

## ABSTRAK

Perlindungan hak cipta, khususnya terhadap ciptaan film menjadi masalah serius, sebab Indonesia dikategorikan masuk sebagai salah satu negara yang tingkat pembajakan cukup besar. Keadaan tersebut menunjukkan bahwa perlunya perlindungan hukum yang lebih tegas terkait perlindungan atas royalti suatu karya cipta film, serta perlindungan hak-hak yang terkandung di dalamnya. Kasus film Benyamin Biang Kerok contohnya berawal dari sebuah perjanjian antara produser film dan penulis naskah yang meminta royalti sesuai perjanjian yang sudah disepakati. Namun, pihak Falcon Pictures tidak memberikan jumlah nominal rupiah yang sudah disepakati kepada pihak penulis naskah, sehingga penulis naskah menggugat dengan gugatan bahwa Falcon Pictures telah melakukan wanprestasi terhadap pembayaran royalti hak cipta atas naskah film Benyamin Biang Kerok ke Pengadilan Negeri. Akhirnya menimbulkan pertanyaan terkait perlindungan Hukum penulis naskah Film, berdasarkan undang-undang hak cipta juga, upaya penyelesaian pertikaian tersebut.

Penelitian ini dilakukan dengan menggunakan metode penelitian Yuridis Normatif. Maka untuk mencari data yang dipergunakan berupa data sekunder yaitu melalui studi kepustakaan. Sedangkan spesifikasi yang digunakan dalam penelitian ini menggunakan metode deskriptif analitis, artinya penelitian ini di maksudkan untuk menggambarkan bagaimana perundang-undangan mengatur hal-hal berkaitan dengan Hak Cipta dalam perfilman.

Berdasarkan hasil penelitian bahwa dalam kaitannya Hak Cipta perfilman tersebut melalui perspektif Hukum telah menunjukkan bahwa perlindungan hukum bersifat preventif maupun yang bersifat represif. Perlindungan hukum preventif berdasarkan pasal 5 ayat 1 sampai 3 dan pasal 5 ayat 8 sampai 9 Undang-Undang No 28 tahun 2014 tentang hak ekonomi dan hak moral. Perlindungan hukum represif berdasarkan pasal 107 ayat 1 point a Undang-Undang No 28 tahun 2014 tentang pelampiran bukti-bukti kepemilikan hak cipta dan dalam pasal 109 ayat 4 point b tentang pemohon penetapan ganti rugi. Berdasarkan hasil penelitian bahwa dalam kaitannya dengan perjanjian lisan tersebut melalui perspektif hukum menunjukkan bahwa pasal 1243 Kitab Undang-Undang Hukum Perdata upaya yang dapat dilakukan yaitu dengan menghadirkan saksi untuk memperkuat gugatannya, serta menunjukkan bukti-bukti fisik terkait.

## **ABSTRACT**

*Copyright protection, especially for film creation, is a serious problem, because Indonesia is categorized as one of the countries with a large piracy rate. This situation shows that the need for stricter legal protection related to the protection of royalties of a film's work, as well as the protection of the rights contained therein. The case of Benjamin Biang Kerok's film, for example, originated from an agreement between film producers and script writers who asked for royalties according to the agreement that had been agreed. However, Falcon Pictures did not provide the nominal amount of the rupiah agreed to by the scriptwriter, so the script writer sued with a lawsuit that Falcon Pictures had defaulted on the payment of copyright royalties to the Benjamin Biang Kerok movie script to the District Court. Finally, it raises questions related to legal protection. Film writers, based on copyright law, also attempt to resolve the dispute.*

*This research was conducted using the Normative Juridical approach method. So to find data that is used in the form of secondary data, namely through library research. While the specifications used in this study use descriptive analytical methods, meaning that this research is intended to describe and analyze how legislation regulates matters relating to copyright in film.*

*Based on the results of the research that in relation to the Copyright of the film through a legal perspective it has been shown that legal protection is both preventive and repressive. Preventive legal protection pursuant to Article 1 paragraph 22 of Law No. 28 of 2014 concerning copyright, namely the role of the Collective Management Institute in order to obtain protection of economic rights and moral rights to its creation. Repressive legal protection based on Article 95 paragraph 2 of Law 28 of 2014 by submitting a temporary application request to the Commercial Court, namely showing strong evidence as a copyright holder based on Article 107 paragraph 1 point a and in Article 109 paragraph 4 point b with filed a claim for compensation to the Commercial Court for violation of its copyright. Based on the results of the research that in relation to the oral agreement through a legal perspective shows that article 1243 Civil Code can be done by litigation by filing a lawsuit to the District Court, which is presenting witnesses during negotiations with Falcon Pictures and showing physical evidence related to the film Benjamin Biang Kerok.*