

ABSTRAK

PRAKTIK MANGA *SCANLATION* DALAM PERSPEKTIF HAK CIPTA DI INDONESIA

Oleh:

GENDO MULYA SIMORANGKIR

Praktik manga *scanlation* merupakan proses pemindaian, penerjemahan, pengeditan, komunikasi, dan pendistribusian ulang karya manga versi buku cetak ke dalam bahasa lain tanpa izin pemegang hak cipta melalui platform digital. Popularitas manga sebagai karya intelektual bernilai ekonomi, sosial, dan budaya menjadikan praktik ini relevan dikaji dalam perspektif hukum hak cipta di Indonesia. Meskipun sering dilakukan oleh komunitas penggemar, praktik tersebut berpotensi melanggar hak ekonomi dan hak moral pencipta sebagaimana diatur dalam Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta. Penelitian ini membahas pengaturan hak cipta terhadap karya asing berupa manga dalam sistem hukum Indonesia serta upaya perlindungan hukum terhadap pencipta atas manga *scanlation*.

Jenis penelitian hukum normatif dengan tipe penelitian deskriptif dan pendekatan konseptual, Undang-Undang, dan kasus. Data yang digunakan merupakan data sekunder meliputi Kitab Undang-Undang Hukum Perdata, Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta, Konvensi Bern, TRIPs Agreement, serta literatur dan jurnal ilmiah. Pengumpulan data dilakukan melalui studi kepustakaan dan studi dokumen.

Hasil penelitian menunjukkan pengaturan manga *scanlation* dalam perspektif hak cipta di Indonesia didasarkan pada Konvensi Bern dan Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta, yang memberikan perlindungan otomatis terhadap karya manga Jepang tanpa memerlukan pendaftaran. Konvensi Bern menegaskan bahwa karya sesama anggota memperoleh perlindungan hukum yang sama dengan karya nasional dan hukum yang berlaku di suatu wilayah pelanggaran tersebut terjadi. Pengaturan praktik manga *scanlation* memenuhi unsur pelanggaran hak cipta dikualifikasikan sebagai pelanggaran hak ekonomi dan hak moral pencipta sebagaimana diatur dalam Pasal 5 dan Pasal 9 Undang-Undang Hak Cipta, sehingga dapat dimintakan pertanggungjawaban. Upaya hukum yang dilakukan meliputi langkah preventif seperti pencatatan hak cipta dan permohonan penghapusan konten (*take down*), serta langkah represif melalui penanggulangan praktik manga *scanlation* melalui mekanisme administratif DJKI, gugatan perdata untuk ganti rugi dan penegakan pidana terhadap pembajakan, meskipun pelaksanaannya masih menghadapi tantangan akibat sifat pelanggaran digital yang lintas negara dan anonim.

Kata Kunci: *Manga Scanlation*, Hak Cipta, Perlindungan Hukum.

ABSTRACT

MANGA SCANLATION PRACTICES FROM A COPYRIGHT PERSPECTIVE IN INDONESIA

By:

GENDO MULYA SIMORANGKIR

Manga scanlation is the process of scanning, translating, editing, and redistributing manga works into other languages without the copyright holder's permission via digital platforms. The popularity of manga as intellectual property with economic, social, and cultural value makes this practice relevant to study from the perspective of copyright law in Indonesia. Although often carried out by fan communities, this practice has the potential to infringe upon the economic and moral rights of creators as stipulated in Law No. 28 of 2014 on Copyright. This study was chosen to analyze copyright regulations regarding foreign works in the form of manga within the Indonesian legal system, as well as legal protection efforts for creators against the piracy of their works.

This is a normative legal study employing a descriptive research design and a conceptual, statutory, and case-based approach. The data used consists of secondary sources, including the Civil Code, Law No. 28 of 2014 on Copyright, the Berne Convention, the TRIPS Agreement, as well as academic literature and journals. Data collection was conducted through literature review and document analysis.

The results of the study indicate that the regulation of manga scanlations from a copyright perspective in Indonesia is based on the Berne Convention and Law No. 28 of 2014 on Copyright, which provides automatic protection for Japanese manga works without requiring registration. The Berne Convention stipulates that works from member countries receive the same legal protection as national works and are subject to the laws in force in the territory where the infringement occurs. The practice of manga scanlation constitutes an infringement of copyright, qualifying as a violation of the creator's economic and moral rights as stipulated in Articles 5 and 9 of the Copyright Law, thereby making the perpetrators liable for legal action. Legal measures taken include preventive steps such as copyright registration and requests for content removal (take-down), as well as repressive measures through the DJKI's Administrative Mechanism to Combat Manga Scanlation Practices, civil lawsuits for damages, and criminal enforcement against piracy, although implementation still faces challenges due to the cross-border and anonymous nature of digital infringement.

Keywords: Manga Scanlation, Copyright, Legal Protection.