Jurnal Ilmiah Kebijakan Hukum

Volume 19 Nomor 2, Juli 2025: 87-184
p-ISSN: 1978-2292 (print) e-ISSN: 2579-7425 (online)
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Jurnal Ilmiah Kebijakan Hukum (JIKH) adalah media ilmiah di bidang kebijakan hukum. Jurnal ini berisi kompilasi hasil penelitian dan kajian, kajian hukum, wacana ilmiah dan artikel. Terbit tiga kali setahun pada bulan Maret, Juli dan November. Berdasarkan Keputusan Direktur Jenderal Penguatan Riset dan Pengembangan Kementerian Riset, Teknologi, dan Pendidikan Tinggi Republik Indonesia Nomor 34/E/KPT/2018 tentang Peringkat Akreditasi Jurnal Ilmiah Periode III Tahun 2018 tanggal 10 Desember 2018, JIKH ditetapkan memiliki Akreditasi Jurnal Ilmiah Peringkat 2 (dua) atau Sinta-2 (S2).

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Tajuk Rencana

Puji syukur kehadirat Allah SWT yang telah melimpahkan rahmat dan karunia-Nya kepada kita semua sehingga Redaksi dapat menerbitkan JIKH edisi kedua pada bulan Juli 2025. Edisi kali ini menyajikan beberapa tulisan terkait isu kebijakan hukum.

Edisi kali ini memuat berbagai makalah yang membahas tentang Pemenuhan Hak Pencipta Lagu Oleh Pelaku Pertunjukan Tanpa Izin; *Administrative Immigration Enforcement in Indonesia: A Case Study of Residence Permit Violations at the Palembang Immigration Office*; *Improving Passport Access for Vulnerable Groups: A User Acceptance Analysis of the SIAP RAMAH Application*; *Trademark Protection in Metaverse: Evaluating Indonesia's Legal Framework for Well-Known Marks on Roblox*; Kebijakan Cuti Ayah dalam Undang-Undang Kesejahteraan Ibu dan Anak: Politik Hukum dan Tantangan dalam Mewujudkan Perlindungan Hak Maternitas dan Kesetaraan Gender.

Diharapkan tulisan-tulisan ini dapat berkontribusi untuk menambah pengetahuan pembaca. Akhir kata kami mengucapkan terima kasih kepada Kepala Badan Strategi Kebijakan Hukum, Kementerian Hukum Republik Indonesia yang telah memberikan dukungan dalam penerbitan Jurnal ini. Kami juga berterima kasih kepada para peninjau atas kontribusi mereka untuk meningkatkan kualitas setiap makalah. Kami juga menyambut ide dan saran dalam rangka meningkatkan kualitas jurnal.

Volume 19 Nomor 2, Juli 2025

p-ISSN: 1978-2292 (print)
e-ISSN: 2578-7425 (online)

JURNAL ILMIAH KEBIJAKAN HUKUM

BALITBANG HUKUM DAN HAK ASASI MANUSIA
KEMENTERIAN HUKUM DAN HAM R.I

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Fulfillment of Songwriter Rights by Performers Without Permission

Rindia Fanny Kusumaningtyas, Kholis Roisah, Dewi Sulistyaningsih, Dwiputra Aritenesa

Copyright protection for songs and/or music in Law Number 28 of 2014 concerning Copyright still faces serious challenges in Indonesia, particularly regarding violations of the Moral Rights and Economic Rights of songwriters. Indonesia has even received international criticism due to weak legal protection of copyright, as evidenced by Indonesia's inclusion in the Watch List by IIPA and USTR since 2000 due to the high level of piracy in the domestic market. This study aims to analyze two main problems: the mechanism for requesting permission and paying royalties to songwriters, as well as the legal consequences for actors who perform songs without permission and do not fulfill copyright obligations. The method used is normative juridical with a statutory approach and case studies as well as qualitative analysis. The results of the study indicate that the licensing and royalty payment mechanisms are carried out through the National Collective Management Institute (LMKN), which is tasked with collecting and distributing royalties based on data on works registered by creators. Meanwhile, users of works who use songs commercially without permission and without paying royalties can be subject to legal sanctions in the form of civil lawsuits (compensation), revocation of license permits if there is an agreement, and criminal fines in accordance with the provisions of Article 113 paragraph (2) of the Copyright Law. The implications of this research emphasize the importance of legal compliance in the use of musical works in order to protect the rights of creators fairly and sustainably.

Keywords: *Copyright; Songwriter; Performer.*

Administrative Immigration Enforcement in Indonesia: A Case Study of Residence Permit Violations at the Palembang Immigration Office

Arief Febrianto, Gunawan Ari Nursanto, Rasona Sunara Akbar

This study explores the enforcement of administrative immigration measures in response to residence permit violations committed by foreign nationals. Using a qualitative case study approach, it examines how such violations are managed by immigration authorities, focusing on enforcement patterns, operational challenges, and the effectiveness of administrative responses. Data were gathered through document analysis, field observations, and interviews with key personnel, supported by legal and policy reviews. The findings highlight a range of violations, including overstaying, misuse of residence permits, and lack of valid documentation. Administrative actions such as deportation, revocation of permits, and blacklisting were commonly applied. However, the enforcement process was found to be constrained by inconsistent interpretations of legal provisions, limited technological and human resources, and inadequate coordination among relevant institutions. Enforcement practices tended to be reactive, triggered by referrals or specific incidents, rather than part of a continuous monitoring system.

