

**ANALISIS DUGAAN PELANGGARAN PENGGUNAAN HAK
KEPEMILIKAN KARYA SENI RUPA *URBAN LIGHT* BERDASARKAN
UNDANG-UNDANG HAK CIPTA
(STUDI KASUS PUTUSAN PENINJAUAN KEMBALI NOMOR
19/PK/PDT.SUS-HKI/2023)**

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Abstrak

Perkembangan industri kreatif dan kemajuan teknologi telah meningkatkan potensi pelanggaran hak cipta terhadap karya seni rupa, khususnya melalui tindakan peniruan atau penggunaan karya tanpa izin pencipta. Salah satu perkara yang menjadi perhatian adalah penggunaan karya seni instalasi *Love Light* yang dinilai memiliki persamaan substansial dengan karya *Urban Light* milik Christopher Burden sebagaimana diputus dalam Putusan Peninjauan Kembali Nomor 19/PK/Pdt.Sus-HKI/2023. Penelitian ini bertujuan untuk menganalisis dugaan pelanggaran penggunaan hak kepemilikan karya seni rupa *Urban Light* berdasarkan Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta. Penelitian ini menggunakan metode penelitian yuridis normatif dengan pendekatan perundang-undangan (*statute approach*) dan studi kepustakaan (*library research*), dengan bahan hukum primer, sekunder, dan tersier yang dianalisis secara kualitatif menggunakan metode deskriptif. Hasil penelitian menunjukkan bahwa penggunaan karya *Love Light* memenuhi unsur pelanggaran hak cipta karena memiliki persamaan substansial dengan karya *Urban Light*, dilakukan tanpa izin pemegang hak cipta, serta dimanfaatkan untuk kepentingan komersial sehingga melanggar hak moral sebagaimana diatur dalam Pasal 5 ayat (1) serta hak ekonomi sebagaimana diatur dalam Pasal 9 ayat (2) dan ayat (3) Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta. Ditinjau berdasarkan Teori Perlindungan Hukum Represif Philipus M. Hadjon, perlindungan hukum diwujudkan melalui penyelesaian sengketa di pengadilan berupa penetapan adanya pelanggaran hak cipta, penghentian penggunaan karya, pemusnahan instalasi, pembayaran ganti rugi, dan pemulihan hak moral pencipta.

Kata Kunci: hak cipta, karya seni rupa, hak moral, hak ekonomi, perlindungan hukum represif.

**ANALYSIS OF ALLEGED VIOLATIONS OF COPYRIGHT RIGHTS IN THE
URBAN LIGHT ARTWORK UNDER COPYRIGHT LAW
(CASE STUDY OF JUDICIAL REVIEW DECISION NUMBER
19/PK/PDT.SUS-HKI/2023)**

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Abstract

The development of the creative industry and technological advancements has increased the potential for copyright infringement of visual artworks, particularly through acts of imitation or unauthorized use of copyrighted works. One notable case concerns the Love Light art installation, which was found to bear substantial similarity to Christopher Burden's Urban Light, as decided in Judicial Review Decision Number 19/PK/Pdt.Sus-HKI/2023. This study aims to analyze the alleged infringement of copyright in the Urban Light artwork under Law Number 28 of 2014 concerning Copyright. This research employs a normative juridical method using a statutory approach and library research. The legal materials consist of primary, secondary, and tertiary legal materials, which are analyzed descriptively through a qualitative approach. The findings indicate that the use of Love Light fulfills the elements of copyright infringement because it bears substantial similarity to Urban Light, was used without the authorization of the copyright holder, and was exploited for commercial purposes, thereby violating the creator's moral rights as stipulated in Article 5 paragraph (1) and economic rights as regulated under Article 9 paragraphs (2) and (3) of Law Number 28 of 2014 concerning Copyright. Viewed through Philipus M. Hadjon's Theory of Repressive Legal Protection, legal protection is manifested through judicial dispute resolution by establishing the occurrence of copyright infringement, ordering the cessation of the unauthorized use of the work, the dismantling of the installation, the payment of compensation, and the restoration of the creator's moral rights.

Keywords: *copyright, visual artwork, moral rights, economic rights, repressive legal protection.*