

INTISARI

Perlindungan Hukum bagi Pencipta Lagu “Jauh” (Studi Kasus Pelanggaran atas Kepemilikan Hak Cipta Lagu “Jauh”)

Oleh: Caecilia Terra Andreana¹ dan R.A. Antari Inaka T., S.H., M.Hum.²

Penulisan Hukum ini membahas mengenai perlindungan hukum bagi pencipta lagu “Jauh” dalam studi kasus pelanggaran atas kepemilikan Hak Cipta lagu “Jauh” karena sejatinya pencipta lagu “Jauh” telah menciptakan lagu berdasarkan inspirasi, kemampuan, pikiran, imajinasi, kecekatan, keterampilan, atau keahlian, sehingga ciptaan tersebut memiliki nilai yang tinggi. Penulisan Hukum ini juga membahas mengenai analisis yuridis pertimbangan majelis hakim Pengadilan Niaga Jakarta Pusat dalam studi kasus tersebut dikaitkan dengan peraturan perundang-undangan dan konsep perlindungan Hak Cipta.

Penelitian ini menggunakan cara penelitian normatif empiris. Penelitian ini didasarkan pada penelitian kepustakaan yang menghasilkan data sekunder. Data sekunder diperoleh dengan mengumpulkan dan menelusuri bahan hukum primer, bahan hukum sekunder, dan bahan hukum tersier. Penelitian lapangan digunakan untuk memperoleh data primer guna melengkapi data sekunder. Data sekunder diperoleh dengan melakukan wawancara dengan responden dan narasumber.

Hasil penelitian ini menunjukkan bahwa (1) Perlindungan hukum bagi pencipta lagu “Jauh” dapat berupa perlindungan hukum preventif dan represif. Perlindungan hukum preventif bagi pencipta lagu “Jauh” berupa peraturan perundang-undangan yang terdiri atas pengaturan mengenai hak milik dan Undang-Undang Nomor 19 Tahun 2002 tentang Hak Cipta. Perlindungan hukum represif bagi pencipta lagu “Jauh” berupa pelaporan kepada pihak yang berwajib, menuntut pemberhentian perbuatan, dan menuntut ganti rugi atas pelanggaran terhadap kepemilikan Hak Cipta yang telah dilakukan (2) Pertimbangan majelis hakim Pengadilan Niaga Jakarta Pusat telah sesuai Undang-Undang Nomor 19 Tahun 2002 tentang Hak Cipta, teori-teori umum mengenai Hak Cipta, serta hukum acara perdata.

Kata Kunci: Perlindungan Hukum, Hak Cipta, Hak Milik.

¹ Mahasiswa Fakultas Hukum Bagian Hukum Perdata, 2014, Universitas Gadjah Mada.

² Dosen Fakultas Hukum Bagian Hukum Perdata, Universitas Gadjah Mada.

ABSTRACT

Legal Protection for “Jauh” Song Creator (Case Study of Violations of “Jauh” Song Copyright Ownership)

By: Caecilia Terra Andreana¹ dan R.A. Antari Inaka T., S.H., M.Hum.²

This legal writing discusses the legal protection for the song creator of "Jauh" in the case study of copyright infringement of the song "Jauh" since the real song creator of "Jauh" has created the song based on inspiration, ability, thought, imagination, dexterity, skill, or expertise, resulted in the high value of the creation. This legal writing will also be discussing juridical analysis of the consideration of Central Jakarta Commercial Court judges in the case study, in relation to the laws and the concept of copyright protection.

This research utilized empirical normative research method. This research is based on literature research which produces secondary data. Secondary data is obtained through collecting and searching for primary legal materials, secondary legal materials, and tertiary legal materials. Field research is utilized to obtain primary data in order to complement the secondary data. Secondary data were obtained by conducting interviews with respondents and interviewees.

The results of this study indicate that (1) Legal protection for song creator of "Jauh" is offered by the means of preventive and repressive legal protection. Preventive legal protection for the song creator of "Jauh" took form in the legislations consisting of Property Rights Regulations and Law Number 19 Year 2002 on Copyright. Representative legal protection for the song creator of "Jauh" is done through the action of reporting to the authorities, demanding dismissal of the deed, and claiming compensation for violation of the copyright ownership that has been done. (2) The consideration of the Central Jakarta Commercial Court judges is in accordance with the Law Number 19 Year 2002 on Copyright, general theories on Copyright, as well as civil procedure law.

Key Words: Legal Protection, Copyright, Property Right

¹ Undergraduate Student in Civil Department of Faculty of Law 2014, Universitas Gadjah Mada.

² Lecturers in Civil Department of Faculty of Law, Universitas Gadjah Mada.