

Copyright Protection of Cinematographic Works Due to Piracy of Spoiler Films Through the TikTok Application

Muchlis Amrullah¹⁾ & Ridha Wahyuni²⁾

¹⁾Faculty of Law, Universitas Pembangunan Nasional “Veteran” Jakarta, Indonesia,
E-mail: muchlisamrullah@gmail.com

²⁾Faculty of Law, Universitas Pembangunan Nasional “Veteran” Jakarta, Indonesia,
E-mail: wahyuniridha@upnvj.ac.id

Abstract. *This study aims to analyze legal protection and legal remedies due to spoiler film piracy through the Tiktok application, referring to Law No. 28 of 2014 concerning Copyright. The phenomenon of violations of film spoiler practices in the form of content through the Tiktok platform has a negative impact on creators or copyright holders. Both morally and economically. In this case, of course, legal protection of cinematographic works must be enforced. Although legal regulations related to copyright of cinematographic works are available, in reality many people pirate spoiler films. This study uses a normative juridical method by reviewing theories, concepts, legal principles and related laws and regulations. The results of this study conclude that the protection and enforcement of copyright law for cinematographic works in the form of preventive and repressive, by providing licenses, supervision and law enforcement based on the perspective of Law No. 28 of 2014 concerning Copyright. The study shows that film spoilers in the form of content on the Tiktok application are very easy to use and the government is not firm in supervising electronic system providers, in this case Tiktok. Therefore, more effective supervision and law enforcement are needed to combat future film spoilers.*

Keywords: Copyright; Film; Spoiler.

1. Introduction

The rise of social media usage via smartphones has opened up many opportunities for people to access and share information easily, including information about currently showing films. One of the most popular applications and has a big influence among internet users is TikTok.¹The platform allows users to create and

¹Wibowo, Cintami Prasista, Heldha Ayu Setia, and Verina Renata Putri. Analisis Pelanggaran Etika Komputer Terhadap Ketidaketisan Penggunaan Pada Media Soisal Instagram Prosiding Seminar Nasional Teknologi dan Sistem Informasi. Vol. 3. No. 1. 2023.

share short videos with a variety of content, including trailers, reviews, or even leaks of the latest movie stories, often referred to as “spoilers.”²Lu Wang and Ryoo argue that spoilers are information that prematurely reveals important facts in a story, thereby reducing or eliminating the surprise and enjoyment for those who have not yet experienced it in its entirety.³

However, the misuse of a work of cinematographic art through the practice of spoilers via the TikTok platform has raised legal issues related to copyright infringement in the form of economic losses, especially for copyright holders from among film industry companies.⁴This is because, when a new film is released in theaters, which is generally expected to provide a story experience that encourages curiosity for potential audiences, it often loses its appeal due to leaks of the storyline that are widely spread in the media without having to come to the cinema to see the entire storyline in the film so that if this situation continues to be allowed, it has the potential to cause economic rights losses for creators including copyright holders, especially for the film industry, and can also reduce someone's interest in working in the field of cinematography.⁵

In this regard, Based on Law No. 28 of 2014 concerning Copyright, specifically in Article 1 Paragraph 1, it explains that copyright is "an exclusive right that arises automatically based on the declarative principle after a creation is manifested in a tangible form". The classification of copyright includes copyright and rights related to copyright (neighboring right), including exclusive rights for performers, phonogram producers, or broadcasting institutions in which there are moral rights and economic rights contained in Article 4 of Law No. 28 of 2014 concerning Copyright.⁶Films which are part of works of art are included in the scope of copyright which is protected by law and the creator or copyright owner of the film has the right to protect his creation from other parties who wish to copy and

²Hendrayana, M. Y., Budiarta, N. P., & Sudibya, D. G. (2021). Perlindungan Hak Cipta Terhadap Konten Aplikasi Tiktok yang Disebarluaskan Tanpa Izin. *Jurnal Preferensi Hukum*, 2(2), 417-422

³Lu, Y., Wang, X., & Ryoo, K. (2020). The impact of spoilers on enjoyment and memory of narrative experiences. *Journal of Media Psychology*, 28(1), 32-45.

