

PERLINDUNGAN HAK CIPTA ATAS KARYA DIGITAL DI INTERNET

(Studi Pengadopsian Doktrin Perlindungan Hak Cipta terhadap Teknologi Pengaman dalam Perundang-undangan Hak Cipta Indonesia)

Budi Agus Riswandi¹_Nindyo Pramono²_M.Hawin³

INTISARI

Indonesia merupakan negara berkembang yang telah memiliki norma-norma hak cipta yang merespon perkembangan teknologi internet. Salah satu norma hak cipta tersebut berhubungan dengan teknologi pengaman. Namun dalam realitasnya norma teknologi pengaman dilihat dari sudut pandang doktrin perlindungan hak cipta masih memiliki sejumlah permasalahan. Permasalahan yang ditimbulkan dari pengaturan teknologi pengaman dilihat dari pengadopsian doktrin perlindungan hak cipta, yakni; penormaan teknologi pengaman dipengaruhi oleh berbagai doktrin perlindungan hak cipta; penormaan teknologi pengaman ada kecenderungan berbeda kepentingan dilihat dari pengadopsian doktrin perlindungan hak cipta; Dengan perbedaan ini, maka berdampak kepada persoalan sosial ekonomi.

Dari hal ini dapat dirumuskan tiga permasalahan penelitian, yakni; Pertama, bagaimanakah pengadopsian doktrin perlindungan hak cipta terhadap teknologi pengaman dalam perundang-undangan hak cipta Indonesia? Kedua, bagaimanakah sikap dan persepsi pemegang hak cipta dan pengguna dalam pemanfaatan internet dan teknologi pengaman terkait dengan pengelolaan hak cipta hasil penelitian? Dan Ketiga, bagaimanakah pengadopsian doktrin perlindungan hak cipta terhadap teknologi pengaman dalam perundang-undangan hak cipta Indonesia guna keseimbangan kepentingan para pihak? Metode penelitian yang digunakan dalam pelaksanaan penelitian ini adalah penelitian hukum doktrinal dan ditunjang dengan penelitian hukum non doktrinal.

*Hasil penelitian dapat menyimpulkan tiga hal, yakni; **Pertama**, pengadopsian doktrin perlindungan hak terhadap teknologi pengaman dalam perundang-undangan hak cipta Indonesia saat ini berbeda-beda; **Kedua**, persepsi pengguna dan pemegang hak cipta mendudukan teknologi pengaman sebagai suatu hal yang sangat penting dalam memberikan perlindungan hak kekayaan intelektual dan pemanfaatan hasil penelitian di internet; **Ketiga**, pengadopsian doktrin perlindungan hak cipta social control planning terhadap teknologi pengaman dalam perundang-undangan hak cipta Indonesia dapat menciptakan keseimbangan kepentingan para pihak.*

Kata Kunci: Doktrin – Teknologi Pengaman – Perundang-undangan Hak Cipta – Keseimbangan.

¹ Mahasiswa S-3 Fakultas Hukum Universitas Gadjah Mada Yogyakarta.

² Guru Besar Fakultas Hukum Universitas Gadjah Mada Yogyakarta.

³ Guru Besar Fakultas Hukum Universitas Gadjah Mada Yogyakarta.

PROTECTION OF COPYRIGHT IN DIGITAL WORKS ON THE INTERNET

(The Study of Adoption of Copyright Protection Doctrine toward Security Technology in Indonesia Copyright Law)

Budi Agus Riswandi¹_Nindyo Pramono²_M.Hawin³

ABSTRACT

Indonesia is a developing country which has copyright norms in order to answer the development of internet technology. One of the copyright norms is related to the security technology. However, in the reality, norm of security technology is viewed from the perspective of protection of copyright doctrine, it still has problem within. The problems which appear from the regulation of security technology from the perspective of doctrine adoption of copyright protection are; regulates security technology is caused by several doctrines of copyright; regulates security technology tends to have different interest if it is seen from the doctrine adoption of copyright; because of the difference, thus it effects to the social-economy problem.

From the paragraph above, it could be formulated into three problems of the research, as follow: First, how is the adoption to the protection of copyright doctrine toward security technology based on copyright law in Indonesia? Second, how are their respond and perception of copyright holder and the user relating to the utilization of internet and security technology in order to organize the result of copyright's research? And Third, how is the adoption to the protection of copyright doctrine toward the security technology in the law of copyright in Indonesia in order to the balance of interest of the parties? Method of research is doctrinal and supported by non-doctrinal.

The result of the research could conclude into three matters, as follow: First, doctrine adoption of right protection toward security technology in the provisions of copyright in Indonesia has difference; Second, perspective of the user and copyright holder obey security technology as important matter which gives protection of intellectual property and utilization of research result on internet; Third, the adoption of copyright protection doctrine social control planning toward security technology in the provisions of Indonesian copyright could create interest balance for the parties.

Key Words: Doctrine - Security Technology – Copyright Law- Balance

¹ Student of Doctoral Degree, Faculty of Law, Gadjah Mada University, Yogyakarta.

² Professor of Faculty of Law, Gajah Mada University, Yogyakarta.

³ Professor of Faculty of Law, Gadjah Mada University, Yogyakarta.