Comparative legal and policy analyses across jurisdictions indicate that immigration enforcement regimes grounded in preventive, integrated, and rights-respecting frameworks tend to produce higher levels of voluntary compliance and systemic legitimacy. The study recommends key improvements, including clearer operational guidelines, the deployment of interoperable digital surveillance, inter-institutional coordination, and increased public engagement. By addressing these challenges, immigration authorities can enhance the consistency, efficiency, and accountability of their enforcement systems, contributing to improved migration governance and public order.

Keywords: *Administrative Sanctions; Immigration Enforcement; Public Policy; Residence Permit Violations.*

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Improving Passport Access for Vulnerable Groups: A User Acceptance Analysis of the SIAP RAMAH Application

Gunawan Ari Nursanto, Rasona Sunara Akbar, Budy Mulyawan, Arief Febrianto

This study explores the implementation of the SIAP RAMAH (Sistem Aplikasi Paspor Ramah HAM) application, a human rights-based passport service management system developed by the Blitar Immigration Office in Indonesia. The objective was to assess user acceptance of this digital innovation using the Technology Acceptance Model (TAM), focusing specifically on vulnerable groups, including elderly individuals, persons with disabilities, infants, and pregnant women. The methodology employed a qualitative descriptive approach through participant observations and structured interviews with purposely selected system administrators, operators, and users. Findings revealed that SIAP RAMAH was generally well-received by vulnerable users due to its intuitive interface, reduced processing times, and streamlined application procedures. The study identified a strong relationship between TAM constructs-Perceived Usefulness and Perceived Ease of Use-and system adoption, with ease of use emerging as particularly critical for elderly users with limited technological familiarity. While the application successfully improved service efficiency and reduced physical visits to immigration offices, challenges persisted, including limited public awareness and internet connectivity issues in rural areas. The research concludes that human-cantered design principles are essential for inclusive public service technologies and suggests enhancing outreach campaigns through community channels, integrating voice-assisted navigation features, establishing mobile assistance units for first-time users, and developing collaborative partnerships with healthcare providers and disability advocacy groups to further optimize system effectiveness.
Keywords: *SIAP RAMAH; Technology Acceptance Model (TAM); Vulnerable Groups; Passport Application.*

Trademark Protection in Metaverse: Evaluating Indonesia's Legal Framework for Well-Known Marks on Roblox

Maudy Prima Azairin, Dwi Suryahartati, Firya Oktaviarni

The rise of the Roblox gaming platform within the Metaverse presents new challenges for trademark protection in Indonesia. Users frequently create, trade, and sell virtual goods incorporating well-known marks without authorization, raising concerns about the adequacy of Trademark Act No. 20 of 2016 in addressing digital trademark violations. This study aims to evaluate Indonesia's legal framework for protecting well-known marks in virtual spaces and assess its effectiveness in preventing unauthorized use on platforms like Roblox. Using a normative juridical approach, the research analyzes the current legal provisions, particularly the scope and interpretation of Articles 1, 21, and 83 of Law No. 20 of 2016, and also identifies normative gaps in addressing violations involving virtual goods and digital environments. The findings reveal that while the Trademark Act provides a foundation for brand protection, it lacks explicit regulations for virtual goods and digital environments, leaving well-known marks vulnerable to misuse. To address these challenges, the study recommends broadening key legal definitions within the Trademark Act and enhancing preventive measures on Roblox, such as stricter verification and enforcement systems. Strengthening Indonesia's trademark regulations in response to technological advancements is essential to ensure comprehensive intellectual property protection. Theoretically, the study contributes to the discourse on adapting IP law to digital realities. Practically, it offers policy insights for legislators and platforms to prevent misuse of well-known marks in virtual spaces.
Keywords*: Metaverse; Roblox; Trademark Act; Well-Known Marks Protection..*

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Paternity Leave Policy in the Mother and Child Welfare Act: Legal Policy and Challenges in Realizing Maternity Rights Protection and Gender Equality

Rizki Bagus Prasetio

This study examines the legal policy on paternity leave under Law Number 4 of 2024 on Maternal and Child Welfare (UU KIA), focusing on the protection of maternity rights and gender equality. This is normative (doctrinal) legal research employing statutory, conceptual, comparative, and futuristic approaches. The data consist of primary and secondary legal materials analyzed descriptively and analytically. The findings reveal that the regulation on paternity leave in the UU KIA grants only 2 days, extendable by 3 additional days upon mutual agreement, which is significantly shorter than the more progressive provision in the 2022 Draft UU KIA that allowed up to 40 days. This change reflects inconsistency on the part of lawmakers in upholding the initial objectives of the UU KIA and demonstrates a weak commitment to protecting maternity rights and mainstreaming gender equality. Furthermore, the absence of a clear financing scheme and the lack of inclusion for informal workers pose a risk of new forms of discrimination. Based on comparative analysis with practices in several countries, the ideal paternity leave policy in Indonesia should extend its duration, design a sustainable financing mechanism, and ensure inclusivity for all types of workers. Therefore, a reconstruction of the legal policy on paternity leave is necessary so that it becomes a strategic instrument for promoting maternal and child welfare, protecting maternity rights, and advancing gender equality.