⁴Saharani, E. P. P., Mawani, A. K., Fitriyah, L., Hirowati, R., & Mustika, D. R. A. (2024). Peran Hukum Dalam Mencegah dan Menanggulangi Pelanggaran Hak Cipta (Spoiler Film di Media Sosial). *Gudang Jurnal Multidisiplin Ilmu*, 2(6), 32-38.

⁵Utami, D. S. S. (2024). Perlindungan Hukum Terhadap Pengunggahan Film Bioskop Yang Diunggah Ke Instastrory Tanpa Izin Hak Pencipta. *Jurnal Hukum Lichen Institute (LAWLI)*, 1(1).

⁶Sudharma, K. J. A., dan Ni Putu Sukma Dewi. (2023). Perlindungan Hukum Pelanggaran Hak Cipta Berupa Konten Parodi Pada Kasus Warkop DKI. *Binamulia Hukum*, Volume 12, Nomor 2, December 2023 (241-251).

publish his creation or the creator has the right to allow other parties to obtain financial benefits according to their rights.⁷

For copyright holders, such as producers or film studios, the distribution of spoilers without permission can potentially harm the economic rights that the Creator and copyright holder could potentially obtain.⁸In the context of this problem, viewers who already know the plot or ending of the story tend to lose interest in watching the film directly, this will certainly have an impact on the number of ticket sales and financial revenues that have the potential to be obtained from each screening of the film in cinemas or other official media.⁹Although copyright protection has been regulated in legal regulations, the practice of spreading unauthorized artwork through TikTok social media is still difficult to control, including legal enforcement for the recovery of losses for creators or copyright holders. Based on Chaikal's opinion, currently the film industry in Indonesia has experienced losses of up to 1.495 trillion in only 4 cities per year due to film piracy, even worse, there are 2,300 pirate platforms that have been blocked by KOMINFO (Ministry of Communication and Information) in collaboration with VCI (Video Coalition of Indonesia).¹⁰

One of the cases that is currently happening is piracy. Piracy is a form of copyright infringement committed by another party with bad intentions who commits illegal duplication of Creations and then distributes them to gain financial gain but on the other hand causes losses to other parties who legally have intellectual rights to the work/creation. This is as stipulated in Article 1 paragraph 23 of the Copyright Law.¹¹TikTok, as a social media platform for various video content, does not cause problems if the uploaded content is the original work of the uploader, however, problems can arise when the content is the work of someone else that is distributed to the general public without permission.¹²The violation has an impact

⁷Apriani, R. S. W. R. (2022). Penegakan Hukum Hak Cipta Terhadap Praktik Pembajakan Film Beserta Sanksi dan Dampak Yang Terjadi. *Jurnal Ilmiah Wahana Pendidikan*, 8(17), 431-438.

⁸Saputri, F. A., & Suryono, A. (2024). Perlindungan Hukum Terhadap Pemegang Hak Cipta Akibat Penyebaran Full Video Film Di Media Sosial Telegram Dalam Perspektif Hukum Pidana. *Indonesian Journal of Law and Justice*, 2(1), 11-11.

⁹Ningsih, A. S., & Maharani, B. H. (2019). Penegakan Hukum Hak Cipta Terhadap Pembajakan Film Secara Daring. *Jurnal Meta-Yuridis*, 2(1)

¹⁰Dewi, K., & Syailendra, M. R. (2023). Perlindungan Terhadap Pemegang Hak Cipta Atas Pembajakan Film Melalui Situs Online. *Nusantara: Jurnal Ilmu Pengetahuan Sosial*, 10(10), 4791-4803.

