

ABSTRAK

PERTANGGUNGJAWABAN HUKUM PADA PERILAKU PLAGIARISME KARYA SENI DI INDONESIA

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Penelitian ini dilaksanakan dengan alasan mendasar untuk memahami dan mengatasi permasalahan plagiarisme karya seni yang semakin marak di Indonesia. Plagiarisme, sebagai bentuk pelanggaran hak cipta, merugikan pencipta karya seni dan menciptakan ketidakadilan dalam dunia kreatif. Tujuan utama dari riset ini adalah untuk mengeksplorasi bagaimana hukum di Indonesia menangani plagiarisme karya seni, serta untuk menilai efektivitas penerapan Undang-Undang Hak Cipta dalam mengatasi plagiarisme. Penelitian ini menggunakan pendekatan normatif empiris dengan jenis penelitian hukum normatif. Penelitian ini menerapkan beberapa pendekatan hukum, yaitu: Pendekatan Perundang-Undangan (Statute Approach) yang menganalisis regulasi yang mengatur hak cipta, termasuk UU No. 28 Tahun 2014 tentang Hak Cipta; Pendekatan Konseptual (Conceptual Approach) yang menggali konsep-konsep hukum terkait hak cipta dan plagiarisme; serta Pendekatan Kasus (Case Approach) yang menelaah penerapan hukum melalui studi kasus dan putusan pengadilan yang relevan. Berdasarkan hasil penelitian yang telah dilakukan, ditemukan bahwa tanggung jawab hukum bagi pelaku plagiarisme karya seni di Indonesia diatur dalam Undang-Undang Hak Cipta (UUHC) No. 28 Tahun 2014, yang mencakup sanksi pidana dan perdata. Pelanggaran hak cipta dapat dikenakan kompensasi atas kerugian ekonomi serta perlindungan terhadap hak moral pencipta. Penegakan hukum terhadap plagiarisme karya seni di Indonesia meskipun sudah diatur oleh UUHC 2014, tetap menghadapi berbagai kendala. Di antaranya adalah rendahnya literasi hukum di kalangan masyarakat, terutama seniman, serta kurangnya pemahaman tentang hak cipta. Hal ini menyebabkan banyak karya seni dijiplak atau digunakan tanpa izin. Selain itu, pembuktian pelanggaran hak cipta yang melibatkan kemiripan substansial antar karya sering kali bersifat subjektif. Proses hukum yang panjang, mahal, dan kurangnya pengawasan semakin memperburuk situasi ini.

Kata Kunci: Plagiarisme, Hak Cipta, Penegakan Hukum

ABSTRACT

LEGAL RESPONSIBILITY FOR PLAGIARISM OF ARTWORKS IN INDONESIA

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This research was conducted with the basic reason to understand and overcome the problem of plagiarism of artworks that is increasingly rampant in Indonesia. Plagiarism, as a form of copyright infringement, harms creators of artworks and creates injustice in the creative world. The main objective of this research is to explore how the law in Indonesia handles plagiarism of artworks, and to assess the effectiveness of the application of the Copyright Law in overcoming plagiarism. This research uses a normative legal approach with a normative legal research type. This research applies several legal approaches, namely: Statute Approach which analyzes regulations governing copyright, including Law No. 28 of 2014 concerning Copyright; Conceptual Approach which explores legal concepts related to copyright and plagiarism; and Case Approach which examines the application of the law through case studies and relevant court decisions. Based on the results of the research that has been conducted, it was found that the legal responsibility for perpetrators of plagiarism of artworks in Indonesia is regulated in the Copyright Law (UUHC) No. 28 of 2014, which includes criminal and civil sanctions. Copyright infringement can be subject to compensation for economic losses as well as protection of the creator's moral rights. Law enforcement against plagiarism of works of art in Indonesia, although regulated by UUHC 2014, still faces various obstacles. Among them are low legal literacy among the public, especially artists, and a lack of understanding of copyright. This causes many works of art to be plagiarized or used without permission. In addition, proof of copyright infringement involving substantial similarities between works is often subjective. The long, expensive legal process and lack of supervision further exacerbate this situation.

Keywords: *Plagiarism, Copyright, Law Enforcement*