

ABSTRAK

UPAYA HUKUM TERHADAP PENGUNGGAHAN ULANG FILM DI APLIKASI TELEGRAM MENURUT UNDANG-UNDANG NOMOR 28 TAHUN 2014 TENTANG HAK CIPTA

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Pengunggahan ulang film melalui media sosial khususnya aplikasi Telegram, semakin marak dan mengancam penegakan hukum terhadap karya sinematografi. Fitur saluran publik dan berbagi film di Telegram memungkinkan pengguna mengunggah dan mendistribusikan film tanpa izin resmi, yang melanggar hak eksklusif pencipta. Keadaan ini menimbulkan pertanyaan hukum mengenai bentuk-bentuk pelanggaran hak cipta film melalui aplikasi Telegram serta upaya hukum terhadap pengunggahan ulang film di aplikasi Telegram menurut Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta.

Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan deskriptif. Data yang digunakan merupakan data sekunder yang diperoleh melalui studi kepustakaan yang termasuk bahan hukum primer seperti peraturan perundang-undangan, bahan sekunder seperti buku dan jurnal hukum, serta bahan tersier berupa referensi internet, serta studi dokumen yakni berupa dokumen tertulis, gambar, maupun dokumen elektronik. Penelitian ini bertujuan untuk mengidentifikasi bentuk-bentuk pelanggaran hak cipta atas film di Telegram serta mengkaji upaya hukum yang tersedia berdasarkan Undang-Undang Hak Cipta.

Hasil penelitian menunjukkan bahwa bentuk-bentuk pelanggaran hak cipta film yang terjadi melalui aplikasi Telegram yakni penggandaan, pendistribusian, komunikasi, dan pengumuman film tanpa izin. Tindakan tersebut dilarang dalam Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta. Upaya hukum terhadap pengunggahan ulang film di aplikasi Telegram menurut Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta yakni gugatan ganti rugi seperti yang tertera dalam Pasal 96 hingga Pasal 96 Undang-Undang Hak Cipta. Tata cara pengajuannya sendiri telah diatur dalam Pasal 100 hingga Pasal 104 Undang-Undang Hak Cipta.

Kata Kunci: Film, Hak Cipta, Pengunggahan Ulang, Telegram, Upaya Hukum.

ABSTRACT

LEGAL REMEDY AGAINST THE RE-UPLOADING OF FILMS ON THE TELEGRAM APPLICATION ACCORDING TO LAW NUMBER 28 OF 2014 CONCERNING COPYRIGHT

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The re-uploading of films through social media, especially the Telegram app, is increasingly widespread and threatens legal enforcement of cinematographic works. Telegram's public channel and film sharing features allow users to upload and distribute films without official permission, which violates the exclusive rights of the creators. This situation raises legal questions regarding the forms of copyright infringement of films through the Telegram application as well as legal remedies against the re-uploading of films in the Telegram application according to Law Number 28 of 2014 concerning Copyright.

This research uses a normative legal research method with a descriptive approach. The data used is secondary data obtained through literature studies which include primary legal materials such as laws and regulations, secondary materials such as books and law journals, and tertiary materials in the form of internet references, as well as document studies in the form of written documents, images, and electronic documents. This research aims to identify the forms of copyright infringement of films on Telegram and examine the legal remedies available under the Copyright Act.

The results showed that the forms of film copyright infringement that occur through the Telegram application are unauthorised duplication, distribution, communication, and announcement of films. These actions are prohibited in Law Number 28 of 2014 concerning Copyright. Legal remedies against the re-uploading of films in the Telegram application according to Law Number 28 of 2014 concerning Copyright, namely a lawsuit for compensation as stated in Article 96 to Article 96 of the Copyright Law. The procedure for filing itself has been regulated in Article 100 to Article 104 of the Copyright Law.

Keywords: Film, Copyright, Reuploading, Telegram, Legal Remedy.