

ABSTRAK

PENEGAKAN HUKUM TINDAK PIDANA HAK CIPTA PADA PELAKU PENGELOLA SITUS FILM *STREAMING* ILEGAL

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Maraknya situs film *streaming* ilegal di Indonesia telah menimbulkan kerugian besar terhadap industri kreatif, khususnya dalam hal perlindungan hak cipta karya sinematografi. Penelitian ini dilatarbelakangi oleh praktik pembajakan digital yang semakin canggih melalui situs-situs ilegal seperti rajamovie21.xyz, LK21 dan IndoXXI, yang menyediakan film tanpa izin dari pemegang hak cipta. Tindakan ini merupakan bentuk pelanggaran hak ekonomi dan moral dari pencipta sebagaimana diatur dalam Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta. Tujuan utama dari penelitian ini adalah untuk menganalisis bagaimana proses penegakan hukum pidana terhadap pengelola situs film *streaming* ilegal dijalankan serta mengidentifikasi faktor-faktor yang mempengaruhinya.

Penelitian ini menggunakan metode pendekatan yuridis normatif dan yuridis empiris dengan teknik analisis kualitatif, yaitu menelaah data secara deskriptif dari studi pustaka dan wawancara. Data diolah melalui tahapan identifikasi, klasifikasi, sistematisasi, dan analisis untuk menghasilkan kesimpulan yang logis. Teori yang digunakan meliputi teori penegakan hukum Soerjono Soekanto serta teori formulasi, aplikasi, dan eksekusi. Narasumber penelitian mencakup penyidik Polda Lampung, penyidik Polresta Bandar Lampung, petugas Kanwil Kemenkum Lampung, serta Akademisi Fakultas Hukum Universitas Lampung dari bidang hukum pidana dan hukum perdata.

Hasil penelitian menunjukkan bahwa penegakan hukum terhadap pelaku situs ilegal masih belum maksimal, disebabkan oleh lemahnya sinergi antar lembaga penegak hukum, keterbatasan teknologi pelacakan digital, delik aduan yang diterapkan dan rendahnya kesadaran masyarakat terhadap pentingnya menghargai hak cipta karena faktor ekonomi yang terbiasa mengakses konten secara gratis serta tidak adanya sanksi bagi pengguna situs ilegal.

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Penelitian ini diharapkan dapat memberikan kontribusi nyata dalam mendorong penegakan hukum terhadap tindak pidana hak cipta di Indonesia melalui peningkatan kualitas sumber daya manusia di kalangan aparat penegak hukum, serta sinergi antar lembaga penegak hukum seperti Kominfo, DJKI, Kemenkumham, Kepolisian serta pihak-pihak lain yang terkait perlu diperkuat dalam bentuk satuan tugas khusus *cyber crime* hak cipta.

Kata Kunci: Penegakan Hukum, Hak Cipta, Situs *Streaming* Ilegal, Tindak Pidana, Film Bajakan

ABSTRACT

LAW ENFORCEMENT OF COPYRIGHT CRIMINAL ACTS AGAINST MANAGERS OF ILLEGAL STREAMING FILM SITES

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The proliferation of illegal film streaming sites in Indonesia has caused significant losses to the creative industry, particularly in terms of copyright protection for cinematographic works. This research is motivated by the increasingly sophisticated practice of digital piracy through illegal sites such as rajamovie21.xyz, LK21, and IndoXXI, which provide films without permission from copyright holders. This action constitutes a violation of the economic and moral rights of creators as stipulated in Law Number 28 of 2014 concerning Copyright. The main objective of this research is to analyze how the criminal law enforcement process against illegal film streaming site operators is carried out and to identify the factors influencing it.

This research uses a normative juridical and empirical juridical approach with qualitative analysis techniques, namely a descriptive analysis of data from literature studies and interviews. Data are processed through the stages of identification, classification, systematization, and analysis to produce logical conclusions. The theories used include Soerjono Soekanto's law enforcement theory as well as the theory of formulation, application, and execution. The research sources included investigators from the Lampung Regional Police (Polda Lampung), investigators from the Bandar Lampung City Police (Polresta Lampung), officers from the Lampung Regional Office of the Ministry of Law and Human Rights (Kanwil Kemenkum), and academics from the Faculty of Law, University of Lampung, specializing in criminal and civil law.

The research findings indicate that law enforcement against illegal websites remains suboptimal due to weak synergy between law enforcement agencies, limited digital tracking technology, the use of complaint-based offenses, and low public awareness of the importance of respecting copyright due to economic factors, which often lead to accessing free content, as well as the absence of sanctions for users of illegal websites.

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This research is expected to make a tangible contribution to encouraging law enforcement against copyright crimes in Indonesia by improving the quality of human resources among law enforcement officers. Synergy between law enforcement agencies such as the Ministry of Communication and Information Technology (Kominfo), the Directorate General of Information Technology (DJKI), the Ministry of Law and Human Rights (Kemenkumham), the Police, and other relevant parties needs to be strengthened through the establishment of a special task force for copyright cybercrime.

Keywords: *Law Enforcement, Copyright, Illegal Streaming Sites, Crime, Piracy*