

RINGKASAN

Liza Mayviza
Nim: 200510328

**ANALISIS YURIDIS TERHADAP NORMA
HUKUM PELANGGARAN HAK CIPTA MUSIK
DAN LAGU**
(Husni, S.H., M.H dan Sofyan Jafar, S.H., M.H)

Perkembangan teknologi memudahkan distribusi musik secara digital, namun juga meningkatkan pelanggaran hak cipta. Secara normatif, perlindungan telah diatur melalui UU Hak Cipta, PP No. 56 Tahun 2021, UU ITE, dan konvensi internasional. Namun secara faktual, pelanggaran masih marak terjadi karena rendahnya kesadaran hukum, kurangnya edukasi, dan lemahnya pengawasan di ruang digital. Penelitian ini bertujuan untuk mengetahui dan menjelaskan bentuk pelanggaran hukum bagi pemegang hak cipta musik dan lagu atas perbuatan melawan hukum, serta mengetahui dan menganalisis perlindungan hukum terhadap pelanggaran hak cipta musik dan lagu.

Penelitian ini merupakan jenis penelitian kualitatif dengan pendekatan yuridis normatif. Data diperoleh melalui kegiatan penelitian kepustakaan. Analisis data dilakukan sejak awal dan terus berjalan sepanjang proses penelitian berlangsung yaitu pengumpulan data, reduksi data, pengkajian data dan penarikan kesimpulan.

Berdasarkan hasil penelitian, pengaturan pelanggaran hak cipta musik dan lagu di Indonesia diatur dalam UU No. 28 Tahun 2014 dan PP No. 56 Tahun 2021. Hak cipta meliputi hak moral (Pasal 5) dan hak ekonomi (Pasal 9), sehingga tindakan tanpa izin seperti plagiarisme, pembajakan, pemalsuan, *bootlegging*, atau pemanfaatan komersial tanpa pembayaran royalti dianggap pelanggaran. Sanksinya diatur dalam Pasal 113 UHC 2014 dengan ancaman pidana hingga 10 tahun penjara dan/atau denda Rp4 miliar. Namun, sejak Pasal 120, pelanggaran hak cipta termasuk delik aduan sehingga penegakan hukum hanya dapat dilakukan jika ada laporan. Perlindungan hukum pidana bersifat preventif dan represif, serta merupakan *lex specialis* yang mengesampingkan ketentuan pidana umum dalam KUHP, didukung oleh PP No. 56 Tahun 2021 tentang Pengelolaan Royalti.

Pemerintah perlu meningkatkan program edukasi dan kesadaran hukum mengenai perlindungan hak cipta bagi masyarakat dan pelaku industri musik, serta mempermudah akses pelaporan pelanggaran melalui platform online. Selain itu, kapasitas aparat penegak hukum harus diperkuat melalui pelatihan khusus terkait hak cipta dan teknologi digital. Sanksi terhadap pelanggar perlu ditegakkan dengan tegas untuk memberikan efek jera, dan sistem pengelolaan royalti harus dievaluasi dan dikembangkan agar lebih transparan dan efisien, sehingga pencipta dapat menerima kompensasi yang adil.

Kata Kunci: *Norma, Pelanggaran, Hak Cipta, Musik dan Lagu*

SUMMARY

Liza Mayviza
Nim: 200510328

**LEGAL ANALYSIS OF LEGAL NORMS ON MUSIC
AND SONG COPYRIGHT VIOLATIONS
(Husni, S.H., M.H and Sofyan Jafar, S.H., M.H)**

Technological developments facilitate digital music distribution, but also increase copyright infringement. Normatively, protection has been regulated through the Copyright Law, PP No. 56 of 2021, the ITE Law, and international conventions. However, in fact, violations are still rampant due to low legal awareness, lack of education, and weak supervision in the digital space. This study aims to determine and explain the forms of legal violations for music and song copyright holders for unlawful acts, as well as to determine and analyze legal protection against music and song copyright infringement.

This research is a type of qualitative research with a normative legal approach. Data were obtained through library research activities. Data analysis was carried out from the beginning and continued throughout the research process, namely data collection, data reduction, data review and drawing conclusions.

*Based on research findings, regulations regarding music and song copyright infringement in Indonesia are regulated by Law No. 28 of 2014 and Government Regulation No. 56 of 2021. Copyright encompasses moral rights (Article 5) and economic rights (Article 9), so unauthorized acts such as plagiarism, piracy, counterfeiting, bootlegging, or commercial use without royalty payment are considered violations. The sanctions are stipulated in Article 113 of the 2014 Copyright Law, which carries a penalty of up to 10 years' imprisonment and/or a fine of IDR 4 billion. However, since Article 120, copyright infringement is considered a complaint-based offense, so law enforcement can only be carried out upon a report. Criminal legal protection is both preventative and repressive, and constitutes a *lex specialis* that overrides general criminal provisions in the Criminal Code, supported by Government Regulation No. 56 of 2021 concerning Royalty Management.*

The government needs to increase education programs and legal awareness regarding copyright protection for the public and music industry players, as well as facilitate access to reporting violations through online platforms. Furthermore, the capacity of law enforcement officials must be strengthened through specialized training related to copyright and digital technology. Sanctions against violators must be strictly enforced to create a deterrent effect, and the royalty management system must be evaluated and developed to be more transparent and efficient, so that creators can receive fair compensation.

Keywords: Norms, Violation, Copyright, Music and Songs