

The Legal Protection of Parties in Cooperation in Radio Media

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Abstract. *This study aims to understand and analyze the legal protection of the parties in cooperation in Radio Media, to find out and examine the factors that cause the cooperation of the parties in Media Radio and to determine the legal binding strength of the parties in cooperation in Media Radio. Juridical Sociological research approach method. The research is a sociological juridical approach or social approach, which is an approach that is not only based on the provisions of laws and regulations but also looks at practices in society. The results of the study show that the cooperation agreement between Up Radio Semarang and advertising agencies must pay attention to several legal aspects such as the type of agreement, the object of the agreement, the rights and obligations of the parties, the validity period of the agreement, and the amount of commission given to advertising agencies. Apart from that, cooperation agreements must also pay attention to other aspects such as the reach of advertisements, the quality of advertisements, and the number of advertisements given.*

Keywords: *agreement; Cooperation; Protection.*

1. Introduction

Legal protection is a universal concept of a rule of law. Basically, legal protection consists of two forms, namely preventive legal protection and repressive legal protection namely: Protection. Preventive law, which is basically preventive, is defined as prevention. The form of preventive legal protection is contained in statutory regulations to prevent the occurrence of a violation and to provide limitations in carrying out obligations. Repressive Legal Protection functions to resolve disputes that have arisen as a result of violations. This protection is the final protection in the form of imposing sanctions on violations that have been committed.¹

¹ <http://e-journal.uajy.ac.id/16725/3/HK111272.pdf>

Legal protection is very important in accordance with article 28 D paragraph 1 of the 1945 Constitution of the Republic of Indonesia concerning the right of every Indonesian citizen to obtain legal protection in various aspects of life. Aspects of life in society are activities that involve the community or involve public facilities that are between these activities and one of the aspects of life is the economic aspect. The most important thing in the economy in the social life of society is related to the problem of buying and selling. In business activities, selling and buying goods/services is one of the routine activities that occurs every day. The first thing that must be in the sale and purchase agreement is the existence of the parties to an agreement involving two parties, namely the seller and the buyer. A valid agreement means an agreement that meets the conditions specified by law.²

The sale and purchase agreement is a reciprocal agreement in which one party (the seller) promises to deliver an item and the other party (buyer) will pay the price that has been promised. The legal requirements for an agreement are the agreement of the parties to the agreement, the competence of the parties to the agreement, a certain matter, a lawful reason. Buying and selling is a form of public transaction that is often carried out by the community. Usually, a sale and purchase agreement is made orally or in writing based on the agreement of the parties (seller and buyer). "Based on the provisions regarding the legal terms of an agreement, there is not a single condition in Article 1320 of the Civil Code that requires an agreement to be made in writing." In other words³. Meanwhile, the Civil Code recognizes three types of goods, namely movable goods, immovable goods (fixed goods), and intangible goods.

Radio is an advertising or advertising service business that continues to grow. Radio is also an information medium that until now has not been abandoned by the public and business actors to advertise. Based on data from Wikipedia 2021 there are 44 radios in the city of Semarang⁴ both public broadcasts / government broadcasts, private radio broadcasts and community radio. This proves that radio business actors can still maintain their business amidst the times. In the current era of globalization, competition in the advertising services business is getting tighter starting from print media, billboards, television, social media, videotron to competition between radio businesses themselves.⁵

Facing tough competition, it's important to do this efforts to provide the best service oriented to the interests of customers, which allows us to do, with the aim

²Prasetyo, H. (2017). Legal Renewal of Justice Value-Based Sportentertainment Agreement. Journal of Legal Renewal, IV. Retrieved From <http://jurnal.unissula.ac.id/index.php/PH/article/download/1645/pdf>, p.1.

