

# **The Influence Of Law No. 28 Of 2014 On The Protection Of Intellectual Property Rights On The Broadcasting Of Korean Dramas In Indonesia**

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## **Abstract:**

*This research aims to analyze the impact of Law No. 28 of 2014 on the protection of intellectual property rights in the broadcasting of Korean dramas. In the era of globalization and digital content dissemination, the Korean drama broadcasting industry faces significant challenges related to intellectual property rights. Through a normative legal approach and document analysis, this research examines the implications of Law No. 28 of 2014 in the context of Korean drama broadcasting. The research involves the collection of secondary data consisting of Law No. 28 of 2014, its implementing regulations, and related literature. The findings indicate that Law No. 28 of 2014 has a significant impact on the protection of intellectual property rights in the broadcasting of Korean dramas. This law provides a clear legal framework for protecting copyrights, patents, and other intellectual property rights related to Korean dramas. However, there are challenges and deficiencies in the implementation of this law, which affect the effectiveness of intellectual property protection in the broadcasting industry. This research provides a deeper understanding of the protection of intellectual property rights in the broadcasting of Korean dramas based on Law No. 28 of 2014. The implications of this research can be used as a basis for enhancing the protection of intellectual property rights in the Korean drama broadcasting industry, through regulatory improvements and other relevant measures.*

**Keywords:** Law No. 28 of 2014, Intellectual Property Rights, Korean Drama Broadcasting, Legal Protection, Implications.

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## **I. INTRODUCTION**

### **Background**

Korean dramas have become highly popular cultural products across various parts of the world. With compelling storylines, strong characters, and high-quality production, Korean dramas have successfully captured the attention not only in South Korea but also in many other countries. This phenomenon is closely linked to the increased accessibility through streaming platforms and the dissemination of digital content. However, behind the success of Korean dramas, there are issues relevant to the protection of intellectual property rights in the broadcasting industry. Intellectual property rights encompass copyrights, patents, trademarks, and other rights that protect creative works. In the context of Korean dramas, the protection of intellectual property rights involves safeguarding scripts, manuscripts, music, characters, and other creative elements that constitute the drama.

In Indonesia, the protection of intellectual property rights is governed by Law No. 28 of 2014 concerning Copyrights. This law provides a clear legal framework for protecting intellectual property rights, including in the broadcasting industry. However, in practice, there are still issues affecting the protection of intellectual property rights for Korean dramas in Indonesia. In the current digital era, with easy access and content dissemination through the internet, incidents of intellectual property infringement are increasing. Some commonly encountered problems include piracy, illegal distribution, and unauthorized use of Korean drama content. Therefore, it is important to understand the implications of Law No. 28 of 2014 on the protection of intellectual property rights in the broadcasting of Korean dramas in Indonesia. Considering this background, this research aims to conduct a comprehensive review of the legal protection of intellectual property rights in the broadcasting of Korean dramas according to Law No. 28 of 2014. Through legal analysis and case studies, this research will identify issues related to the protection of intellectual property rights in the broadcasting industry of Korean dramas in Indonesia. The results of this research are expected to provide a better understanding of the protection of intellectual property rights in the broadcasting of Korean dramas and offer relevant recommendations to enhance legal protection in this industry.

## **Research Methodology**

This research will employ a normative legal research approach to analyze the provisions of Law No. 28 of 2014 and its implementing regulations concerning intellectual property rights in the broadcasting of Korean dramas. This approach involves collecting secondary data in the form of legislation and relevant legal literature. These data will be analyzed to understand the existing legal framework and its implications for the protection of intellectual property rights in the broadcasting industry of Korean dramas. The data collected through the normative legal research approach will be analyzed qualitatively. The analysis will involve comparing the provisions of the law with the practices of broadcasting Korean dramas in protecting intellectual property rights.

## **II. RESULTS AND DISCUSSION**

Law No. 28 of 2014 concerning Copyright provides an important legal framework for the protection of intellectual property rights, including in the context of broadcasting Korean dramas in Indonesia. In this section, we will examine the influence of this law on the protection of intellectual property rights in the broadcasting of Korean dramas.

