

Legal Implications and Urgency of Changing Ordinary Delicates into Complaint Delicates in Copyright Law Number 28 Year 2014

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ABSTRACT: The change of the ordinary offense to a complaint offense in Copyright Law Number 28 of 2014 has significant legal implications and emphasizes the importance of adjusting the law to protect copyright. This change reflects the need to adapt the law to current realities and demonstrates a commitment to international standards and the interests of copyright holders. However, effective enforcement of these changes faces challenges in identifying and dealing with copyright infringement, which requires collaborative efforts and continuous legal updates. This research aims to analyze the legal implications and urgency of the change from ordinary offense to complaint offense related to Copyright Law (UUHC) Number 28 of 2014. The results show that treating copyright infringement as a complaint offense (klach delict) can lead to difficulties in law enforcement and an increase in copyright infringement in Indonesia. This is because the authorities cannot take direct action unless there is a complaint first from the injured party, as a result it can have a negative impact on the creative industry and make creators less motivated. This can have a negative impact on the creative industry and make creators less motivated to create original works. In addition, the consequence could be a decrease in tax revenue received by the government.

Keywords: Copyright; Complaint offense, Legal implications, Ordinary offense.



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INTRODUCTION

Based on Article 1 Number 1 of Law Number 28 of 2014 concerning Copyright (UUHC), Copyright is an exclusive right that automatically attaches to the creator without any restrictions in laws and regulations. Copyright is an exclusive right granted to the creator of a work to protect his work from unauthorized use. This right attaches automatically to the creator once the work is

realized in a tangible form, without the need to register it first. This is known as the declarative principle. Copyright registration, while not mandatory, is an important step to protect copyrighted works and maximize their benefits. Registration provides formal proof of ownership, facilitates search and identification of the work, strengthens legal protection, and increases the economic value of the work.

The current Copyright Law in Indonesia is Law Number 28 of 2014 on Copyright (UUHC). This UUHC came into force on October 16, 2014 and replaced Law Number 19 of 2002 on Copyright (UUHC 2002) which was revoked. This article will analyze the change from ordinary offense to complaint offense related to Copyright Law (UUHC) Number 28 of 2014. The discussion of this analysis is needed to find out the implications and urgency of these changes. This discussion is needed to find out how the legal implications and urgency of changes from ordinary offense to complaint offense against Copyright Law Number 28 of 2014 (Rahman, 2021; RI, 2014).

The analysis in this article complements the Comparative Study of Ordinary Offenses and Complaint Offenses in Copyright Law Enforcement in Indonesia, as has been done in the research of (Aulia & Heryanto, 2020). This study compares ordinary offenses and complaint offenses in copyright law enforcement in Indonesia, while in the article the author will examine the implications and urgency of changing ordinary offenses into complaint offenses in Copyright Law (UUHC) Number 28 of 2014. The protection of one's copyright is very important because it involves basic principles that support the recognition, appreciation, and incentives for creators. Here are some basic justifications that explain why copyright protection is necessary (Hidayah, 2017).

1. Reward Theory: Copyright protection rewards creators as a form of recognition of their efforts and the intellectual work they produce. By getting recognition and appreciation, creators feel valued for their contributions and are encouraged to continue working.
2. Recovery Theory: Creators who have invested effort, time, and money in creating a work need the opportunity to recover rewards or overcome losses that may occur. Copyright protection allows creators to derive economic benefits from their work, such as royalties or revenue from sales, which helps them recover the investment made.
3. Incentive Theory: In order to encourage creativity, invention, and research, incentives are needed for creators. Copyright protection provides incentives for creators to develop new creative works by granting exclusive rights to the work. These exclusive rights provide legal certainty and potential economic benefits that can be a motivation for creators to continue to innovate and create new works.
4. Risk Theory: Intellectual work often involves risk and intensive research efforts. Copyright protection provides recognition and incentives for creators to take such risks in order to discover or improve their research results. With legal protection in place, creators feel safer to share their works without fear of losing their rights.