³Aan Handriani, The Legitimacy of Unwritten Sale and Purchase Agreements Based on Civil Law, Journal of Law Studies, Vol 1, No 2 (2018)

⁴ https://id.wikipedia.org/wiki/Daftar_stasiun_radio_di_Jawa_Tengah

⁵ <http://e-journal.uaaj.ac.id/20644/2/TI077901.pdf>

is to build a sense of trust and satisfaction from customers. Trust and satisfaction from customers will make them loyal and will use our services again when they need it⁶

In a buying and selling transaction, disputes or problems sometimes occur. The parties can resolve the issue through non-litigation and litigation. The non-litigation route is the settlement of disputes not through the courts by way of negotiation and compensation. If it cannot be resolved through non-litigation, it can be brought to the litigation/court route by filing a lawsuit in court. In reality, for contracts for advertising on UP RADIO, after an agreement is reached, it is stated in an MOU / or agreement letter which contains the rights and obligations of each party including the contract value, frequency and hours of advertisement broadcast, payment process and compensation and work implementation reports (airing). There are cases that often occur due to force majeure which are resolved through non-litigation channels as can be seen in cases that have occurred, namely advertisement playback which was not carried out as it should be because there was a power outage in the East Semarang area. The steps taken by UP RADIO are to provide information to the client. concerned that there is only maintenance of the electricity network from PLN in the area of UP RADIO Semarang so that advertisement playback cannot be realized at the agreed broadcast time and will be played when the electricity is back on with compensation "add bonus broadcasts" (additional broadcasts are adjusted with the value and term of the contract). Based on business calculations, it is clear that UP RADIO Semarang has suffered losses. But to maintain the continuity of consumer trust is very valuable. Then the formulation of the problem posed is: How is the legal protection of the parties in cooperation in Media Radio?

What are the factors that led to the cooperation of the parties in Radio Media? And what is the strength of the legal binding on the insiders cooperation in Media Radio? This study aims to understand and analyze the legal protection of the parties in cooperation in Radio Media.

2. Research Methods

This study uses a Juridical Sociological research approach with the type of Analytical Descriptive research. Data collection techniques used were interviews and literature studies while the data analysis method used in this study was a qualitative approach.

3. Result and Discussion

⁶<https://formasibisnis.com/artikel/pengertian-service-excellent-beserta-aspek-penerapannya>

In many countries, including Indonesia, there are laws that protect cooperative relations in radio media. In Indonesia, the law that regulates broadcast media is Act No. 32 of 2002 concerning Broadcasting ("Broadcasting Law").

The Broadcasting Law states that every broadcasting activity must be based on a broadcasting license granted by the government and must comply with the provisions stipulated in the law. The Broadcasting Law also stipulates that every broadcast must comply with the principles of fairness, balance, diversity and simplicity.

In the context of cooperation in radio media, the Broadcasting Law also stipulates that each radio station must have a cooperation contract with its employees or business partners. This cooperation contract must contain clear provisions regarding the rights and obligations of each party, including the rights to copyrighted works produced in broadcasting activities.

In the event of a dispute or violation of the cooperation contract, the aggrieved party may file a lawsuit in court to obtain legal protection. In addition, the Broadcasting Law also states that employees or business partners of radio stations must be protected from discriminatory acts or harassment that could damage the cooperative relationship that has been built.

Act No. 32 of 2002 concerning Broadcasting ("Broadcasting Law") has several articles that provide legal protection in cooperative relations in radio media, including:

The provisions contained in the law provide legal protection for employees or business partners of radio stations, and guarantee that broadcasting activities are carried out in accordance with fair and balanced principles. If there is a dispute or violation of the cooperation contract, the aggrieved party can file a lawsuit in court to obtain legal protection.

In Indonesia, besides Act No. 32 of 2002 concerning Broadcasting ("Broadcasting Law"), there are several other laws related to cooperation in radio media. Some of them are:

1. Act No. 13 of 2003 concerning Manpower ("Manpower Law"), which regulates work relations, workers' rights and obligations, as well as legal protection for workers. The Manpower Law also regulates equal rights and treatment for workers, as well as the right to wages and social security.

2. Act No. 28 of 2014 concerning Copyright ("Copyright Law"), which provides legal protection for creators of copyrighted works, including rights to copyrighted works produced in broadcasting activities on radio media.

3. Act No. 19 of 2016 concerning Amendments to Act No. 11 of 2008 concerning Information and Electronic Transactions ("UU ITE"), which regulates electronic transactions, electronic information, as well as crimes and criminal acts in the field of information and technology.

