

Studying Competitive Law of Collective Management Institution, Arvie Earns Doctorate

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Studying Competitive Law on Practices of Collective Management Institution, Arvie Johan, S.H., M.Hum., has graduated as Doctor of Law Science from Universitas Gadjah Mada. The lecturer from Universitas Islam Bandung defended his dissertation titled Competitive Law Analysis on Practices of Collective Management Institutions in Indonesia.

Accompanied by promoter, Prof. Dr. Nindyo Pramono, S.H., M.S, and co-promoter, Prof. M. Hawin, S.H., LL.M., Ph.D, Arvie explained several reasons behind his research. Some are efforts to make similar the management of Collective Management Institution through National Collective Management Institution whilst users stay in a difficult position.

"On the one hand, users cannot trade with song composers without going to the Collective Management Institution first. On the other hand, Collective Management Institution has placed blanket license as the only offer to song users. Here the Collective Management Institution does not realise that this move attracts the attention of competitive law," he said.

Arvie said the Collective Management Institution as a non-profit legal entity is subject to Law No. 5 Year 1999. Meanwhile, whether profit-oriented or not, article 1 point 5 Law No. 5 Year 1999 emphasised that business player is an entity that runs a business.

"The focus is on whether there are actions or not of business players that damage competition, because either profit oriented or non-profit oriented business has same benefits if they damage the business," he said.

According to Arvie, the legal relation construction of mediators between song composers and the Collective Management Institution as seen in Article 1 Point 22, Article 87, and Article 91 Law No. 28 Year 2014 needs to be reaffirmed to enhance the principle that the Collective Management Institution is non-profit legal entity. So, Collective Management Institution as a mediator deserved pays of the business it has conducted.

"The work of the Collective Management Institution is to bring together composers and users. It starts from the power granted to manage economic right of the song creation while the pay is in the form of operational costs," he said.

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