

## **ABSTRAK**

### **ANALISIS YURIDIS PERTIMBANGAN HAKIM TERHADAP HAK CIPTA KARYA TULIS DAN PROGRAM KOMPUTER**

**Oleh**

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Hak Cipta merupakan salah satu jenis Hak Kekayaan Intelektual yang memberikan perlindungan penting bagi pencipta termasuk karya tulis dan program komputer. Studi ini berfokus pada analisis yuridis terhadap pertimbangan hukum hakim dalam menyelesaikan sengketa Hak Cipta pada karya tulis dan program komputer, khususnya pada Putusan Nomor 96 Pdt.Sus-Hak Cipta/2022/PN Jkt.Pst. Penelitian ini bertujuan untuk menganalisis dasar pertimbangan hakim dalam memutus perkara Nomor 96 Pdt.Sus-Hak Cipta/2022/PN Jkt.Pst dan perlindungan hukum Hak Cipta secara preventif dan represif.

Jenis penelitian yang digunakan adalah penelitian normatif, dengan tipe penelitian deskriptif. Pendekatan yang digunakan yaitu pendekatan undang-undang dan kasus. Data diperoleh melalui studi kepustakaan dan dokumen, termasuk peraturan dan putusan pengadilan. Analisis data dilakukan secara kualitatif untuk menarik kesimpulan deduktif berdasarkan fakta hukum.

Hasil penelitian menunjukkan dasar pertimbangan hakim bahwa objek yang disengketakan tidak termasuk karya cipta yang dilindungi, tidak terdapat bukti penggunaan atau penyalinan karya penggugat oleh tergugat, sehingga pelanggaran Hak Cipta tidak terbukti. Hakim juga menilai aspek perlindungan hak moral dan ekonomi pencipta serta menekankan pentingnya bukti kepemilikan dan pelanggaran yang jelas dalam konteks karya tulis dan program komputer. Perlindungan hukum Hak Cipta yaitu melalui upaya preventif dengan dibentuknya Undang-Undang No 28 Tahun 2014 tentang Hak Cipta. Pendaftaran dan pencatatan karya cipta dapat dilakukan guna mendapatkan kepastian hukum dan bukti kepemilikan yang kuat jika terjadi pelanggaran Hak Cipta. Upaya represif diwujudkan melalui alternatif penyelesaian sengketa, arbitrase, ataupun pengadilan.

**Kata kunci: Pertimbangan Hakim, Hak Cipta, Karya Tulis, Program Komputer.**

## **ABSTRACT**

### **LEGAL ANALYSIS of JUDGES CONSIDERATIONS REGARDING COPYRIGHT of WRITTEN WORKS and COMPUTER PROGRAMS**

By

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*Copyright is a type of Intellectual Property Right that provides important protection for creators, including written works and computer programs. This study focuses on juridical analysis of judges' legal considerations in resolving copyright disputes on written works and computer programs, especially on Decision Number 96 Pdt.Sus-Hak Cipta/2022/PN Jkt.Pst. This research aims to analyze the basis of the judge's consideration in deciding the case Number 96 Pdt.Sus-Hakcopyright/2022/PN Jkt.Pst and the protection of the Copyright law in a preventive and repressive manner.*

*The type of research used is normative research, with descriptive research type. The method used is the approach of law and case. Data is obtained through the study of literature and documents, including decisions and court decisions. Data analysis is carried out qualitatively to draw deductive conclusions based on legal facts.*

*The research results show the basis of the judge's consideration that the object in the disputed is not a protected copyright, there is no evidence of the use or copying of the plaintiff's work by the defendant, so that the copyright infringement is not proven. The judge also assessed the aspects of protecting the creator's moral and economic rights and emphasized the importance of clear evidence of ownership and violations in the context of written works and computer programs. The protection of Copyright law is through preventive efforts with the establishment of Law No. 28 of 2014 concerning Copyright. Registration and recording of copyright works can be done in order to obtain legal certainty and strong evidence of ownership in the event of copyright infringement. Repressive efforts are realized through alternative dispute resolution, arbitration, or court.*

**Keywords:** Judge's Consideration, Copyright, Writing, Computer Program.