

ABSTRAK

PENERAPAN PRINSIP PERLINDUNGAN HAK CIPTA DIGITAL DI INDONESIA: STUDI PERBANDINGAN DENGAN KONSEP DIGITAL MILLENNIUM COPYRIGHT ACT (DMCA) AMERIKA SERIKAT

Oleh

DHEA YUNI FAHLENI

Perkembangan teknologi digital membuat karya cipta semakin mudah diakses dan disebarkan, namun kondisi ini juga menyebabkan pelanggaran hak cipta terjadi dengan lebih cepat dan meluas. Indonesia merespons melalui Undang-Undang Hak Cipta dan UU ITE, sedangkan Amerika Serikat menggunakan Digital Millennium Copyright Act (DMCA) yang dikenal dengan mekanisme notice and takedown serta perlindungan safe harbor. Penelitian ini bertujuan untuk mengkaji bagaimana kedua sistem hukum tersebut mengatur perlindungan hak cipta digital, sekaligus membandingkan efektivitas, kelebihan, dan tantangan masing-masing dalam menghadapi dinamika ruang digital. Penelitian ini menggunakan metode hukum normatif dengan pendekatan perundang-undangan dan perbandingan hukum. Analisis dilakukan melalui kajian terhadap bahan hukum primer dan sekunder, serta menggunakan teori hak milik, teori perlindungan hukum, dan teori perbandingan hukum sebagai landasan. Hasil penelitian menunjukkan bahwa Indonesia menekankan kepastian hukum melalui mekanisme administratif dan peran lembaga negara, namun efektivitas di lapangan masih terhambat oleh birokrasi dan koordinasi kelembagaan yang belum optimal. Sementara itu, Amerika Serikat melalui DMCA mengedepankan respons cepat di tingkat platform, sehingga lebih adaptif terhadap dinamika digital, meskipun menimbulkan risiko seperti overblocking dan ketidakseimbangan perlindungan bagi pengguna. Temuan ini menegaskan perlunya peningkatan koordinasi, pemanfaatan teknologi, serta mekanisme respons yang lebih efisien agar perlindungan hak cipta digital di Indonesia semakin efektif dan relevan.

Kata Kunci: hak cipta digital, DMCA, perlindungan hukum, perbandingan hukum.

ABSTRACT

THE APPLICATION OF DIGITAL COPYRIGHT PROTECTION PRINCIPLES IN INDONESIA: A COMPARATIVE STUDY WITH THE UNITED STATES' DIGITAL MILLENNIUM COPYRIGHT ACT (DMCA)

By

DHEA YUNI FAHLENI

The development of digital technology has made creative works increasingly accessible and easily disseminated; however, this condition has also enabled copyright infringement to occur more rapidly and on a wider scale. Indonesia addresses this issue through the Copyright Law and the Electronic Information and Transactions Law (ITE Law), while the United States relies on the Digital Millennium Copyright Act (DMCA), which is well known for its notice-and-takedown mechanism and safe harbor protections. This study aims to examine how these two legal systems regulate digital copyright protection and to compare their effectiveness, advantages, and challenges in responding to the dynamics of the digital environment. This research employs a normative legal research method with statutory and comparative law approaches. The analysis is conducted through a review of primary and secondary legal materials and is grounded in property rights theory, legal protection theory, and comparative law theory. The findings indicate that Indonesia emphasizes legal certainty through administrative mechanisms and the involvement of state institutions; however, practical effectiveness remains constrained by bureaucratic processes and suboptimal institutional coordination. In contrast, the United States, through the DMCA, prioritizes rapid responses at the platform level, making it more adaptive to digital dynamics, although it also poses risks such as overblocking and imbalances in user protection. These findings underscore the need for improved coordination, greater utilization of technology, and more efficient response mechanisms to ensure that digital copyright protection in Indonesia becomes more effective and relevant.

Keywords: digital copyright, DMCA, legal protection, comparative law.