Theory suggests that within the copyright protection system, there is a belief that the creator has put in the thought, effort, and financial resources to create a work. If that work is used by others for commercial purposes, then the creator has the right to be compensated for the use of his or her work (Roisah, 2015).

Through these grounds of justification, copyright protection provides support to creators, encourages innovation and creativity, enables recovery of investments, and provides incentives for the development of research and intellectual works that benefit society as a whole.

John Locke argued that intellectual property rights, including copyright, are a logical consequence of one's hard work. According to Locke, creators or copyright holders have rights similar to other

workers, namely the right to be rewarded for their copyrighted works. Locke linked copyright to the theory of natural law, which grants exclusive property rights to the creator's work and gives individuals the right to maintain and control their works, as well as to be fairly compensated for their contributions to society (Tanu Atmadja, 2013).

Copyright Law No. 28 of 2014 is the legal basis that regulates copyright protection in Indonesia. As a law that defends the interests of copyright holders (Lutfi & Sardjono, 2023), there are significant changes in the handling of copyright infringement through the shift of criminal offenses from ordinary offenses to complaints. Delik according to the Big Indonesian Dictionary (KBBI) is defined as an act of violation of the law and may be subject to punishment because it is a criminal act. In criminal theory, offense refers to an act that violates the law and is committed by someone who has the ability to be responsible. The perpetrator of the offense can be threatened with punishment as a consequence of his actions (Prasetyo, 2014).

Offenses in criminal law can be distinguished based on several factors, one of which is the difference between ordinary offenses and complaint offenses. Complaint offense (*klacht delict*) refers to a criminal act whose prosecution can only be carried out based on a complaint from the victim. In a complaint offense, the prosecution process depends on the initiative and decision of the aggrieved party. For example, Article 310 Paragraph (1) of the Criminal Code on insult is a complaint offense. This means that an action can only be categorized as an insult and prosecuted if and only if the victim feels aggrieved and files a complaint. Another example is Article 284 of the Criminal Code, which penalizes a man or woman who engages in adultery, especially if one or both of them are married. This offense is a complaint, meaning that the husband or wife who feels honored can file a complaint. The importance of this complaint arises because of the phrase in paragraph 2 which states that the standard of judgment regarding the shame and loss experienced by the party concerned may differ from that of others. Thus, the assessment of this offense depends not only on the violation of the law itself, but also on the personal perception and experience of the party who feels wronged.

On the other hand, ordinary offenses (*gewone delicten*) emphasize the private interests of every citizen which are referred to as public interests. In ordinary offenses, prosecution and case handling are based more on public interest and social justice (Pratiwi Rasyid, 2020). Ordinary offense cases cannot be terminated, even though the parties have reached an agreement to reconcile or resolve the problem privately. This is because ordinary offenses are considered to have a wider impact on society and justice in general, so prosecution and trial are still carried out (Yahya, 2023). Article 362 of the Criminal Code and Article 338 of the Criminal Code are directed towards objective benchmarks in determining whether the elements of the offense are fulfilled. In this context, the requirements of a violation of law are clearly established and can be measured objectively. The difference lies in the offense of complaint, where the subjective assessment of the aggrieved party becomes the key in determining whether a violation of the law has occurred. This standard relates

to the loss or damage of property taken unlawfully and the loss or damage to a person's life as a result of a person's actions. As such, these concrete aspects are referenced in determining offenses under Article 362 and Article 338 of the Criminal Code.

The following author presents a table that can provide a comparative description between the concept of complaint offense and ordinary offense based on the description given earlier:

Tabel 1.

Aspects	Complaint Delict	Ordinary Delict
Assessment Standard	Subjective; involves the judgment of the aggrieved party.	Objective; based on measurable legal facts.
Filing a Lawsuit	Requires complaint action from the aggrieved party.	Can be filed without a complaint from the aggrieved party.
Example Articles of Law	Article 284 of the Penal Code (adultery with wife/husband).	Article 362 of the Criminal Code (theft) or Article 338 of the Criminal Code (murder).
Benchmark	Depends on the subjective views and feelings of the aggrieved party.	Based on quantifiable loss and objective evidence.
Court Decision	Depends on the evidence and subjective arguments of the aggrieved party.	Based on legal facts and objective evidence.

