

CHAPTER IV

CONCLUSION

A. Conclusion

1. Protected copyright objects are described in the Article 40 of Republic of Indonesia Act Number 28 of 2014 concerning Copyright. While the scope of object protection under the Copyright Act is extensive, an object must satisfy two fundamental principles to qualify for protection: the idea-expression principle and the originality principle. These two basic principles can be identified in the forms of Real Person Fiction works. Real Person Fiction has been realized in the form of literary works, films, and video games indicate that the works have fulfilled the idea-expression principle. Furthermore, this creation is the result of the creativity of the creator with certain characteristics so that the creation meets the principle of originality. In other words, Real Person Fiction can be categorized as a work that can be classified as a protected object as stipulated in Act Number 28 of 2014 concerning Copyright. The recognition of Real Person Fiction as a protected category under copyright law must be balanced with adequate legal protection, particularly the recognition of personal rights such as the right of publicity, to ensure that the interests of both creators and depicted individuals are properly respected.
2. Moral rights and economic rights are automatically granted on declarative principles to the creator after a creation has been embodied into a tangible form. In addition to the creator, there are other parties who can receive moral rights and economic rights to a creation. The other party who is entitled to

receive the exclusive rights is the party involved in assisting and creating a creation. Exclusive rights given to parties who assist in the realization of a creation are defined as neighbouring rights in the Copyright Act provision. Creators of Real Person Fiction works automatically receive both moral and economic rights to their creations. This indicates that the creators are entitled to legal protection for their work. However, the real characters whose visualization and personification are used in Real Person Fiction have not received clear legal protection. This certainly causes problems because famous figures who are used as subjects in Real Person Fiction creation can be harmed both personally and economically. Therefore, the legal status of real-life figures depicted in Real Person Fiction should be explicitly regulated as part of an integrated recognition of the right of publicity within the Copyright Act. Moreover, this issue must be addressed given the rapid development and increasing popularity of this type of work in Indonesia. The protection of real figures in this work can be based on cases in the United States, as one of the countries with rapid development of the creative industry.

B. Suggestion

1. In order to realize the development of works in the creative industry in Indonesia, the state needs to provide protection for the rights of creators with the rights of individuals used in a work. Therefore, the legal status of real characters in Real Person Fiction needs to be explicitly stated in the Copyright Act. In addition, clear legal provisions are necessary to define the

boundaries for the use of real-life character personifications in Real Person Fiction works. Protection of real-life character in Real Person Fiction can be provided through the granting neighbouring rights mechanism. In this case, it is necessary to expand the meaning of the “performer”. So that the scope is not only limited to artists, singers, or actors in the context of traditional performing arts, but also includes real characters who are "perform" in fictional works. Furthermore, the creator needs to get the approval of the real character used in their creation as a form of respect for the integrity and privacy of the real character whose personification is used in the Real Person Fiction work. Establishing clear regulations on the mechanism for granting rights to real-life figures depicted in Real Person Fiction serves to protect the rights of creators while ensuring that the personal rights of the individuals portrayed are not infringed.

2. The protection of Real Person Fiction works requires a more comprehensive legal framework, particularly concerning the use of personification and its impact on the rights of real individuals. Additionally, the legal challenges related to personification in Real Person Fiction can be further examined through the perspectives of other legal frameworks, such as privacy law and various branches of intellectual property law. Adopting these interdisciplinary approaches has the potential to broaden the scope of legal scholarship on Real Person Fiction and contribute to the formulation of more balanced and effective regulatory mechanisms.