

ABSTRAK

PENEGAKAN HUKUM TERHADAP PENYEBARAN FILM TANPA IZIN SEBAGAI PELANGGARAN HAK CIPTA MELALUI APLIKASI TELEGRAM

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Kemajuan teknologi informasi telah mengubah pola konsumsi masyarakat terhadap karya sinematografi. Salah satu dampak negatif dari perkembangan ini adalah maraknya pelanggaran hak cipta, khususnya dalam bentuk penyebaran film tanpa izin melalui aplikasi Telegram. Telegram, sebagai platform komunikasi digital yang populer di Indonesia, sering dimanfaatkan oleh oknum tertentu untuk mendistribusikan film secara ilegal karena kemudahan akses dan fitur unggahan berkapasitas besar. Fenomena ini menimbulkan tantangan serius terhadap upaya perlindungan Hak Kekayaan Intelektual (HKI), terutama bagi pelaku industri perfilman yang mengalami kerugian secara ekonomi maupun moral.

Metode penelitian yang digunakan adalah yuridis normatif, dengan pendekatan perundang-undangan dan studi kasus, serta didukung oleh data sekunder dari literatur hukum dan putusan pengadilan. Pendekatan ini memungkinkan peneliti untuk menelaah norma hukum positif dan relevansi penerapannya terhadap fenomena penyebaran film ilegal secara digital.

Hasil penelitian perlindungan hukum terhadap hak cipta dalam bidang perfilman di Indonesia telah diatur secara komprehensif melalui Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta (UUHC), yang memberikan hak eksklusif secara otomatis kepada pencipta atas karya sinematografi, termasuk hak moral dan hak ekonomi. Namun demikian, dalam praktiknya, pelanggaran hak cipta, terutama melalui platform digital seperti Telegram, masih marak terjadi dan menimbulkan kerugian bagi pencipta serta mengancam ekosistem industri kreatif. Penegakan hukum menghadapi berbagai hambatan, seperti lemahnya koordinasi antarlembaga, keterbatasan teknologi, rendahnya literasi hukum masyarakat, dan kurangnya tanggung jawab dari platform digital. Meskipun pendekatan preventif dan represif telah diatur dalam UUHC, UU ITE, dan UU Perfilman, efektivitas implementasi di lapangan masih belum optimal.

Kata kunci: Hak Kekayaan Intelektual, Penegakan Hukum, Telegram,

ABSTRACT

The advancement of information technology has significantly transformed public consumption patterns of cinematographic works. One of the negative consequences of this development is the increasing incidence of copyright infringement, particularly in the form of unauthorized film distribution via the Telegram application. Telegram, as a widely used digital communication platform in Indonesia, is often exploited by certain individuals to distribute films illegally due to its ease of access and large file upload capacity. This phenomenon poses a serious challenge to the protection of Intellectual Property Rights (IPR), especially for film industry stakeholders who suffer both economic and moral losses.

This research employs a normative juridical method, utilizing a statutory and case study approach, supported by secondary data derived from legal literature and court decisions. This approach enables the researcher to examine the provisions of positive law and evaluate their applicability to the phenomenon of illegal digital film distribution.

The findings indicate that legal protection of copyright in the field of cinematography in Indonesia is comprehensively regulated under Law Number 28 of 2014 on Copyright (UUHC), which grants automatic exclusive rights to creators over cinematographic works, including moral and economic rights. Nevertheless, in practice, copyright infringements—particularly through digital platforms such as Telegram—remain widespread, resulting in substantial harm to creators and threatening the creative industry's ecosystem. Law enforcement efforts face numerous obstacles, including weak inter-agency coordination, limited technological infrastructure, low legal literacy among the public, and the lack of accountability from digital platforms. Although both preventive and repressive legal measures are provided in the UUHC, the Electronic Information and Transactions Law (ITE Law), and the Film Law, their implementation in the field remains suboptimal.

Keywords: Intellectual Property Rights, Law Enforcement, Telegram,