1. The Influence of Law No. 28 of 2014 on the Protection of Intellectual Property Rights in the Broadcasting of Korean Dramas:

a. Recognition of Intellectual Property Rights:

Law No. 28 of 2014 recognizes intellectual property rights as exclusive rights owned by creators or rights holders. In the broadcasting of Korean dramas, intellectual property rights include copyrights for scripts, manuscripts, music, characters, and other creative elements. This law provides strong legal recognition of these rights, offering protection to rights holders from unauthorized use or infringement of intellectual property rights.

b. Implementation of Rights and Responsibilities of Rights Holders:

Law No. 28 of 2014 also regulates the implementation of rights and responsibilities of intellectual property rights holders. Rights holders have exclusive rights to control the use, reproduction, distribution, and broadcast of Korean dramas. They also have the responsibility to protect their rights and take legal action against intellectual property rights infringements. This law provides a clear legal framework for rights holders to safeguard and uphold their intellectual property rights in the broadcasting industry.

c. Law Enforcement and Sanctions:

Law No. 28 of 2014 also regulates law enforcement and sanctions related to intellectual property rights infringements. In the context of broadcasting Korean dramas, law enforcement is crucial to protect the rights of rights holders from practices such as piracy, illegal distribution, or unauthorized use of Korean drama content. This law provides a strong legal basis for law enforcement and imposes strict sanctions for intellectual property rights infringements.

d. Challenges and Constraints:

Despite the strong legal framework provided by Law No. 28 of 2014, there are still challenges and constraints in the protection of intellectual property rights in the broadcasting of Korean dramas. One challenge is the illegal dissemination through the internet and digital platforms. This requires cooperation between rights holders, the government, and broadcasting platforms to enhance monitoring and law enforcement against intellectual property rights infringements.

e. International Protection:

It is important to consider the implications of Law No. 28 of 2014 in the context of international protection of intellectual property rights in the broadcasting of Korean dramas. Indonesia is a member of various international agreements that govern the protection of intellectual property rights, such as the TRIPS Agreement (Trade-Related Aspects of Intellectual Property Rights) under the World Trade Organization (WTO). This law should also take into account the obligations and international standards applicable to the protection of intellectual property rights in Korean dramas, as well as collaboration with other countries in addressing infringements and enforcing rights.

f. Impact on the Korean Drama Broadcasting Industry:

The influence of Law No. 28 of 2014 on the broadcasting of Korean dramas should also be viewed from the perspective of its impact on the industry. Strong protection of intellectual property rights can stimulate the growth of the creative industry, encourage investment in the production and distribution of Korean dramas, and safeguard the rights of creators and rights holders. Furthermore, effective protection can enhance the stakeholders' confidence in conducting their business and create a fair and just environment in the Korean drama broadcasting industry.

g. Recommendations:

Based on the analysis, this discussion can also include recommendations to enhance the protection of intellectual property rights in the broadcasting of Korean dramas. These recommendations may include measures to improve law enforcement, increase awareness and education about intellectual property rights, enhance cooperation among the government, rights holders, and broadcasting platforms, and review relevant policies and regulations to address emerging challenges in the Korean drama broadcasting industry.

h. The Role of the Government in Intellectual Property Rights Protection:

In this discussion, it is important to evaluate the role of the government in the protection of intellectual property rights in the Korean drama broadcasting industry. While Law No. 28 of 2014 provides a strong legal foundation, the implementation and enforcement of the law also require active participation from the government. The discussion may include a review of government policies and programs that support the protection of intellectual property rights, such as efforts to increase awareness, provide training, and monitor intellectual property rights infringements in the broadcasting of Korean dramas.

i. Comparison with Other Countries:

Examining the influence of Law No. 28 of 2014 on the protection of intellectual property rights in the broadcasting of Korean dramas can also involve comparing practices and regulations in other countries. Through this comparison, differences and similarities in approaches to intellectual property rights protection in various countries can be observed, along with lessons that can be learned to enhance protection in Indonesia. This will provide a broader insight into global efforts to protect intellectual property rights in the Korean drama broadcasting industry.

j. Impact on Rights Holders and the Creative Industry:

An important aspect of this discussion is the impact of intellectual property rights protection on rights holders and the creative industry as a whole. By observing the implementation of Law No. 28 of 2014, it can be seen to what extent rights holders and industry players benefit from the protection of intellectual property rights in the broadcasting of Korean dramas. This may also involve analyzing the increased investment, creation, and economic output generated by the industry as a result of effective protection.

