

Perlindungan Ciptaan Short-Form Video Hasil Modifikasi Di Sosial Media: Perbandingan Hukum Hak Cipta Amerika Serikat Dan Indonesia = Protection of Modified Short-Form Video Works on Social Media: A Comparison of Copyright Law in the United States and Indonesia

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Abstrak

Disrupsi teknologi telah mendorong perkembangan konten digital, terutama video pendek modifikasi di platform User-Generated Content (UGC) seperti TikTok, Instagram, dan YouTube. Jenis konten ini sering memanfaatkan elemen ciptaan orang lain yang diolah menjadi karya kreatif, menimbulkan isu hukum terkait pelanggaran dan perlindungan hak cipta. Indonesia mengadopsi konsep fair dealing, seperti Inggris dan Kanada, berbeda dengan fair use di Amerika Serikat. Penelitian ini menggunakan metode yuridis-normatif untuk menganalisis perlindungan hukum atas video pendek modifikasi di kedua negara. Analisis dilakukan terhadap UU No. 28 Tahun 2014 tentang Hak Cipta (UUHC) di Indonesia dan Copyright Act of 1976 di Amerika Serikat, termasuk studi kasus *Campbell v. Acuff-Rose Music* (1994) yang memperjelas konsep fair use. Hasil penelitian menunjukkan bahwa doktrin fair use di Amerika Serikat lebih fleksibel, mendukung karya modifikasi (transformative work), sementara fair dealing di Indonesia lebih kaku dan kurang mendorong kreativitas di ruang digital. Hal ini menjadi tantangan bagi content creator Indonesia yang terlibat dalam pembuatan video pendek modifikasi.

.....Technological disruption has accelerated the creation and distribution of digital content, particularly modified short videos popular on platforms like TikTok, Instagram, and YouTube. These videos often transform copyrighted materials into creative works, raising legal concerns about copyright infringement and protection. Indonesia adopts the concept of fair dealing, similar to the UK and Canada, while the United States follows fair use. This research uses a normative juridical method to analyze and compare copyright protection in both systems, focusing on Indonesia's Law No. 28 of 2014 on Copyright (UUHC) and the United States Copyright Act of 1976. It also examines cases like *Campbell v. Acuff-Rose Music* (1994) to elucidate the fair use doctrine. Findings show that fair use in the U.S. provides more flexibility for content creators to produce transformative works, supporting creativity and innovation. In contrast, Indonesia's fair dealing framework is more rigid, restricting creativity in the digital space. This poses challenges for Indonesian content creators in adapting to global content trends, as the regulatory environment limits their ability to engage in transformative practices, which are more widely supported under the fair use doctrine in the U.S.