The three laws are related to cooperation in the radio media, both in terms of the working relationship between radio stations and their employees or business partners, copyrights for copyrighted works produced in broadcasting activities, as well as arrangements regarding electronic transactions and information on radio media. Therefore, as a party involved in cooperation in radio media, it is important to understand and comply with the provisions stipulated in the law.

The factors that cause cooperation between Radio Media Parties and individuals or institutions are as follows:

1. Limited resources.

Radio stations often have limited resources, whether in terms of manpower, equipment or capital. Under these circumstances, radio stations may cooperate with other parties, such as program producers, advertising service providers, or sponsors, to obtain the additional resources needed. An example of this collaboration is a radio station partnering with a sponsor to hold a major music event featuring a well-known artist. By doing so, the radio station can obtain additional resources such as funds and better equipment to host the event.

2. Different skills and expertise.

In the production of broadcast programs, radio stations require various skills and expertise, such as scriptwriters, broadcasters, technicians, and so on. Under these conditions, radio stations can cooperate with other parties who have the skills and expertise needed to produce quality broadcast programs. An example of this collaboration is a radio station partnering with a program producer who is experienced and has expertise in making broadcast programs on a particular theme. That way, radio stations can produce broadcast programs that are of higher quality and more interesting to listen to.

3. Improving the quality of broadcast programs.

By cooperating with other parties who have better experience and expertise in broadcast program production, radio stations can improve the quality of their broadcast programs and attract more listeners. An example of this collaboration is a radio station cooperating with a famous singer to host a talk show on the radio station. In this way, radio station broadcast programs become more interesting and of higher quality, thus attracting more listeners.

4. Increased revenue.

Through cooperation with sponsors or advertising service providers, radio stations can obtain additional revenue from broadcasting advertisements or programs funded by sponsors. An example of this collaboration is a radio station partnering with an advertising service provider to show advertisements for their products between shows. That way, radio stations can get additional revenue from broadcasting these advertisements.

5. Improved image and reputation.

By cooperating with other parties who have a good image or reputation, a radio station can improve its image and reputation as a quality and trusted media. An example of this partnership is a radio station partnering with a well-known charity to host a fundraising event. In this way, the radio station can enhance the image in the radio medium.

The law used to protect cooperative relations in radio media in Indonesia is quite strong because it regulates in detail the rights and obligations of the parties involved in the cooperation. Regulations and laws in Indonesia, as previously mentioned, have strict legal force and provide sanctions for violators.

In a cooperative relationship in radio media, one of the things that can be done is to make a cooperation agreement. The cooperation agreement is a form of written agreement between the parties involved in the cooperation. In the cooperation agreement, the parties can define their respective rights and obligations and clarify their duties and responsibilities.

If there is a dispute between the parties in the cooperation, the cooperation agreement can be used as proof of agreement and becomes the basis for resolving disputes. In addition, if there is a violation of the cooperation agreement, the aggrieved party can use the law to protect their rights and interests.

The laws used to protect cooperative relations in radio media also protect the rights and obligations of broadcasters and radio stations. For example, Act No. 32 of 2002 concerning Broadcasting protects intellectual property rights, such as

copyrights and broadcast rights, owned by broadcasters and radio stations. In addition, the Indonesian Broadcasting Commission Regulation Number 04/P/KPI/05/2012 concerning the Indonesian Broadcasting Code of Ethics provides for sanctions for broadcasters and radio stations that violate broadcasting ethics.

In this case, it can be concluded that the law used to protect cooperative relations in radio media is quite strong and provides good protection for the parties involved, both in terms of rights and obligations as well as broadcasting ethics.

4. Conclusion

Legal protection is very important in cooperation in the media, especially to ensure the continuity of good cooperation and benefit all parties involved. Clear collaboration contracts and the use of copyright and intellectual property can be effective ways to protect collaboration in the media. Up Radio Semarang must also anticipate and deal with risks that may arise in cooperation in the media, such as conflicts of interest and copyright infringement. In order to increase the legal protection of cooperation in the media, Up Radio Semarang must pay attention to all of the above factors and take appropriate measures to ensure a sustainable and mutually beneficial cooperation.

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