According to Hans Kelsen, the real difference between public law and private law lies not in the content or substance of legal norms, but in procedural or formal legal norms. Kelsen argues that both public law and private law have substantive norms that differ in terms of material or content (Kelsen, 2018).

For example, public law deals with rules governing the relationship between individuals and the state, such as constitutional law, state administrative law, and criminal law. Meanwhile, private law relates to the rules governing the relationship between individuals and individuals, such as civil law, commercial law, and family law. However, according to Kelsen, the more significant difference lies in the norms of procedural law. Procedural law norms are rules governing judicial procedures, including the process of dispute resolution and the manner in which the law is enforced. Kelsen argues that public law and private law have different procedural law systems, which reflect differences in the power and structure of the institutions that enforce the law in each sphere. Thus, according to Kelsen, the main difference between public law and private law lies in the procedural law norms that govern the law enforcement process, not in the content or substance of substantive legal norms (Kelsen, 2018).

Knowledge and understanding of copyright offenses play a key role in copyright law enforcement. Awareness of copyright, understanding of the limitations associated with the use of copyrighted works, as well as knowledge of the legal consequences that may arise from copyright infringement are essential for all parties concerned (Riswandi, 2009). Knowledge and understanding of copyright infringement plays a key role in the enforcement of copyright law. Awareness of copyright, understanding of the limitations associated with the use of copyrighted works, as well as knowledge of the legal consequences that may arise from copyright infringement are essential for all interested parties. Thus, better knowledge and understanding of copyright offenses, as well as strengthening related institutions, will contribute to the improvement of effective and sustainable copyright law enforcement.

Copyright definition in Article 1 Point 1 of the Copyright Law 2014:

"Copyright is an exclusive right granted to the creator automatically based on the declarative principle after a work is created in a tangible form, without reducing restrictions in accordance with the provisions of laws and regulations."

Copyright as an exclusive right indicates that it has the power to override the rights of others. The declarative principle underlying copyright emphasizes that this right arises automatically whenever an idea of the creator is embodied in the form of scientific, artistic, and literary expression. Copyright protects the expression of an idea, not the idea itself. This means that it is the works that create the concrete form of the creator's ideas, such as written works, music, or paintings, that are protected by copyright, not the ideas themselves which remain in the public domain. Therefore, a new copyright will only be granted if the creator succeeds in concretizing or realizing the idea of his creation in a tangible form.

Previous research has been conducted on the issue of Copyright Infringement written by Darma Yogi Anggara (2021) with the title "Criminal Liability For Copyright Infringement In The Creation Of Written Works." This research focuses more on the criminal liability for copyright infringement (Anggara, n.d.). Another research was conducted by Padrisan Jamba, (2015) with the title Analysis Of The Implementation To Solve Copyright Crimes In Indonesia." This research focuses more on a strong legal basis for the protection and regulation of copyright in Indonesia by prioritizing the national interest(Jamba, 2015).

While this paper emphasizes more on the aspects of legal implications and the urgency of changes from ordinary offenses to complaints related to Copyright Law Number 28 of 2014. Although it refers to almost the same regulations and discussions regarding Copyright Law Number 28 of 2014, but with a different perspective, the author in this paper emphasizes more on changes from ordinary offenses to complaints related to the Copyright Law, so it is still actual to be discussed.

With a different approach, the author can provide new insights, deeper analysis, and diverse perspectives regarding the legal implications and urgency of changes from ordinary offenses to complaints. In the context of the actuality of the discussion, this research can provide relevant and valuable information for readers who are interested in the issue of Copyright Violation.

Based on the description and explanation, the author makes the formulation of the problem, namely how the legal implications and urgency of changes from ordinary offense to complaint offense in Copyright Law Number 28 of 2014?

METHOD

The method used in this research is normative juridical. Normative juridical research is research that uses laws and regulations as its study material, by paying attention to various references such as laws and regulations, journals, books, online news, and others, commonly known as literature studies, while still considering the approach of applicable laws and regulations (Fiantika et al., 2022).

