ABSTRACT

Khashoggi (05120089103)


(xii + 107 pages, 2 attachments)

In the study of Law, knowing and understanding just the theory is not enough, we have to also study and understand more on the practice of the law case. One case that we’re going to observe: Lawsuit against David Tobing for the mis-use of National Soccer Team uniform. From this case we learn that: First: The outcome of the lawsuit is not always as expected by the Plaintiff. David Tobing’s case cannot be accepted (niet ontvankelijke werklaard) by the presiding Judge of National Court of Central Jakarta. It was decided that The Plaintiff did not notify the Defendant in advance as that was the main requirement in Citizen Law Suit (CLS). One of the consequences is that the case cannot be pursue anymore, and that the case is not clear and has no end. Second: The case of David Tobing also shown its other side, namely the existence of two regimes that can be used as a legal basis approach, they are: Law no. 24 year 2009 on our National Flag, Language, Emblem and National Anthem and also Law no. 19 of year 2002 on Copyright. Supposedly, the two regimes can be used in settlement of the dispute, but in reality only Law no. 29 year 2009 on our National Flag, Language, Emblem and National Anthem that can be the basis of David Tobing’s lawsuit. This happen because the law has set the standard procedures and sanctions of the use of the National Emblem with all its limitations, while the Law no. 19 of 2002 on Copyrights set the National Emblem use in general, thus it cannot accommodate the lawsuit of David Tobing.

References: 43 (1994-2012)