¹¹Wandita, C. A. (2024). Perlindungan hukum pembajakan karya sinematografi tanpa izin di situs streaming ilegal dihubungkan dengan pasal 9 Undang-Undang nomor 28 tahun 2014 tentang Hak Cipta: Studi kasus film Mencuri Raden Saleh (Doctoral dissertation, UIN Sunan Gunung Djati Bandung).

¹²Tiasono, E. J., & Tarigan, M. T. (2024). Perlindungan Hukum terhadap Hak Kekayaan Intelektual atas Pembajakan Film di Indonesia. *Jurnal Ilmiah Hukum dan Dinamika Masyarakat*, 22(1), 18-26.

on financial losses on one side and financial gains on the party that has committed the violation. So this has the potential to cause copyright infringement, such as: content of the TikTok Film update account, Fauzisebas, Khoiril Anam and many more that have not yet been identified.

Based on existing data, in Indonesia, cases of cinema piracy occur from year to year. In 2022, the film 'Not Me Cinderella' was allegedly distributed without permission via social media Tiktok. As a result of the illegal film recording in cinemas, the film company Super Media Pictures suffered significant financial losses. In addition, the company also faced indirect losses that were difficult to measure.¹³ Boy Sulimas, the attorney for the production house Super Media Pictures, revealed that the piracy had caused significant losses to his client. Super Media Pictures finally took legal action by reporting the perpetrators of the piracy.

According to Boy Sulimas, the video of the film piracy on the TikTok account has reached 45,000 viewers, while the audience in the cinema is only around 9,000. As a result of this incident, the production house estimates material losses of IDR 2 billion and immaterial losses of IDR 10 billion. The film company Super Media Pictures hopes that the police will take firm action to prevent similar cases in the future. Super Media Pictures has reported this case to Polda Metro Jaya on August 5, 2022, which is recorded in the police report number LP/B/4030/VIII/SPKT/POLDAMETROJAYA. On the basis of copyright infringement regulated in Law No. 28 of 2014, the company reported to the police for the act of piracy. The perpetrator is suspected of violating Article 9 paragraph (1) in conjunction with Article 113 paragraph (3) of Law of the Republic of Indonesia Number 28 of 2014 concerning Copyright, and/or Article 32 in conjunction with Article 48 of Law of the Republic of Indonesia Number. 19 of 2016 concerning Electronic Information and Transactions (ITE).¹⁴

Based on the description of the problem above and to further focus the object of study in this study, the following problem formulation is formulated: First: How is the Protection of Copyright of Cinematographic Works Due to Piracy of Film Spoilers Through the Tiktok Application Based on Law No. 28 of 2014 Concerning Copyright, Second: What legal efforts can be made by Copyright Holders of Cinematographic Works Due to Piracy of Film Spoilers Through the Tiktok Application Based on Law No. 28 of 2014 Concerning Copyright

¹³Liputan6.com, "Film Bukan Cinderella yang Dibintangi Fuji Dibajak, Pengacara Sebut Produser Tekor Rp 2 Miliar", <https://www.liputan6.com/showbiz/read/5035089/film-bukan-cinderella-yang-dibintangi-fuji-dibajak-pengacara-sebut-produser-tekor-rp-2-miliar>, (8 November 2024).

¹⁴Detik.com. Pembajak Film Bukan Cinderella Dilaporkan Ke Polisi. <https://hot.detik.com/movie/d/6219076/pembajak-film-bukan-cinderella-dilaporkan-ke-polisi>. (13 November 2024)