Keywords: *Paternity Leave; Maternity Rights; Legal Politic; Maternal and Child Welfare; Gender Equality.*

Kata kunci yang dicatat di sini mewakili konsep yang diterapkan dalam artikel.
Lembar abstrak ini boleh diperbanyak tanpa izin atau biaya.

Pemenuhan Hak Pencipta Lagu Oleh Pelaku Pertunjukan Tanpa Izin
Rindia Fanny Kusumaningtyas, Kholis Roisah, Dewi Sulistyaningsih, Dwiputra Aritenesa

Perlindungan hak cipta atas lagu dan/atau musik dalam Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta masih menghadapi tantangan serius di Indonesia, terutama terkait pelanggaran Hak Moral dan Hak Ekonomi pencipta lagu. Indonesia bahkan pernah mendapat kritik internasional akibat lemahnya perlindungan hukum terhadap hak cipta, terbukti dengan dimasukkannya Indonesia dalam Watch List oleh IIPA dan USTR sejak tahun 2000 karena tingginya tingkat pembajakan di pasar domestik. Penelitian ini bertujuan untuk menganalisis dua permasalahan utama: mekanisme permohonan izin dan pembayaran royalti kepada pencipta lagu, serta konsekuensi hukum bagi pelaku yang menampilkan lagu tanpa izin dan tidak memenuhi kewajiban hak cipta. Metode yang digunakan adalah yuridis normatif dengan pendekatan perundang-undangan dan studi kasus serta analisis kualitatif. Hasil penelitian menunjukkan bahwa mekanisme perizinan dan pembayaran royalti dilakukan melalui Lembaga Manajemen Kolektif Nasional (LMKN), yang bertugas menghimpun dan mendistribusikan royalti berdasarkan data karya yang didaftarkan pencipta. Sementara itu, pengguna karya yang menggunakan lagu secara komersial tanpa izin dan tanpa membayar royalti dapat dikenai sanksi hukum berupa gugatan perdata (ganti rugi), pencabutan izin lisensi jika ada perjanjian, serta pidana denda sesuai ketentuan Pasal 113 ayat (2) UU Hak Cipta. Implikasi penelitian ini menegaskan pentingnya kepatuhan hukum dalam penggunaan karya cipta musik guna melindungi hak-hak pencipta secara adil dan berkelanjutan.
Kata Kunci: Hak Cipta; Pencipta Lagu; Pelaku Pertunjukan.

Kebijakan Cuti Ayah dalam Undang-Undang Kesejahteraan Ibu dan Anak: Politik Hukum dan Tantangan dalam Mewujudkan Perlindungan Hak Maternitas dan Kesetaraan Gender
Rizki Bagus Prasetio

Tulisan ini mengkaji politik hukum kebijakan cuti ayah dalam Undang-Undang Nomor 4 Tahun 2024 tentang Kesejahteraan Ibu dan Anak (UU KIA) dengan fokus pada perlindungan hak maternitas dan kesetaraan gender. Penelitian ini menggunakan metode hukum normatif (doktrinal) dengan pendekatan perundang-undangan, konseptual, komparatif, dan futuristik. Data yang digunakan adalah bahan hukum primer dan sekunder yang dianalisis secara deskriptif-analitis. Hasil penelitian menunjukkan bahwa pengaturan cuti ayah dalam UU KIA hanya berdurasi 2 hari dan dapat diperpanjang 3 hari berdasarkan kesepakatan, berbeda secara signifikan dengan ketentuan dalam RUU KIA 2022 yang lebih progresif memberikan cuti hingga 40 hari. Perubahan ini mencerminkan ketidakkonsistenan pembentuk undang-undang terhadap tujuan awal pembentukan UU KIA serta lemahnya komitmen terhadap perlindungan hak maternitas dan pengarustamaan gender. Selain itu, belum adanya kejelasan skema pembiayaan dan tidak diakomodasinya pekerja informal menimbulkan risiko diskriminasi baru. Berdasarkan analisis perbandingan dengan praktik di beberapa negara, idealnya kebijakan cuti ayah di Indonesia perlu memperpanjang durasi cuti, merancang pembiayaan yang berkelanjutan, serta menjamin inklusivitas bagi seluruh jenis pekerja. Oleh karena itu, diperlukan rekonstruksi politik hukum cuti ayah agar menjadi instrumen strategis untuk mewujudkan kesejahteraan ibu dan anak, perlindungan hak maternitas, dan kesetaraan gender.
Kata Kunci: Cuti Ayah; Hak Maternitas; Kesejahteraan Ibu dan Anak; Kesetaraan Gender; Politik Hukum.