Therefore, research was conducted by referring to primary and secondary legal materials which include:

- a) Kitab Undang- Undang Hukum Pidana (KUHP);
- b) Kitab Undang- Undang Hukum Perdata (KUHPer);
- c) Undang-Undang Nomor 6 Tahun 1982 tentang Hak Cipta;
- d) Undang-Undang Nomor 12 Tahun 1997 Tentang Perubahan Atas Undang-Undang Nomor 6 Tahun 1982 tentang Hak Cipta Sebagaimana Telah Diubah Dengan Undang-Undang Nomor 7 Tahun 1987;
- e) Undang- Undang Nomor 19 Tahun 2002 tentang Hak Cipta;
- f) Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta.

The secondary legal materials used are books, journals and writings that explain primary legal materials and legal concepts related to the issues discussed. The approach used is a statutory approach and a conceptual approach. The legal materials will be analyzed qualitatively and presented descriptively to solve the problems raised (Benuf & Azhar, 2020).

RESULT AND DISCUSSION

Concept and Scope of Copyright

Copyright is an exclusive right granted to the creator of a work that arises automatically after the creation is realized in real form. This means that the creator has special rights to his work and others are not allowed to utilize the work without permission from the creator (RI, 2014). The exclusive right in copyright refers to the privilege owned by the creator to use, duplicate, distribute, trade or modify his/her work. This right gives the creator complete control over the work he or she produces and protects the creator's economic as well as moral interests.

In the context of copyright, others have an obligation not to infringe on the rights of the creator, such as unauthorized duplication or distribution. Infringing copyright can be considered a violation of the law, and the creator has the right to sue for damages or demand the cessation of such copyright-infringing actions. Creation is the result of copyrighted works in the fields of science, art, and literature produced by inspiration, ability of mind, imagination, dexterity, skill, or expertise expressed in tangible form, as defined by Article 1 number 3 of Law Number 28 of 2014 concerning Copyright in Indonesia (RI, 2014). This definition covers various types of intellectual works such as music, songs, fine arts, writings, books, movies, computer software, and other works that are expressions of human creativity in various fields (Lestari, n.d.). With this definition, the Copyright Law in Indonesia provides legal protection to creators in securing their exclusive rights to the work, as stipulated in the applicable law.

Quoting from L.J. Taylor and Rachmadi Usman explained that protected by copyright is the expression of an idea, not the idea itself. This means that copyright protects works that have been realized in real form as a creation, not just ideas or ideas alone (Usman, 2013). In the context of copyright, ideas are generally considered as public domain and are not exclusively protected by

copyright. An idea or notion only becomes an object of copyright when it is expressed in a concrete form that can be accessed and appreciated by others. Such creative expressions can be in the form of writings, drawings, music, movies, and other forms of works.

Thus, in order to obtain copyright protection, ideas or notions must be transformed into works that are realized in concrete form. Copyright protects the creative aspect and originality in the expression, not the underlying idea or concept. However, it is important to note that copyright protection does not apply to general ideas, basic concepts, facts, scientific methods, or information that are common and do not fall under protected creative expression. Copyright protects specialized forms of expression and copyrighted works that have creative value and originality that meet the requirements of applicable law.

From the above description, it can be interpreted that creation is the result of an inspiring idea that has been transformed and shaped into a creative work. This process involves creative expression in which the creator uses their imagination, faculty of mind, ingenuity, skill, or expertise to realize the idea in tangible form. Regarding the object of copyright protection, as well as other areas of intellectual property rights, is creative expression, see the article (Aulia, 2017). Creative expression is an integral part of creation. Creators use their creativity to transform ideas into works that have a distinctive form, structure, artistic elements, or aesthetic aspects. This is what gives the work its unique value and identity.

In the context of copyright, creative expression manifested in a copyrighted work is protected by law. Copyright grants creators exclusive rights over their copyrighted works, so that others cannot utilize them without permission or without fulfilling the applicable legal provisions. So, in conclusion, creation is the result of an inspiring idea that has been shaped into a copyrighted work through creative expression that is unique and has aesthetic value. Copyright protects this creative expression and gives the creator exclusive rights to his work or it can also be concluded that copyright is an exclusive right that is only owned by individuals who are directly related to the intellectual work produced. Copyright will be automatically protected when the creator embodies the idea in a tangible form, as long as it does not violate the law and moral values prevailing in society.

