

Hak atas Potret dalam Komersialisasi pada Aplikasi FotoYu: Tinjauan Hak Cipta = Portrait Rights in Commercialisation on FotoYu App: A Copyright Review

Athallah Rafidiansyah, author

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Abstrak

Penelitian ini membahas penerapan hak ekonomi atas potret dalam komersialisasi melalui aplikasi FotoYu, serta perlindungan hukum bagi subjek potret yang diperjualbelikan. Hak cipta memberikan perlindungan eksklusif kepada pencipta, termasuk hak moral dan hak ekonomi, sebagaimana diatur dalam Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta. Dalam konteks aplikasi FotoYu, potret individu diambil oleh fotografer dan dijual tanpa persetujuan tertulis subjek, berpotensi melanggar Pasal 12 UU Hak Cipta. Penelitian ini menggunakan metode yuridis empiris untuk menganalisis pelaksanaan hak ekonomi atas potret dan memberikan rekomendasi mengenai perlindungan hukum bagi subjek potret. Hasil penelitian menunjukkan bahwa aplikasi FotoYu perlu memperbaiki kebijakan terkait persetujuan subjek potret untuk menghindari pelanggaran hukum dan menjamin hak ekonomi serta privasi subjek potret.

.....This research discusses the application of economic rights to portraits in commercialisation through the FotoYu application, as well as legal protection for the subject of the traded portrait. Copyright provides exclusive protection to the creator, including moral rights and economic rights, as stipulated in Law No. 28/2014 on Copyright. In the context of the FotoYu application, individual portraits are taken by photographers and sold without the subject's written consent, potentially violating Article 12 of the Copyright Law. This research uses an empirical juridical method to analyse the exercise of economic rights over portraits and provide recommendations regarding legal protection for portrait subjects. The results show that the FotoYu app needs to improve policies related to the consent of portrait subjects to avoid legal violations and guarantee the economic rights and privacy of portrait subjects.