

## Perlindungan hak cipta atas electronic book = The copyright protection of electronic book

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### Abstrak

Tesis ini membahas tentang perlindungan hukum di bidang Hak Cipta, yaitu perlindungan hukum atas Electronic Book. Salah satu implikasi teknologi informasi yang saat ini menjadi perhatian adalah pengaruhnya terhadap eksistensi Hak Atas Kekayaan Intelektual. Internet dengan berbagai kelebihan dan kemudahan ternyata bukan hanya memberi manfaat kepada pembuat karya cipta tetapi juga menimbulkan kerugian yang berdampak pada perbuatan yang melanggar hukum seperti keamanan dan privasi data juga perlindungan hukum terhadap hak-hak asasi manusia. Dengan adanya kemajuan teknologi digital ternyata telah berdampak terhadap peningkatan pelanggaran Hak Cipta, salah satunya hak cipta atas Electronic Book di Indonesia. Perlindungan hukum atas karya cipta yang berbasis teknologi digital di Indonesia mengacu pada Undang-Undang Nomor 19 Tahun 2002 tentang Hak Cipta.

Permasalahan dalam penelitian ini adalah Bagaimanakah perlindungan Hak cipta atas Electronic Book di Indonesia? Bagaimanakah gambaran penerapan atas perlindungan hak cipta Electronic Book di negara lain? Bagaimanakah upaya perlindungan hukum Electronic Book yang dapat diterapkan secara efektif di Indonesia? Sifat penelitian adalah yuridis normatif yaitu meneliti norma-norma hukum yang berlaku serta terkait dengan perlindungan Hak Cipta atas Electronic Book.

Bahan menggunakan bahan hukum primer, bahan hukum sekunder dan bahan hukum tertier, dan tekbik melalui library research. Pengumpulan data dengan menggunakan studi dokumen. Bahan-bahan hukum yang diperoleh diolah dan dianalisis secara deskriptif analitis sesuai dengan permasalahan yang dibahas.

Hasil dari penelitian ini menunjukkan bahwa Indonesia memberikan perlindungan atas Electronic Book melalui UUHC dan UU ITE. Singapura dan Amerika memberikan ketentuan terkait gambaran perlindungan hak cipta Electronic book di negara lain, masing-masing negara membentuk suatu peraturan yg dalam hal pembatasan tanggung jawab Internet Service Provider, sedangkan Indonesia belum memberikan ketentuan secara rinci mengenai pembatasan tanggung jawab oleh penyelenggara jasa internet atas pelanggaran hak cipta oleh pengguna layanannya, dan sudah seharusnya menjadi kesadaran bagi pemilik hak cipta untuk melindungi hasil karya ciptanya dengan melakukan pendaftaran, karena pencegahan selalu menjadi yang terbaik bagi perlindungan jangka panjang.

.....This thesis discusses the legal protection in the field of copyright, namely the legal protection for Electronic Book. One of the implications of information technology today is its influence on the existence of Intellectual Property Rights. The internet, with its various advantages and facilities, actually not only gives advantages to the copyrighted work makers but also causes disadvantages which affects illegal action in security, in data privation, and in the legal protection for human rights. The advancement of digital technology has caused the increase of illegal action on digital copyrights in Indonesia, especially on Electronic Book copyrighted. Legal protection for digital base copyrighted works in Indonesia is referred to Law No. 19/2002 on Copyrights.

The problem in this research is on how does the law in Indonesia protect the copyright of Electronic Book?

How is the description of other country's in their effort to protect the copyright of Electronic Book? How is the form of copyright enforcement for electronic book can create an effective legal protection? The research was judicial normative studied legal norms related to legal protection for copyrights of Electronic Book. The legal materials referred to the primary, secondary, and tertiary legal materials, using the library research technique. The data themselves were gathered by using documentary study, and processed and analyzed descriptively according to the subject matter of the analysis.

The result of this research show that Indonesia provides protection of Electronic Book through UUHC and UU ITE. Related description of Electronic Book's protection in some countries, United States and Singapura give the detail of limitation about the responsibility of Internet Service provider whereas Indonesia have not done it in detail, each country establish a rule of law that adapted to their culture and needs, each country has the technical differences in order to ensure that they their law is going more effective in its implementation, it is a must that Indonesia should also make establish a law related protection copyright based on its culture and its need in terms of efforts to protect copyright on the electronic book, and the last the owners of electronic book must aware to protect their right from the start, such as doing any registration and documentation as an evidence if one day their copyright may hit by others, as prevention is always be the best for a long term protection.