repatriate the Japanese. Besides expelling the Japanese, the Allies also had plans to control Indonesia, and one of the cities targeted was Bandung. The Allied forces issued an ultimatum for the Indonesian population to vacate North Bandung on November 21, 1945. However, the Indonesian fighters refused to leave, leading to a war that resulted in their defeat and the subsequent occupation of North Bandung by the Allies. Meanwhile, South Bandung was still being defended by the fighters. The Allies did not remain passive, and they sent another ultimatum for South Bandung to be evacuated on March 23, 1946. For the safety of the residents of South Bandung, they were evacuated, and South Bandung was destroyed to prevent the Allies from using the remaining facilities and installations after the population had evacuated. This historic event became known as the "Bandung Lautan Api" (Bandung, the Sea of Fire). Ismail Marzuki witnessed the struggle of the fighters and, upon leaving South Bandung on March 24, 1946, sang the song for the city with profound memories. He then modified the lyrics at the end of his song to what it is now, representing the Sea of Fire.

C.4 Analysis of Prior Precedents

An example of a case that also has problems with moral and economic rights was the case between the family of the late Marvin Gaye against Robin Thicke & Pharell Williams. The legal dispute that revolved around allegations that the song "Blurred Lines" by Robin Thicke & Pharell Williams closely resembled Marvin Gaye's 1977 song "Got To Give It Up". The family of Marvin Gaye claimed that Thicke and Williams copied the "feel" of the song and are

suing them for millions of dollars. The claim was not based on direct copying of specific melodies or lyrics that the song has, but rather on the elements that contribute to the overall atmosphere and feeling of the song. These elements include rhythm, instrumentals, genre, and ambiance.¹⁰

This case created headlines in the American music industry due to the challenge of defining and protecting the more abstract aspects of musical composition. The case of the song “*Halo-Halo Bandung*” also has a similar “feel” of the song to the Malaysian counterpart, due to the fact that the song represents patriotism of respective countries and encourage young kids to be patriotic. The rhythm, instrumentals, genre, and ambiance were all patriotic but the copyright claim was issued due to the lyrics of the song by the parties representing the original creator, Ismail Marzuki.

D. Conclusion and Recommendations

D.1 Conclusion

Based on the discussion in the preceding chapters, it is possible to conclude that:

1. Malaysia has altered the “Halo-halo Bandung” song. This is evident from the content shared on numerous social media platforms and the Youtube channel “Lagu Kanak TV.” Denying the truth and propagandizing that “Helo Kuala Lumpur” is a patriotic song, makes it proof that Malaysia has engaged in distortion. However, the melody and a significant portion of the lyrics of the “Helo Kuala Lumpur” song are derived from the song “Halo-Halo Bandung,” composed by Ismail Marzuki in 1946, which was later acknowledge as a patriotic song that is often sung during important national events in Indonesia, such as the Independence Day celebration held every August 17. This song was first released on May 1, 1946, by

¹⁰ “Blurred Lines of Copyright.” 2023. Ethics Unwrapped. February 15.
<https://ethicsunwrapped.utexas.edu/case-study/blurred-lines-copyright>.

Harmoni Dwiselaras Publishindo, and it is registered in DJKI under the application number EC00202106996.

2. There are two approaches that the Indonesian government can pursue to address the distortion of the “Halo-Halo Bandung” by Malaysia:
 - a. Indonesia may employ the principle of independence of protection since Indonesia is a party to the Berne Convention. This implies that the copyright protection and law enforcement can be implemented according to the laws of the country where the copyright infringement occurred. Additionally, according to Article 5 of the Berne Convention, Malaysia is required, as a member, to defend copyrights belonging to other nations, including Indonesia.
 - b. Another alternative available to Indonesia in resolving this issue is to lodge a complaint with the World Trade Organization (WTO) and pursue a resolution through the Dispute Settlement Body (DSB), since both Indonesia and Malaysia are members of the WTO.

D.2 Recommendations

1. Drawing from the author’s elaboration in this work, the author recommends that Indonesia should be more vigilant and consistent in monitoring every development on the Internet, especially through the various social media platforms that have greatly proliferated in the modern era. By taking a proactive stance, it may help to prevent cases such as these from occurring and improve copyright protection in Indonesia, safeguarding artists’ moral and economic rights from infringement by individuals or entities, both domestically and internationally.
2. Furthermore, the author highlights the need for stricter copyright law implementations in practice. This is required to prevent both domestic and foreign entities from freely altering and plagiarizing songs that already exist. By enforcing copyright laws more strictly, Indonesia can establish a more robust framework for defending creators’ rights against the evolving

challenges in the digital age.

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