

ABSTRAK

PERTANGGUNGJAWABAN PLATFORM *E-COMMERCE SHOPEE* TERHADAP PENJUALAN KARYA CIPTA BUKU TANPA PERSETUJUAN PEMEGANG HAK CIPTA

Oleh

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Penelitian ini bertujuan untuk menganalisis mekanisme hubungan hukum antara penjual dan pihak Shopee terhadap penjualan karya cipta buku tanpa persetujuan pemegang hak cipta, bentuk pertanggungjawaban hukum platform *e-commerce* Shopee terhadap penjualan karya cipta buku tanpa persetujuan pemegang hak cipta, serta upaya hukum platform *e-commerce* Shopee terhadap penjualan karya cipta buku tanpa persetujuan pemegang hak cipta. Permasalahan ini menunjukkan bahwa pentingnya mekanisme pemantauan terhadap produk yang akan dijual di *platform e-commerce* dengan memperkuat sistem verifikasi penjual untuk mencegah peredaran buku bajakan.

Jenis penelitian ini adalah penelitian hukum normatif dengan pendekatan perundang-undangan. Sumber data berupa bahan hukum yaitu Kitab Undang-Undang Hukum Perdata, Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta (UU Hak Cipta), Undang-Undang Nomor 10 Tahun 2016 tentang Informasi dan Transaksi Elektronik, Peraturan Pemerintah (PP) Nomor 80 Tahun 2019 tentang Perdagangan Melalui Sistem Elektronik, dan Putusan Mahkamah Konstitusi Nomor 84/PUU-XXI/2023 tentang Pengujian Materiil Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta.

Hasil penelitian menunjukkan mekanisme hubungan hukum antara penjual dan *platform e-commerce* Shopee dalam konteks penjualan buku tanpa izin pemegang hak cipta didasarkan pada perjanjian elektronik yang mengikat kedua belah pihak. Bentuk pelanggaran *seller platform e-commerce* shopee terhadap penjualan karya cipta buku tanpa persetujuan pemegang hak cipta mencakup penggandaan tanpa izin dan distribusi ilegal, yang berdampak pada hak ekonomi dan hak moral pencipta. Upaya Hukum yang dapat ditempuh oleh Pemegang Hak Cipta terhadap Penjualan Karya Cipta Buku Tanpa Persetujuan di *platform e-commerce* Shopee sesuai dengan peraturan yang berlaku, Shopee menerapkan berbagai kebijakan, seperti sistem verifikasi produk, penyediaan mekanisme pengaduan, serta edukasi bagi penjual dan pembeli mengenai hak cipta. Selain itu upaya hukum juga dapat dilakukan melalui upaya litigasi dan non litigasi.

Kata Kunci: Hak Cipta Buku, Penjual Buku, Pertanggungjawaban Shopee

ABSTRACT

LIABILITY OF E-COMMERCE PLATFORM SHOPEE FOR THE SALE OF COPYRIGHTED BOOK WORKS WITHOUT THE CONSENT OF THE COPYRIGHT HOLDER

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This research aims to analyze the legal relationship mechanism between sellers and Shopee regarding the sale of copyrighted works without the consent of the copyright holder, the form of legal responsibility of the Shopee e-commerce platform regarding the sale of copyrighted works without the consent of the copyright holder, and the legal efforts of the Shopee e-commerce platform regarding the sale of copyrighted works without the consent of the copyright holder. This problem shows the importance of a monitoring mechanism for products to be sold on the e-commerce platform by tightening the seller verification system to prevent the circulation of pirated books..

This type of research is normative legal research with a statutory approach. Data sources in the form of legal materials, namely the Civil Code, Law Number 28 of 2014 concerning Copyright (Copyright Law), Law Number 10 of 2016 concerning Electronic Information and Transactions. Government Regulation (PP) Number 80 of 2019 concerning Trade Through Electronic Systems, and Constitutional Court Decision Number 84/PUU-XXI/2023 concerning Material Testing of Law Number 28 of 2014 concerning Copyright.

The results of the study show that the legal relationship mechanism between sellers and the Shopee e-commerce platform in the context of selling books without the permission of the copyright holder is based on an electronic agreement that binds both parties. The form of violation by the Shopee e-commerce platform seller against the sale of copyrighted works without the permission of the copyright holder includes unauthorized duplication and illegal distribution, which has an impact on the economic rights and moral rights of the creator. Legal Responsibility of the Shopee E-commerce Platform in accordance with applicable regulations, Shopee implements various policies, such as a product verification system, provision of a complaint mechanism, and education for sellers and buyers regarding copyright. In addition, legal efforts can also be made through litigation and non-litigation efforts.

Keywords: Book Copyright, Bookseller, Shopee Liability