

Perlindungan Hak Pemeran Film Pasca Ratifikasi Beijing Treaty: Perbandingan Norma Pelindung Hak-Hak Pemeran Film pada Beijing Treaty dan Undang-Undang Hak Cipta Indonesia = Protection of Film Performer Rights Post-Ratification of the Beijing Treaty: Comparison of the Protective Norms for Film Performer Rights in the Beijing Treaty and Indonesia Authors Right Law

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Abstrak

Beijing Treaty on Audio-Visual Performances merupakan salah satu perjanjian internasional terbaru yang mengatur mengenai hak-hak pemeran film. Sementara itu, Indonesia, melalui Peraturan Presiden Nomor 2 Tahun 2020 tentang Pengesahan Beijing Treaty on Audiovisual Performances, telah meratifikasi perjanjian internasional termaktub. Kendatipun demikian, pasca ratifikasi, UU Nomor 28 Tahun 2014 tentang Hak Cipta tampaknya belum mengalami perubahan sedikit pun. Tentunya, hal tersebut menimbulkan suatu pertanyaan terkait kesesuaian norma di antara kedua sumber hukum. Di sisi lain, pengaturan terkait hak-hak pemeran, khususnya pemeran film, yang diatur baik oleh Beijing Treaty maupun UU Hak Cipta tampak begitu besar. Hal tersebut telah memantik adanya pandangan bahwa terdapat embrio dari ciptaan baru yang mampu berdiri sendiri, yang nantinya mungkin saja dapat dilindungi sebagai karya cipta. Faktor-faktor lain, seperti realitas terhadap lingkup kerja dan tanggung jawab besar yang dibebankan kepada pemeran rupanya turut memperkuat pantikan tersebut. Kembali kepada eksistensi dari kedua sumber hukum yang melindungi hak-hak pemeran, yaitu Beijing Treaty dan UU Hak Cipta. Penelitian ini merasakan bahwa UU Hak Cipta, sebagai peraturan perundang-undangan nasional perlu untuk diperbaharui.

Mengingat, akan ratifikasi Indonesia terhadap Beijing Treaty yang mengandung sejumlah kebaruan normaThe Beijing Treaty on Audio-Visual Performances is one of the latest international agreements regulating the rights of film performers. Indonesia has ratified this treaty through Presidential Regulation No. 2 of 2020 on the Ratification of the Beijing Treaty on Audiovisual Performances. However, following the ratification, Law No. 28 of 2014 on Authors Right appears to have undergone no amendments. This raises questions regarding the alignment of norms between the two legal sources. On the other hand, the provisions regarding performers' rights, particularly film performers, as stipulated in both the Beijing Treaty and the Authors Right Law, are significant. This has sparked the view that there is an embryonic concept of a new creation capable of standing independently, which may eventually be protected as intellectual property. Other factors, such as the reality of the scope of work and the significant responsibilities assigned to performers, further strengthen this notion. Returning to the existence of these two legal sourcesânamely, the Beijing Treaty and the Authors Right Lawâthat protect performers' rights, this research finds that the Authors Right Law, as a national regulation, needs to be updated. Considering Indonesia's ratification of the Beijing Treaty, the treaty introduces several new legal norms.