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ABSTRAK
TANGGUNG JAWAB PERDATA ATAS
PENGUNAAN KARYA CIPTA TANPA IZIN
DALAM PENAYANGAN SIARAN (Studi
Penelitian di Wilayah Hukum Sumatera Utara)
(Dr. Marlia Sastro, S.H., M.Hum. dan Dr.
Herinawati, S.H., M.Hum.)

Hak siar merupakan bagian dari hak terkait yang dilindungi dalam Pasal 20 dan Pasal 25 Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta. Namun, dalam praktiknya masih terjadi peningkatan pelanggaran penggunaan karya cipta tanpa izin dalam penayangan siaran di wilayah Sumatera Utara, khususnya berupa penayangan siaran berbayar tanpa izin di warung kopi untuk kepentingan komersial. Berdasarkan data Kantor Wilayah Hukum Sumatera Utara tahun 2025, terdapat laporan dugaan pelanggaran terhadap 14 warung kopi yang menayangkan siaran berbayar tanpa lisensi resmi. Penelitian ini bertujuan menganalisis bentuk pelanggaran, tanggung jawab perdata pelaku, serta kendala dan upaya penanganannya. Metode penelitian dalam tesis ini menggunakan jenis penelitian kualitatif dengan pendekatan yuridis empiris serta bersifat Deskriptif analisis. Penelitian dilaksanakan di Kantor Wilayah Hukum Sumatera Utara, dengan sumber data meliputi data primer dan data sekunder. Teknik pengumpulan data yang digunakan mencakup studi kepustakaan (*library research*) dan penelitian lapangan (*field research*). Selanjutnya, data yang diperoleh dianalisis secara kualitatif untuk memberikan pemahaman mendalam mengenai pelaksanaan tanggung jawab perdata pelaku usaha warung kopi atas pelanggaran penggunaan karya cipta tanpa izin dalam penayangan siaran. Hasil penelitian menunjukkan bahwa bentuk pelanggaran di Sumatera Utara umumnya berupa penayangan siaran berbayar tanpa izin di ruang publik untuk kepentingan komersial melalui akses televisi berlangganan pribadi, tautan digital ilegal, media sosial, dan aplikasi ilegal. Pertanggungjawaban perdata pelaku dapat dikualifikasikan sebagai perbuatan melawan hukum yang menimbulkan kewajiban ganti rugi materiil berupa hilangnya royalti, biaya lisensi, dan keuntungan ekonomi pemegang hak siar, serta ganti rugi immateriil berupa terganggunya eksklusivitas, reputasi, dan nilai komersial hak siar. Kendala yang dihadapi Kantor Wilayah Hukum Sumatera Utara meliputi keterbatasan kewenangan, kesulitan pembuktian digital, minimnya kompetensi mediasi, dan rendahnya kesadaran hukum pelaku usaha warung kopi. Adapun upaya yang dilakukan meliputi sosialisasi dan edukasi hukum, mediasi non-litigasi, serta koordinasi dengan aparat penegak hukum dan lembaga terkait.

Kata Kunci: Tanggung Jawab Perdata, Penggunaan Karya Cipta Tanpa Izin, Penayangan Siaran, Hak Siar, Hak Terkait.

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ABSTRACT

**CIVIL LIABILITY FOR UNAUTHORIZED
USE OF COPYRIGHTED WORKS IN
BROADCASTING SCREENINGS (*A Study in
the Legal Jurisdiction of North Sumatra*)
(Dr. Marlia Sastro, S.H., M.Hum. and Dr.
Herinawati, S.H., M.Hum.)**

Broadcasting rights are part of related rights protected under Article 20 and Article 25 of Law Number 28 of 2014 concerning Copyright. However, in practice, there has been an increase in violations involving the unauthorized use of copyrighted works in broadcasting activities in the North Sumatra region, particularly in the form of unauthorized public screenings of paid broadcasts in coffee shops for commercial purposes. Based on data from the Regional Office of Law of North Sumatra in 2025, there were reports of alleged violations involving 14 coffee shops broadcasting paid content without official licenses. This study aims to analyze the forms of infringement, the civil liability of the perpetrators, as well as the obstacles and efforts in handling such violations. The research method used in this thesis is qualitative research with an empirical juridical approach and descriptive-analytical characteristics. The research was conducted at the Regional Office of Law of North Sumatra, with data sources consisting of primary and secondary data. Data collection techniques included library research and field research. Furthermore, the collected data were analyzed qualitatively to provide an in-depth understanding of the implementation of civil liability of coffee shop business actors for copyright infringement through unauthorized broadcasting activities. The results of the study indicate that the forms of infringement in North Sumatra generally involve the unauthorized public screening of paid broadcasts for commercial purposes through personal subscription television access, illegal digital links, social media platforms, and illegal applications. The civil liability of the perpetrators may be classified as an unlawful act that gives rise to an obligation to provide material compensation in the form of lost royalties, licensing fees, and the economic benefits of broadcasting rights holders, as well as immaterial compensation in the form of disruption to exclusivity, reputation, and the commercial value of broadcasting rights. The obstacles faced by the Regional Office of Law of North Sumatra include limited authority, difficulties in digital evidence verification, lack of mediation competence, and low legal awareness among coffee shop business actors. The efforts undertaken include legal socialization and education, non-litigation mediation, as well as coordination with law enforcement agencies and related institutions.

Keywords: Civil Liability, Unauthorized Use of Copyrighted Works, Broadcasting, Broadcasting Rights, Related Rights.