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Legal Protection For Copyright Holders For Violations In The Form of Piracy of Film Cinematographic Works on The Telegram Application

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Abstract: The purpose of this research is to determine the legal protection sought by cinematography copyright holders against piracy of film works via Telegram. The method used in this research is a normative legal research method with a statutory regulatory approach. The research results show that acts of piracy, such as duplicating and distributing cinematographic works without the author's permission, are legal violations that harm copyright holders, both economically and morally. In the context of legal protection for the copyright of cinematographic works, there are two forms, namely preventive legal protection by the government in the form of laws and regulations that regulate it and repressive protection through dispute resolution. Creators or copyright holders can take legal steps, either through litigation in court or non-litigation outside of court with the help of third parties, as an effort to overcome piracy of cinematographic works that occurs in the Telegram application.

Keyword: Legal Protection, Copyright, Cinematography Piracy, Telegram Application.

INTRODUCTION

In the current era of globalization that is endemic and the entry of the era of digital technology causes life changes where technology enters and outbreaks in every line of human life can both help and facilitate life and on the other hand can have a negative impact. One of them affected by the negative influence of digitization is the film world. Nowadays, the spread of pirated films is increasingly widespread, which has resulted in negative impacts, especially in the acting or film industry. Film production often has to be postponed or canceled due to the high risks. The process of planning and filming takes significant time and budget, so the potential losses are great if piracy continues.

On the other hand, there is a huge demand from movie fans to still be able to enjoy the content without having to go to the cinema. Film producers began to turn to producing subscription content through applications such as Netflix, Iflix, WeTV, VIU, and others, which can be accessed online through various electronic devices. However, the problem is that many internet sites and applications, especially Telegram, are used to commit movie

piracy. Through Telegram chat groups, movie piracy can be easily accessed by many people for free without the permission of the creators. This creates unrest and harms copyright owners, both financially and morally.

Speaking in a legal context it is known the notion of copyright. Copyright consists of 2 (two) words, namely, "right" and "copyright". The right means the authority given to a particular party, then the word copyright means to be fixated on the results of creation that come from human thoughts/feelings. So copyright is the right to creation that comes from the creativity of the human mind or intellect (human intellect). The definition of copyright is regulated in the provisions of Article 1 Number 1 of Law Number 28 of 2014 concerning copyright, "copyright is the exclusive right of the creator that arises automatically based on the declarative principle after a work is realized in real form without reducing restrictions by the provisions of laws and regulations". Copyright is one part of the intellectual property relating to forms of knowledge and information covering science, literature, and art. In a legal context, copyright is an exclusive right involving economic and moral rights for the copyright owner. Indonesia is part of the World Trade Organization (WTO), asking to obey the TRIPs (Trade-Related Aspects of Intellectual Property Rights) Agreement, which regulates intellectual property rights globally.

Copyright consists of economic rights dan moral rights. Economic rights include the right to obtain economic benefits from the resulting creation. While moral rights are rights that are eternally inherent in the creator and cannot be transferred as long as the creator is alive, in practice moral rights can be transferred by Will or other causes after the creator dies. Then based on Article 16 Paragraph (2) of Law No. 28 of 2014 concerning copyright regulations, Copyright can be transferred or transferred either in whole or in part because of inheritance, grants, endowments, wills, written agreements, or other causes by the provisions of laws and regulations.

Piracy of cinematographic works, such as films and web series, through the Telegram application, is a serious problem. This action involves sending a link or video of the hijacked movie through a Telegram chat group with a large member capacity. Film piracy not only harms copyright owners but is also a violation of the law in the field of copyright infringement. In this case, this study tries to discuss the problem of piracy of cinematographic film copyright, especially through the Telegram application. Although previous studies have examined the legal protection of copyright, the focus of this study is on cinematographic copyright, with the hope that copyright owners can obtain their rights and get legal protection according to applicable laws.

METHOD

The research method used in this writing is the normative legal research method, where the characteristics of normative law are the occurrence of Norm emptiness, norm ambiguity, or norm conflict. The normative legal research focuses on the analysis of written regulations and library materials. The object of study of this study includes legislation and Related Literature. The approach applied in discussing research problems is the statutory approach (statute approach), where research is carried out by studying and examining legislation related to the legal issues discussed. This study uses primary legal materials in the form of legislation and secondary legal materials involving law books, articles, and journals. The material tracing technique in this study used a document study, in which the relevant materials were collected and then analyzed qualitatively and comprehensively. The normative approach and using library materials provide a foundation for explaining and understanding the legal aspects related to the piracy of cinematographic works through the Telegram application.

RESULTS AND DISCUSSION

Legal Protection of Copyright Holders for Piracy of Cinematographic Works in Terms of Applicable Laws And Regulations

Law is considered a tool for transforming society, with the belief that order and order can be achieved through the use of law. Renewal is considered a desirable and absolute thing. Another concept contained in the view of law as an instrument of renewal of society is that law, in the sense of legal norms and regulations, serves as a regulator or tool for directing human activity towards the goals desired by renewal. In Indonesia, the main legal regulation focuses on the law, so the renewal of society through the law means through changes in the law. In general, the legislation in force in Indonesia is considered to provide guarantees of order, legal certainty, and Justice.