In general, exclusive rights in copyright consists of three main rights (Abdulkadir, 2013):

1. The right to publish the creation: This right gives the creator the power to determine when and how his or her copyrighted work will be made public. The creator has control over the disclosure and dissemination of his/her copyrighted work to others.
2. Right to reproduce the work: This right empowers the creator to make copies or reproductions of his/her copyrighted work. The creator can control the process of reproduction of the copyrighted work and determine who has the right to make the reproduction.
3. The right to license: This right empowers the creator to grant permission or license to others to use his/her copyrighted work. The creator may allow others to use his/her copyrighted work in the form of reproduction, distribution, performance, or other utilization in accordance with specified conditions.

These three rights give the creator the power to control the use and utilization of his or her

copyrighted works, as well as provide legal protection for these rights.

Legal Implications and Urgency of the Change from Ordinary Delicates to Complaint Delicates

In principle, all legal products produced by the executive and legislative institutions aim to provide legal protection for the community. According to Satjipto Raharjo, (Rahardjo, 2000) legal protection aims to protect human rights that have been harmed by others, and the protection is given so that people can enjoy all the rights guaranteed by law. In this context, Satjipto Raharjo also explains that legal protection provides protection to individuals, and therefore, we will briefly discuss the concept of legal protection (Salim, 2013).

Legal protection theory is a theory that studies and analyzes the various forms and purposes of protection provided by law to individual subjects. Legal protection describes the situation in which the legal system works to achieve legal goals, such as justice, expediency, and legal certainty. Legal protection involves a series of legal regulations that regulate individuals in implementing legal rules, both written and unwritten, both in the form of prevention and enforcement. Conceptually, legal protection provided to Indonesian citizens involves the principles of protection and recognition of human dignity based on Pancasila, as well as the principle of a rule of law based on Pancasila (Widyaningrum & Islamiati, 2020).

To protect the public and face the challenges of trade globalization, it is essential to have a national legal framework that regulates the quality control of imported products and the quality control of products circulating in the domestic market. These legal instruments aim to ensure that products in circulation are safe, of good quality, and meet established standards. With the existence of effective national legal instruments in the field of product quality control, it is expected to provide adequate protection for the public and provide certainty in international trade. This will also increase consumer confidence in products in circulation, support economic growth, and encourage a sustainable economy (A. Khoirunnisa & Jawa, 2018; K. Khoirunnisa & Jubaidi, 2023).

Law Number 28 of 2014 on Copyright (UUHC) is considered as one of the most important legal products. This is due to the fact that the law protects the rights at the core of copyright, such as original ideas, works, and imagination, which have economic value for the creator. Clarity in legal protection is a need that must be met, and this law provides an answer to that. Responsiveness of the law is an important aspect, as it must reflect the needs of individuals and various social groups in society, as well as demonstrate a fair sense of justice in society (Rahman, 2021). The UUHC applies the principle of complaint offense in law enforcement related to copyright infringement. Consequently, the police do not have the authority to process copyright infringement in the absence of a complaint from the victim or the aggrieved party. This requires the party who feels his copyright is violated to file a complaint with the police so that the law enforcement process can be carried out. The replacement of the ordinary offense with a complaint offense in the new regulation has provided significant assistance to law enforcement officials in overcoming various obstacles in the law enforcement process, including in terms of investigation, investigation, prosecution and trial. Previously, the application of ordinary offenses stipulated in the previous regulation often hampered the law enforcement process due to several obstacles such as lack of sufficient evidence, uncertainty regarding the creator of the infringed work, or the creator's inability to attend the trial.

