

ABSTRACT

This research is aimed to understand the legal framework of how Indonesia's copyright law protect media production companies and how those laws are applicable on illegally uploading videos on Youtube. This study also aims to suggest the appropriate law that Indonesia should be using to settle this case. This study aims to understand the legal framework that is relevant with illegal movie uploads on Youtube, by understanding and dissecting Viacom Int'l v. Youtube case¹. In order to achieve a better understanding, this study investigates Indonesian Copyright Law and how the case can be settled here. It also aimed to suggest the appropriate law that Indonesia should be using to settle this case.

Indonesia's Law No. 28 of 2014 article 40 laid out the scope of protection including cinematographic works. While, Article 54 protects Media Production, by laying out what the government is doing to prevent and protect the media production from overseeing wide spreading of content violation online as well as cooperating with other countries preventing copyright violation online.

Eventhough Indonesian Copyright law covered fields that are related to Youtube infringement, author felt it is not explicitly laid out. As internet world is growing rapidly every minute, it will be good if Law No. 28 of 2014 covers even more in-depth about internet and violations online that can be covered by law. Internet Copyright infringement should be fined higher and separately as copyright infringement online because it multiplies every seconds. The fine should be set higher than stated than Law No. 28 of 2014 which is 2 years of

¹ Steve Hart, 18 January 2013, "*The rise of social media in its first real decade*", <http://www.relevanza.com/post.cfm/the-rise-of-social-media-in-its-first-real-decade>

imprisonment and fine amounting Rp 300.000.000,00 (three hundred million rupiah).

Keywords: Article 55 Indonesia Copyright Law No. 28 of 2014, Copyright, Illegally uploaded movies, piracy.

INTI SARI

Penelitian ini bertujuan untuk memahami kerangka hukum tentang bagaimana hukum Hak Cipta Indonesia melindungi perusahaan produksi media dan bagaimana hukum-hukum yang berlaku pada mengunduh video ilegal di Youtube. Penelitian ini juga bertujuan untuk mengetahui hukum dan pasal apa yang tepat untuk digunakan ketika kasus dibawa ke Indonesia. Penelitian ini juga bertujuan untuk memahami kerangka hukum yang relevan dengan upload film ilegal di Youtube dengan memahami dan membedah kasus Viacom Int'l v. Youtube². Untuk mencapai pengertian yang baik, studi ini mengkaji UU Hak Cipta Indonesia Nomor 28 tahun 2014 dan bagaimana kasus Viacom bisa di selesaikan menggunakan Undang-Undang tersebut.

Di Indonesia Undang-Undang Nomor 28 tahun 2014 pasal 54 perlindungan produksi media, bisa dilihat dengan upaya pemerintah mengawasi penyebaran konten online dan juga dengan berkerja sama dengan negara-negara lain untuk mencegah pelanggaran hak cipta secara online. Penulis merasa UU No. 28 Tahun 2014 ini tidak di jabarkan secara eksplisit. Dunia internet penyebaran film atau konten bisa menyebar dan bertambah seperti virus, hal ini akan susah untuk pemerintah mengawasi nya online. Menurut penulis akan lebih baik apa bila denda di naikkan dua atau tiga kali lebih besar dari yang tercantum di Undang- Undang No. 28 Tahun 2014 yaitu sanksi sebesar Rp 300.000.000,00 dan hukuman penjara 2 tahun agar masyarakat lebih peka dengan pelanggaran hak cipta ini di Indonesia.

Kata Kunci: Pasal 55 Undang-Undang No. 28 Tahun 2014, Hak Cipta, Film, Youtube.

² Steve Hart, 18 January 2013, "The rise of social media in its first real decade", <http://www.relevanza.com/post.cfm/the-rise-of-social-media-in-its-first-real-decade>