According to Satijipto Raharjo, legal protection includes the protection of human rights that are harmed by other parties. Legal protection is also given to the community to enjoy the rights guaranteed by law. Law can be used to realize legal protection that is not only flexible and adaptive but also predictive and anticipatory. In the context of intellectual property rights (IPR), Indonesia as one of the member countries of the World Trade Organization (WTO) must protect these rights.

The occurrence of piracy of copyrighted works of film Cinematography in the Telegram application is currently very common and is carried out by individuals who do not have responsibility, harming the owner of the copyrighted work. Piracy is a term to describe the activity of downloading illegally, which is a dangerous and criminal act, including illegal copying and distribution through software.

The act of piracy violates Law Number 28 of 2014 on copyright (UUHC), which states that the multiplication or multiplication of someone's intellectual work without the permission of the copyright holder is an unauthorized action. Cinematographic works are considered first-subject copyrights, which means that a person creates the work based on thinking ability, imagination, dexterity level, and personal expertise. The creation of the work is not only for personal interests but also to provide benefits to others.

However, over time, the results of copyright work are often used irresponsibly for personal interests. One application that is often used to hijack cinematographic copyright works, including films, is Telegram. On this platform, piracy is usually done through chat groups with members reaching hundreds of thousands of people. People in those groups can easily access and download pirated movies at no cost, in contrast to watching them legally through movie theaters or paid streaming platforms like Netflix, WeTv, and others. This situation causes many viewers to choose to enjoy movies for free regardless of whether they are legal or pirated. This creates challenges in the enforcement of copyright law and encourages the need for preventive and repressive measures to protect copyright and ensure the sustainability of the cinematography industry.

To overcome these problems, it is necessary to have strict legal protection, according to Philipus M. Hadjon, there are 2 (two) forms of legal protection for the people consisting of preventive legal protection and repressive legal protection. Preventive legal protection is a form of protection that serves as a deterrent to problems or violations. While repressive legal protection is the act of stopping or reversing an event that is happening is called a repressive effort. The form of preventive legal protection in terms of overcoming this problem is the existence of legislation, namely the Copyright Law. Articles 54 to 56 of Law No. 28 of 2014 on copyright authorize the government to prevent copyright infringement related to cinematography. The articles provided a foundation for the government to supervise and respond to acts of piracy as well as the widespread dissemination of cinematographic works. Articles 56 to 58 of the law provide a legal basis for the government to implement blocking measures against accounts suspected of piracy against cinematographic copyrights. The government, especially through authorized agencies such as the Ministry of Communications

and Information Technology, can make efforts to block certain accounts that are considered copyright infringement in terms of cinematography.

With this provision, the government has an instrument to follow up on piracy cases and protect the copyright of the creators of cinematographic works. Blocking an account suspected of copyright infringement can be one of the repressive measures to reduce or stop the illegal dissemination of the work. It is important to note that these actions are usually carried out after a report or complaint from the public or the party that feels aggrieved. In addition, preventive measures are also important to prevent copyright infringement from the outset, such as strict supervision and enforcement of rules against cinematographic piracy on digital platforms.

Legal Protection Efforts in Overcoming Piracy of Film Cinematographic Works on The Telegram Application

In copyright, there are two known rights, namely economic rights and moral rights. Economic rights are the rights to obtain economic benefits from a creation, while moral rights include the rights inherent in the creator, namely the right for the creator to put his name on his creation and the right to prohibit others from changing his creation. A work when used and exploited by irresponsible parties can cause harm and reduce the economic rights of the communal community of the bearer of the work, for this reason, there is a need for legal protection of the work. Legal protection of intellectual property, especially copyrighted works, can be done by providing preventive legal protection and repressive legal protection. That is seen, in the context of the Information and Electronic Transactions Law (UU ITE) in Indonesia, some provisions regulate the protection of Information and Electronic Documents, including copyright. Article 25 of the ITE Law states that information and electronic documents that are compiled and registered as intellectual property, one of which is copyright, must be protected under the provisions of the law.

Copyright owners can take legal remedies if there is a violation, and these efforts can take effect based on Law No. 28 of 2014 on copyright and Law No. 19 of 2016 on amendments to Law No. 11 of 2008 on information and Electronic Transactions. Copyright holders can file a complaint for infringement to obtain legal protection by applicable regulations in Indonesia.

Then the Copyright Law regulates the protection of copyright which includes intellectual property which is included in the complaint offense so that it is necessary for a complaint from the copyright holder and the public for infringement of the work or works belonging to him. The effort that can be done is:

1. Government

By socializing the existence of the Copyright Law and its derivatives, especially related to the protection of film cinematographic works, so that the public will be more aware of things that should be avoided.

2. Copyright holders

By being more selective in maintaining his work, namely, registering his work in copyright even though copyright protection is automatic protection even though it is to obtain a certificate, namely a registration number that is useful in the event of a dispute.

Then if there has been a dispute over copyright infringement can be resolved by court or litigation and can also be through non-litigation, namely arbitration.

CONCLUSION

Conclusion Legal protection of copyright holders of cinematographic film works can be done using preventive legal protection through the government with the enactment of the Copyright Law and the ITE Law and its derivatives. In addition, it is also repressive with

sanctions in the form of imprisonment, fines, and so on, and can be resolved in litigation and non-litigation.

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