In the application of ordinary offenses, there is indeed an opportunity for abuse of power by unscrupulous law enforcement officers in the process of arresting and investigating copyright infringers. Some law enforcement officers who are too proactive in conducting enforcement operations may have other motives or objectives behind their actions. In legal discussions, there have been cases where suspects have been released due to lack of sufficient evidence, as well as cases where suspects have been released unofficially. This has led to dissatisfaction and complaints about the results of enforcement operations against copyright infringement that do not result in effective prosecutions. Public confidence in law enforcement officials in handling copyright infringement cases can be eroded if there is abuse of power, unfairness, or lack of sufficient evidence.

Therefore, it is crucial to maintain the integrity and accountability of law enforcement officials in handling copyright infringement cases. Transparency, fairness and professionalism must be upheld in all stages of the enforcement process, including arrest, investigation, prosecution and trial. Increased internal and external oversight of law enforcement officials is also needed to prevent abuse of power and ensure that law enforcement against copyright infringement is fair, based on strong evidence, and in accordance with the principles of justice. With the existence of complaints offense, law enforcement officers can be more effective and efficient in conducting law enforcement actions. They can focus on cases involving direct complaints from aggrieved or affected parties, so that resources can be better allocated. In addition, the aggrieved party has an active role in the prosecution process, which can also encourage public participation in crime- fighting efforts.

However, despite the benefits of enforcing the offense of complaint, it is also important to pay attention to and overcome the obstacles that may arise, such as the difficulty in identifying the perpetrator or creator of the infringed work, as well as the possibility of resolving the case outside the judicial process which may affect justice. Therefore, cooperation between law enforcement officials, aggrieved parties, and society as a whole is needed to maintain a balance between legal protection and justice in law enforcement related to complaint offenses.

In this context, the police act as a law enforcement agency that carries out its duties based on complaints or reports from parties who feel victimized by copyright infringement. They will take legal action after receiving a complaint and conducting an investigation related to the alleged violation. Thus, the existence of a complaint is an important first step in the process of handling copyright infringement by the police.

The application of the offense of complaint in copyright law enforcement aims to involve the affected parties directly in the legal process, thus giving them control and decision on the steps to be taken. It also considers the practicality and efficiency aspects of law enforcement, where the handling of copyright infringement cases can be focused on cases that are truly considered important and have a significant impact. However, it is also important to ensure that the complaint mechanism and handling of copyright infringement cases are conducted with transparency, objectivity and fairness. Protection of copyright remains a top priority, and the legal system should provide effective protection for creators and copyright holders without neglecting the rights of other individuals.

In the context of positive law in Indonesia, ordinary offense (*gewone delict*) is a type of offense

that can be prosecuted or processed by law without a complaint from the injured party (Hieriej, 2014). On the other hand, a complaint offense (*klacht delict*) is an offense that can only be processed if there is a complaint filed by the aggrieved party. In the case of an ordinary offense, the case cannot be terminated even if the parties have agreed to reconcile. However, with the adoption of the complaint offense in Law Number 28 Year 2014 on Copyright, law enforcement officials can no longer actively take action against copyright infringement without a complaint from the creator or copyright holder who feels harmed.

This change has significant legal implications, especially in the digital age where copyright infringement often occurs widely and easily. In some cases, the creator or copyright holder may be unaware or find it difficult to detect the infringement. Moreover, it is sometimes difficult for them to gather evidence and file a complaint individually against each infringement that occurs. In a complaint offense, the prosecution process depends on the willingness and will of the party affected by the criminal offense or the interested party. In other words, the party affected by the crime has a role in determining whether or not the perpetrator of the crime will be prosecuted. Since prosecution depends on the will of the injured or interested party, there is a possibility of reaching an amicable settlement between the injured or interested party and the offender as a way to resolve the case without the intervention of law enforcement (Harahap, 186 C.E.).

If copyright infringement is regulated as an ordinary offense, the consequence is that the criminal offense should be considered as an unlawful act in the criminal field, focusing on the formal unlawfulness aspect (*formele wederrechtelijkheid*), which is given a narrower interpretation (Shidarta, 2019). This means that to be able to fulfill the elements of copyright crime, there must be an offense that clearly violates the law set forth in the legislation. This approach emphasizes the importance of clarity and strict interpretation of copyright offenses, so that actions that are considered against the law must be in accordance with clear and measurable provisions.

