

## ABSTRAK

# **PERTANGGUNG JAWABAN PELANGGAR HAK CIPTA VIDEO KONTEN YANG DIUNGGAH OLEH ORANG MALAYSIA UNTUK KOMERSIAL DI TIKTOK**

Risca Selfeny (2310622014), Muthia Sakti, Iwan Erar Joesoef

Perkembangan platform TikTok telah memicu maraknya pemalsuan dan modifikasi konten video tanpa izin untuk kepentingan komersial lintas yurisdiksi. Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta mengatur perlindungan hak ekonomi (Pasal 9 ayat (3)) dan hak moral (Pasal 5), namun penerapannya terhadap konten digital masih menghadapi ketidakjelasan normatif dan kesenjangan penegakan hukum. Penelitian ini merupakan penelitian yuridis normatif dengan pendekatan perundang-undangan dan pendekatan kasus, yang menganalisis kasus antara dr. Leo dengan konten kreator Indonesia (Laura Siburian, @annapulupulu, dan @dayy.ayya).

Tujuan penelitian adalah menganalisis bentuk sanksi hukum pelanggar hak cipta serta merumuskan penerapan Pasal 5 UU Hak Cipta dalam menilai modifikasi konten video tanpa izin guna menjamin kepastian hukum. Hasil penelitian menunjukkan bahwa tindakan dr. Leo memenuhi tolak ukur modifikasi Pasal 5 karena mengandung distorsi makna dan kerugian reputasi pencipta, sehingga dapat dikenai sanksi pidana, perdata, dan administratif. Namun, penerapan kepastian hukum belum memadai akibat lemahnya mekanisme Mutual Legal Assistance (MLA) antara Indonesia dan Malaysia serta kurangnya harmonisasi dengan TRIPS Agreement Pasal 41–61 dan UNESCO Convention 2005.

Penelitian ini menyimpulkan bahwa diperlukan harmonisasi bilateral berbasis TRIPS dan pembentukan joint task force DJKI–MyIPO agar hak moral pencipta dapat dilindungi secara efektif di era digital. Saran yang diajukan mencakup penguatan protokol MLA khusus hak cipta digital, penyempurnaan tolak ukur Pasal 5, serta peningkatan peran platform TikTok dalam pencegahan proaktif.

**Kata Kunci:** Hak Cipta, Modifikasi Konten Digital, Pasal 5 UU Hak Cipta, TRIPS Agreement, Mutual Legal Assistance, Kepastian Hukum, TikTok.

## **ABSTRACT**

### **LEGAL LIABILITY FOR COPYRIGHT INFRINGEMENT OF VIDEO CONTENT UPLOADED BY MALAYSIAN INDIVIDUALS FOR COMMERCIAL PURPOSES ON TIKTOK**

Risca Selfeny (2310622014), Muthia Sakti, Iwan Erar Joesoef

*The rapid growth of the TikTok platform has triggered widespread unauthorized modification and commercialization of video content across jurisdictions. Law Number 28 of 2014 on Copyright regulates the protection of economic rights (Article 9 paragraph (3)) and moral rights (Article 5); however, its application to digital content still faces normative ambiguity and enforcement gaps. This study employs a normative juridical approach with statutory and case approaches, analyzing the dispute between dr. Leo and Indonesian content creators (Laura Siburian, @annapulupulu, and @dayy.ayya).*

*The objectives are to examine the forms of legal sanctions for copyright infringement and to formulate the application of Article 5 of the Copyright Law in assessing unauthorized video modification in order to ensure legal certainty. The findings indicate that dr. Leo's actions meet the criteria of modification under Article 5 due to distortion of meaning and reputational harm, thereby subjecting the perpetrator to criminal, civil, and administrative sanctions. Nevertheless, the application of legal certainty remains inadequate owing to the weakness of Mutual Legal Assistance (MLA) between Indonesia and Malaysia and the lack of harmonization with TRIPS Agreement Articles 41–61 and the UNESCO Convention 2005.*

*This study concludes that bilateral harmonization based on TRIPS and the establishment of a DJKI–MyIPO joint task force are necessary to effectively protect creators' moral rights in the digital era. Recommendations include strengthening a specific MLA protocol for digital copyright, refining the measurement criteria of Article 5, and enhancing TikTok's proactive prevention mechanisms.*

**Keywords:** *Copyright, Digital Content Modification, Article 5 of Copyright Law, TRIPS Agreement, Mutual Legal Assistance, Legal Certainty, TikTok.*