

## INTISARI

Penelitian ini bertujuan untuk mengetahui perlindungan hukum karya cipta rekaman kesenian tradisional Bali dalam praktek, manfaat yang diperoleh dan dampak yang ditimbulkan dari implementasi UUHC terhadap industri rekaman kesenian tradisional Bali menjelang berlakunya Undang-Undang No. 19 Th. 2002 tentang Hak Cipta

Data yang digunakan dalam penelitian ini adalah data primer yaitu data yang diperoleh langsung dari lapangan dengan menggunakan alat pengumpulan data berupa daftar pertanyaan dan wawancara, serta data sekunder yaitu data yang diperoleh dari bahan pustaka melalui studi dokumen. Data-data yang telah dikumpulkan dianalisis secara kualitatif dan dibuat dalam bentuk laporan hasil penelitian yang bersifat deskriptif.

Berdasarkan hasil penelitian diketahui bahwa : Pertama, dalam praktek masih banyak terjadi pelanggaran-pelanggaran hak cipta dan hak terkait terhadap karya rekaman tradisional Bali menjelang berlakunya Undang-Undang No. 19 Th. 2002 tentang hak cipta dan atas pelanggaran tersebut belum diambil tindakan hukum secara tegas sehingga perlindungan terhadap karya rekaman tradisional Bali dapat dikatakan belum terlindungi. Kedua, implementasi UUHC disatu sisi belum memberikan manfaat secara ekonomis terhadap industri rekaman kesenian Bali , namun disisi lain tidak dapat dipungkiri bahwa implementasi UUHC tersebut telah dapat memberikan manfaat berupa pengembangan pemahaman pengetahuan tentang hak cipta, sehingga pelaku industri lebih menyadari bahwa hak-haknya telah dilanggar. Ketiga, bahwa implementasi UUHC belum dapat memberikan dampak yang optimal sesuai dengan tujuannya berupa perlindungan hak kekayaan intelektual, khususnya dibidang hak cipta dan hak terkait atas karya rekaman kesenian tradisional Bali. Hal ini terlihat nyata bahwa dalam industri rekaman kesenian tradisional Bali masih kerap terjadi pelanggaran atas hak cipta dan hak terkait.

**Kata Kunci :** Implementasi, Hak Cipta, Karya Rekaman

## ABSTRACT

This research aims to study legal protection for the recording of Balinese traditional Arts in real practice, the benefits derived, and the impacts emerging from the implementation of copy rights laws toward validity of the copy rights laws no. 19/2002.

The research uses the primary and the secondary data. The primary data were obtained directly from the field by means of questionnaires and interviews, while the secondary data were obtained from the literatures by means of document study. It analyzed the data qualitatively and presented the results descriptively.

The research gives the following findings. First, in real practices, there are still many infringements of copy rights and neighbouring rights related to the recording of Balinese traditional arts toward validity of the Copy Rights Laws no. 19/2002. Unfortunately, there has been no decisive legal action against the infringements, making the legal protection for the recording of Balinese traditional arts not optimum. Second, the implementation of the Copyrights Laws has not given economic benefits to the recording industry who record Balinese traditional arts although on the other hand it has inevitably given another form of benefit to the recording company, that is, understanding on copyrights. The knowledge of copyrights brings the owners of recording company to the realization that their copyrights has been infringed. Third, the implementation of the copyrights laws has not given optimum impacts as set in the goal, which is to give protection for intellectual property rights, especially the copyrights and neighbouring rights related to the recording of Balinese traditional arts. It can be observed from the fact that there are still many infringements against copyrights or neighbouring rights in the recording industry dealing with Balinese traditional arts.

**Keywords :** Implementation, Copyrights, Phonograms.