In this context, a more restrictive treatment of copyright offenses can provide clarity and legal certainty, avoid broad or ambiguous interpretations, and provide protection to the rights of creators and copyright holders. However, it should be noted that this view can also have implications for the enforcement process and access to justice. In some cases, a narrow interpretation of copyright offenses may hamper the ability of law enforcement to crack down on copyright offenses that are more complex or that involve digital technology. By adopting the offense of complaint, the legal protection of copyright becomes dependent on the act of complaint from the aggrieved party. This allows creators or copyright holders to actively monitor and protect their copyrighted works, but also places greater responsibility on them to supervise and take legal action against infringements that occur. The change from ordinary offense to complaint offense in Copyright Law No. 28 of 2014 also shows the urgency of adapting the law to technological developments and changes in the digital environment. With the increasing number of copyright infringements in the digital space, it is important to have a more responsive and efficient enforcement mechanism.

These changes give copyright holders the flexibility to proactively report infringements they encounter, which in turn can expedite the enforcement process. It can also motivate copyright holders to be more active in protecting and policing their copyrights. In addition, the urgency of this change is also related to Indonesia's commitment to international agreements and treaties

related to copyright. In the global context, it is important for Indonesia to meet the standards of copyright protection set by the international community. By updating the law and strengthening copyright protection, Indonesia can improve its position in international trade and cooperation, as well as safeguard the interests of domestic copyright holders.

In the previous Copyright Law, ordinary offenses were used as the legal basis to crack down on copyright infringement. However, seeing the high number of copyright infringements that occur, especially in the digital era, changes in the nature of the offense into a complaint offense were made in Copyright Law Number 28 of 2014. Changes in the nature of the offense in the Copyright Act (UUHC) in Indonesia do have implications for the legal protection of creators or copyright holders. The first change occurred in the 1987 UUHC, where the complaint offense turned into an ordinary offense. The aim was to reduce copyright infringement which became a serious problem at the time.

In the context of a complaint offense, copyright infringement can only be prosecuted if there is a complaint or report from the injured party. This can limit the ability of law enforcement officials to actively take action against copyright infringement in the absence of complaints. Therefore, the change to an ordinary offense is expected to provide freedom to law enforcement officials to investigate and take action against copyright infringement without having to rely on complaints from related parties.

However, the second change occurred in the 2014 UUHC, where the offense of complaint was again applied. This aims to emphasize that copyright is a personal and private right. In this context, copyright infringement must involve a complaint from the aggrieved party. In addition, another role in copyright protection is educational efforts and public awareness of the importance of respecting copyright. Education about copyright, raising awareness of the impact of copyright infringement, and empowering creators in obtaining their rights are also essential to effectively protect copyright.

In the current situation, where law enforcement officials may not be able to actively crack down on copyright infringement, collaboration between relevant parties such as copyright holders, creative industries, and the government in improving understanding and enforcement of copyright is important (Ginarti, 2013). This change has important legal implications in an effort to strengthen copyright protection and adapt to technological developments in the digital age. Complaint offenses give copyright holders an active role in reporting infringement, while ordinary offenses give law enforcement the authority to take action independently.

One of the considerations of legislative policy towards changing the nature of copyright offenses into complaint offenses relates to Indonesia as a member state that has ratified the TRIPs Agreement (Trade-Related Aspects of Intellectual Property Rights) under the World Trade Organization (WTO). The TRIPs Agreement regulates intellectual property rights and recognizes that these rights are private rights. (Purba, 2016) As a result, Indonesia is bound by the provisions of the TRIPs Agreement, including the provisions on intellectual property rights that are exclusive and are civil rights. In this context, the offense of complaint is considered more appropriate to be applied in criminal proceedings against copyright infringement. By adopting the offense of complaint, this shows Indonesia's commitment to fulfill its international obligations to protect intellectual

property rights in accordance with the TRIPs Agreement. In the complaint offense system, the aggrieved party has an active role in reporting copyright infringement to law enforcement officials, thus strengthening the legal protection of copyright.