2. The provisions and requirements stated in Law No. 28 of 2014 include:

a. Exclusive Rights of Rights Holders:

This involves a thorough analysis of the exclusive rights granted to Korean drama rights holders under the Copyright Law. This includes rights of reproduction, distribution, public performance, and adaptation of the work. The discussion can focus on how these exclusive rights are specifically applied in the broadcasting of Korean dramas.

b. Limitations on the Use of Works:

Law No. 28 of 2014 also provides certain limitations on the use of copyrighted works. These limitations may include provisions on fair use, educational exceptions, or other relevant provisions in the context of broadcasting Korean dramas. The analysis should explore how these limitations apply in the broadcasting industry and the specific use of Korean dramas.

c. Copyright Acquisition:

The process and requirements for obtaining copyright protection for Korean dramas also need to be examined. This includes procedures and requirements for copyright registration, protection of unregistered works, as well as regulations related to copyright in cooperation agreements and contracts with relevant parties.

d. Copyright Enforcement:

In addition to the regulations on copyright in the broadcasting of Korean dramas, it is also important to analyze copyright enforcement related to infringements. This includes the legal mechanisms available to rights holders to protect their works, including legal actions that can be taken to stop infringements and seek compensation.

e. Protection of Intellectual Property Rights in the Broadcasting of Korean Dramas:

The focus of this analysis is to assess the extent to which Law No. 28 of 2014 provides adequate protection for intellectual property rights in the broadcasting industry of Korean dramas. This includes evaluating the effectiveness of the law in preventing infringements, maintaining the exclusivity of rights, and facilitating overall industry growth.

f. Economic and Industry Impact:

In addition to examining the legal aspects, it is important to analyze the economic and industry impact resulting from the protection of intellectual property rights in the broadcasting of Korean dramas. This involves assessing increased investments, industry growth, job creation, and the overall economic contributions resulting from the effectiveness of intellectual property rights protection.

g. Challenges and Constraints:

This discussion covers the challenges and constraints faced in the practice of intellectual property rights protection in the broadcasting industry of Korean dramas. This includes issues of piracy, illegal distribution, rights infringements, and legal and technological challenges that affect the effectiveness of intellectual property rights protection.

3. Rights protected by Law No. 28 of 2014:

a. Exclusive Rights of Rights Holders:

The law grants exclusive rights to intellectual property rights holders in Korean dramas. This includes the rights of reproduction, distribution, public performance, and adaptation. Rights holders have the exclusive right to authorize or prohibit others from using their works in the form of Korean dramas.

b. Limitations on the Use of Works:

The law also establishes limitations on the use of copyrighted works in the context of Korean dramas. These limitations include the concept of fair use, which allows for the use of works without permission from the rights holder in certain specific cases, such as for education, research, or criticism. Additionally, there are limitations on the use of works in the context of parody, temporary use, and use by government institutions.

c. Copyright Acquisition Process:

The law also regulates the procedure for acquiring copyright in the context of Korean dramas. This process involves registering the copyright with the relevant intellectual property rights institution. In this process, the rights holder must submit an application, provide information about the protected work, and pay the required registration fees. Upon registration, the rights holder will receive stronger legal protection against copyright infringement of their Korean dramas.

In the context of Korean dramas, a deep understanding of the rights protected by the law, limitations on the use of works, and the copyright acquisition process is crucial to ensure that intellectual property rights holders can effectively protect their works and maximize their commercial value.

### III. CONCLUSION

Law No. 28 of 2014 concerning Copyright has a significant impact on the protection of Intellectual Property Rights in the broadcasting industry of Korean dramas. This law provides strong legal protection for Korean drama works, including through the regulation of exclusive rights of rights holders and limitations on the use of works. The exclusive rights granted to rights holders empower copyright owners to control the use, reproduction, distribution, and broadcasting of Korean dramas. This enables rights holders to derive economic benefits from their works and encourages investment and creativity in the Korean drama broadcasting industry. The limitations on the use of works stipulated in Law No. 28 of 2014 also provide protection against misuse or unauthorized use of Korean drama works. This is essential for maintaining the integrity of these works and fostering respect for intellectual property rights. The copyright acquisition process regulated by the law provides clear guidance for rights holders to obtain legal protection for their works. In the context of Korean dramas, the copyright acquisition process is important to ensure that creators and rights holders obtain the necessary exclusive rights to protect and manage their works.

Overall, the influence of Law No. 28 of 2014 on the protection of Intellectual Property Rights in the broadcasting of Korean dramas is highly significant. This law provides a strong legal foundation for protecting Korean drama works, fostering investment and innovation in the broadcasting industry, and ensuring the sustainability of this industry. However, it is important to note that the implementation and enforcement of this law are also crucial to ensure effective protection of intellectual property rights in the broadcasting of Korean dramas.

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