

Penetapan sementara pengadilan niaga : studi kasus karya sinematografi soekarno = Provisional decision by commercial court : case study the script cinematography for Soekarno

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Deskripsi Lengkap: <https://lib.ui.ac.id/detail?id=20389162&lokasi=lokal>

Abstrak

Penetapan sementara oleh Pengadilan Niaga merupakan suatu upaya pencegahan pelanggaran Hak Kekayaan Intelektual, termasuk hak cipta yang diatur dalam Undang-Undang No. 19 Tahun 2002 tentang Hak Cipta (?Undang-Undang Hak Cipta?), namun penetapan sementara baru dapat diterapkan setelah dikeluarkannya Peraturan Mahkamah Agung Nomor 5 Tahun 2012 (?PERMA 5/2012?). Metode penelitian yang digunakan dalam penelitian ini adalah pendekatan yuridis normatif dengan menggunakan metode kualitatif dalam menganalisis data. Karya sinematografi Soekarno yang dimohonkan oleh Rachmawati Soekarno Putri merupakan kasus pertama yang memohonkan penetapan sementara. Penelitian ini menyarankan perlu adanya suatu pengaturan pedoman penentuan jumlah uang jaminan sehingga terdapat suatu kepastian hukum bagi pemohon dalam mengajukan permohonan penetapan dan perlu adanya sinkronisasi ketentuan mengenai penetapan sementara dalam Undang-Undang Hak Cipta dan PERMA 5/2012.

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A provisional decision by the Commercial Court is a prevention action of the violation in intellectual property right, including copyright, which is regulated in Law No.19 of 2002 on Copyrights ("Copyrights Law"). However, the provisional decision could only be implemented after the issuance of PERMA No. 5 of 2012 on the Provisional Decision by the Supreme Court. The method used in this study was a normative juridical approach using qualitative methods in analyzing the data. The case involving the motion picture Soekarno that was filed by Rachmawati Sukarno Putri, the daughter of the film's subject, against the film's producer and director, was the first to ask for a provisional decision from a commercial court. The author suggests that guidelines be developed to determine the appropriate amount of monetary compensation for settlements in such cases to give plaintiffs legal certainty when petitioning for a provisional decision, also it is needed to synchronize the provisions on provisional decision under Copyrights Law and PERMA 5/2012.