In this case, the change in the nature of the copyright offense into a complaint offense is a step that is consistent with the principles of international law and provides a strong legal basis in dealing with copyright infringement. As such, this policy also aims to ensure that Indonesia fulfills its international obligations and provides adequate protection for creators and copyright holders in the digital age.

The change from ordinary offense to complaint offense in Copyright Law Number 28 Year 2014 also shows the urgency of adapting the law to technological developments and changes in the digital environment. With the increasing number of copyright infringements in the digital space, it is important to have a more responsive and efficient enforcement mechanism, this change gives copyright holders the flexibility to proactively report infringements they encounter, which in turn can speed up the enforcement process. It may also motivate copyright holders to be more active in protecting and policing their copyrights.

Moreover, the urgency of these changes is also linked to Indonesia's commitment to international agreements and treaties related to copyright. In the global context, it is important for Indonesia to meet the standards of copyright protection set by the international community. By updating the law and strengthening copyright protection, Indonesia can improve its position in international trade and cooperation, as well as safeguard the interests of domestic copyright holders.

With the enactment of the offense of complaint in UUHC No. 28 Year 2014, will make police officers cannot act without the complaint of the creator or copyright holder or other parties entitled. In essence, the police cannot proactively take action, and the absence of the police's initial steps in the prosecution will also have an impact on the absence of prosecution and court trials. In such a case, the enactment of the offense of complaint clearly does not support, and even inhibits the eradication of the offense of copyright infringement. It is important to continue to evaluate these changes, examining their effectiveness in protecting copyright and addressing infringement in the evolving digital age. Continued legal reform and effective enforcement are key to maintaining fairness and ensuring optimal copyright protection for copyright holders in Indonesia.

Based on the description above, the author makes a comparison table between the concept of complaint offense and ordinary offense as follows.

Tabel 2. Comparative Analysis of the Concept of Complaint Offenses and Ordinary Offenses

The substance	Ordinary Offenses	Complaint Offenses
Urgency	Violation of the individual liberty rights of others.	Violation of the individual liberty rights of others.
Protection	Private interests that have a broad impact on society	Personal interests that are violated/interfered with as a result of an action.

Enforcement	The State	The state is based on reports from parties who feel aggrieved or have an interest.
Implications	Individual losses that have an impact on the public interest	Personal harm experienced by an individual who feels aggrieved or has an interest

CONCLUSION

The change from ordinary offense to complaint offense in Copyright Law Number 28 Year 2014 has legal implications and urgency that need to be understood in the context of copyright protection in the digital era. This change strengthens the personal rights of creators, encourages increased awareness and education, but also poses challenges in law enforcement. To maintain effective copyright protection, it is important to involve cooperation between creators, rights holders, and law enforcement officials and increase public understanding of the importance of respecting copyright.

If we do an in-depth analysis of how the implications and urgency of the application of the offense of complaint in an effort to eradicate copyright infringement from the usual offense into a complaint offense in UUHC No. 28 Year 2014 can cause difficulties in law enforcement against copyright infringement crimes. This is because there are obstacles that require a complaint in advance from the victim or the aggrieved. In the case of copyright infringement, often the victim or creator does not realize that his copyrighted work is used by others, so that copyright infringement is not known by the creator.

Here are some real-world implications of changing copyright infringement from an ordinary offense to a complaint offense:

1. **Increased Copyright Infringement:** The research suggests that treating copyright infringement as a complaint offense (*klach delict*) has led to a rise in copyright violations. This is because authorities cannot take action unless the copyright holder complains or reports the infringement.
2. **Perpetrator Behavior:** When copyright infringement isn't actively pursued by law enforcement, it can lead perpetrators to believe it's a less serious offense or even acceptable. This can encourage them to continue infringing on copyrights.
3. **Public Perception:** The shift might cause confusion among the public about copyright ownership and protections. People may mistakenly view copyrighted works as "common property" due to a lack of legal understanding.
4. **Economic and Social Impact:** Widespread copyright infringement can harm the creative industries and discourage creators from producing original works. It can also lead to lost tax revenue for the government.

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