

ABSTRACT

Hidayatul Nikmah, Student ID Number 10220004, *Protection of Batik Motive Belongs to Individual Craftsman in Bojonegoro According to the Copyright Law No. 19/2002 and The MUI Fatwa (Case Study in the Center of Batik Jenegoroan Craftsman)*. Thesis, Sharia Business Law Department, Sharia Faculty, the State Islamic University of Maulana Malik Ibrahim of Malang, Supervisor: Khoirul Hidayah, M.H.

Key words: Copyright, The MUI Fatwa, Batik Jonegoroan, *Huquq Mâlîyyâh*, *Huquq Mîlkîyyâh*, Treasure

Batik Jenegoroan arises because of the confidence that the Small and Medium Industries (IKM) has a strategic value in the national economy and the increase in PDRB. Batik is one of the art or human creation that is protected by law. Especially are the Copyright Act No. 19/2002 and the MUI Fatwa. The Copyright Act No. 19 /2002 and the MUI Fatwa had the same goal to protect the rights of the creator's work.

The problems of this research are: Firstly how are the forms of protection from local government in providing protection to the batik individual craftsmen in Bojonegoro? Secondly how the forms of the legal protection of the batik motive are belongs to individual craftsmen in Bojonegoro according to Copyright Law No. 19/2002 and MUI Fatwa? This research uses empirical research. Research related to the socio-juridical approach. Method of determining the subject is *purposive sample* or samples aimed.

The results of this study indicate that the forms the protection of batik motive from Bojonegoro Government is urged to record and batik makers who have their own batik work to register to Bojonegoro government as a form of temporary protection. At the Copyright Law No.19/2002 protection is officially recognized by the law and is registered to DJHKI accordance with Article 37 of Copyright Law no.19 /2002.

The copyright protection forms of batik motive seen in the MUI Fatwa classified as one of *Huquq mîlkîyyâh* proprietary and *Huquq mâlîyyâh* property rights. Batik is categorized as *Mâl* or property, because the *Mâl* are jointed on two principles, namely *âînîyyâh* and *urf*. Batik is categorized as *âînîyyâh* because it is a category of objects or tangible property so that get legal protection. At the MUI Fatwa using someone else's copyright without permission of the creator is *haram* and could incur damages including theft category. At the Copyright Law No.19/2002 stated that copyright protects the moral rights and economic rights of the punishment provided for in article 72.