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Skripsi Juli 2021
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**TINDAK KEPOLISIAN DALAM PENEGAKAN TINDAK PIDANA HAK
KEKAYAAN INTELEKTUAL (STUDI KASUS NOMOR:
LP/B253/VII/2020/JATENG/DIT RESKRIMSUS)**

ABSTRAK

Tindak kepolisian dalam penegakan hukum atas tindak pidana hak kekayaan intelektual merupakan suatu perlindungan secara represif. Khususnya dalam hak cipta yang memiliki arti bahwa tidak ada seseorang yang boleh memakai hak eksklusif tersebut, kecuali dengan izin pencipta. Hak eksklusif tersebut terdiri dari hak moral dan hak ekonomi. Salah satu tindak pidana hak cipta adalah antara pihak Mola tv dengan situs *Bolasiar.live*, *bolasiar.net*, *bolasiar.xyz* dan/atau 62.210.88.55 atas dugaan *streaming* ilegal dengan Nomor: LP/B/253/VII/2020/JATENG/DIT RESKRIMSUS. Oleh karena itu peneliti memunculkan rumusan masalah terkait bagaimana upaya kepolisian dalam penegakan tindak pidana hak kekayaan intelektual dan bagaimana proses pemeriksaan kasus tindak pidana hak cipta dengan nomor Laporan Polisi Nomor: LP/B/253/VII/2020/JATENG/DIT RESKRIMSUS. Metode yang digunakan adalah metode kualitatif dengan analisis yuridis terhadap data yang telah diperoleh dari penelitian. Berdasarkan hasil penelitian dalam kasus ini terlapor melanggar Pasal 118 ayat (1) dan/atau (2) dan/atau Pasal 113 ayat (2) dan/atau (3) Undang-Undang Republik Indonesia Nomor 28 Tahun 2014 tentang Hak Cipta. Dari hasil yang diperoleh penulis saat penelitian diketahui dalam proses penyelidikan dan penyidikan yang dilakukan oleh tim Penyidik DIirektorat Researce Kriminal Khusus Polda Jawa Tengah terlapor dinyatakan bersalah karena tindakannya melakukan *streaming* ilegal, dengan situs *Bolasiar.live*, *bolasiar.net*, *bolasiar.xyz* dan/atau 62.210.88.55. *Streaming* ilegal ini dilakukan tanpa kerjasama dan izin dari pemegang hak cipta. Analisis berdasarkan pembahasan, sesuai teori Gustav Radbruch terpenuhinya unsur keadilan berupa penegakan tindak pidana, kepastian berupa peraturan perundangan dan tidak terpenuhinya unsur kemanfaatan karena belum memberikan manfaat bagi masyarakat dan sesuai dengan teori Lawrence M. Friedman penegakan tersebut terpenuhi unsur substansi berupa peraturan perundangan, struktur berupa aparat penegakan hukum dan belum terpenuhinya unsur budaya hukum karena belum adanya sosialisasi terkait penegakan terkait hak cipta di masyarakat

Kata Kunci: Tindak, Kepolisian, Penegkan, Hak Kekayaan Intelektual

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Final Project July 2021
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POLICE EFFORTS IN ENFORCEMENT OF CRIMINAL ACTS OF INTELLECTUAL PROPERTY (CASE STUDY NUMBER: LP/B253/VII/2020/JATENG/DIT RESKRIMSUS)

ABSTRACT

Police efforts in law enforcement for criminal acts of intellectual property rights are a repressive protection to ensure legal protection for creators or copyright holders. Especially in copyright which means that no one can use the exclusive right, except with the permission of the creator. These exclusive rights consist of copyright protection in the form of moral rights and economic rights. One of the copyright crimes is between Mola tv and the Bolasiar.live, bolasiar.net, bolasiar.xyz and/or 62.210.88.55 sites on suspicion of illegal streaming with the number: LP/B/253/VII/2020/JATENG/DIT RESKRIMSUS. Therefore, the researcher raises a problem formulation related to how the police work in enforcing intellectual property rights crimes and how the process of examining copyright criminal cases is carried out with the Police Report number: LP/B/253/VII/2020/JATENG/DIT RESKRIMSUS. The method used is a qualitative method with a juridical analysis of the data that has been obtained from the research. Based on the results of the research in this case, the reported party violated Article 118 paragraph (1) and/or (2) and/or Article 113 paragraph (2) and/or (3) of the Law of the Republic of Indonesia Number 28 of 2014 concerning Copyright in which the Article there are criminal threats in the form of imprisonment and fines that will be given to violators of copyright crimes as part of legal protection efforts related to someone's copyright. From the results obtained by the author when the research was discovered that in the process of investigation and investigation carried out by a team of investigators from the Special Criminal Investigation Directorate of the Central Java Police, the reported guilty party was found guilty of his actions in illegal streaming, with the Bolasiar.live, bolasiar.net, bolasiar.xyz and/or websites. 62.210.88.55. This illegal streaming was carried out by the reported party without any cooperation and permission from the copyright holder, namely Mola TV.

Keywords: *Effort, Police, Enforcement, Intellectual Property Rights*