2. Research Methods

In this study, the problems to be reviewed using primary and secondary legal sources will be analyzed using a juridical-normative approach that focuses on understanding the laws and regulations (Statute Approach) that are relevant to the problems being studied.¹⁵ Analysis of primary legal sources, with the perspective of Law No. 28 of 2014 concerning Copyright will be carried out by examining articles related to the protection of copyright of cinematographic works. The aim is to analyze legal protection of intellectual works based on films disseminated through the TikTok application in the form of spoiler content based on Law No. 28 of 2014 concerning Copyright with a case approach (Case Approach). This analysis will aim to explore how legal protection efforts are made for copyright holders of cinematographic works who are harmed by spoiler content on the TikTok application based on Law No. 28 of 2014 concerning Copyright. For secondary legal materials, such as scientific books, journals, and research results related to illegal investment, the analysis will be carried out by exploring relevant legal theories and concepts. Overall, data from both types of legal sources will be analyzed comparatively and systematically, to find the relationship between the norms written in laws and regulations and their application in the field, as well as to suggest solutions to existing legal problems.¹⁶

3. Results and Discussion

3.1. Copyright Protection of Cinematographic Works Due to Piracy of Spoiler Films Through the TikTok Application Based on Law No. 28 of 2014 Concerning Copyright

In today's digital era, social media makes it easy for people to enjoy various entertainment such as movies, songs, and advertisements. However, this convenience also gives rise to violations, one of which is the illegal distribution of movie spoilers. This action is not only financially detrimental, but also ignores the effort and creativity that has been poured into making cinematographic works. The distribution of movie spoilers is now increasingly common, especially through digital platforms such as TikTok. This phenomenon is a serious threat to the creative industry, especially in the field of cinematography, because it can damage audience interest and reduce the potential income of creators.¹⁷ This is because movie spoilers give the feeling of being carried away by the narrative of the movie story uploaded on the Tiktok application in the form of content. Like watching the horror movie spoiler KKN Di Desa Penari, the audience must feel their blood

¹⁵Syafrida Hafni Sahir, (2021). *Metodologi Penelitian*. Yogyakarta: Penerbit KBM Indonesia, p. 54

¹⁶Muhammad Siddiq Armia. (2021). *Penentuan Metode Dan Pendekatan Penelitian Hukum (Banda Aceh: Lembaga Kajian Konstitusi Indonesia (LKKI)*.

¹⁷ Abbott, M. (2020). Can Spoilers in Online Reviews Impact Viewer Enjoyment?.

pressure increase when watching the movie, because the horror movie provides gripping scenes. This is caused by the phenomenon of the feeling of being "carried away" which describes someone being immersed in a story narrative so that their attitude and intentions change to reflect the story. Some people describe it as a simulated state, leading to genuine feelings towards the characters in the story, such as anger, joy, or sadness.¹⁸

The phenomenon of the feeling of being "carried away" should be obtained by the audience in an official place such as a cinema. So that the copyright holder of a cinematographic work obtains exclusive rights consisting of economic rights and moral rights in accordance with Article 4 of the Copyright Law. Moral rights are rights that are owned by the creator permanently and cannot be removed or eliminated for any reason. Meanwhile, economic rights are special rights for the creator to obtain financial benefits from the results of his work. Copyright violations, including in the form of plagiarism of cinematographic works.¹⁹ Then the form of protection for these rights is explained again in article 40 of the Copyright Law which states that cinematographic works are included in creations protected by law. Protection of cinematographic works against the moral rights of creators or copyright holders is related to respect for creators, such as the right to include names and prohibit changes that damage the integrity of the work. Meanwhile, economic rights give creators the right to utilize their creations financially, for example through distribution, broadcasting, or sales.²⁰

Copyright protection for cinematographic works is valid for 50 years since the work was first announced, as stipulated in Article 58 of the Copyright Law. After the protection period expires, the work becomes public property, but the moral rights of the creator are still respected. Unfortunately, in this digital era, cinematographic copyright violations, such as film piracy and illegal distribution through digital platforms, are increasingly common. This form of violation not only harms the creator financially but also damages the reputation of the work and the integrity of the creator.²¹

The distribution of movie spoilers on the TikTok application is a form of piracy, because it distributes films without official permission in the form of content that aims to gain economic advantage. In fact, protection for creators has been

¹⁸ Cohen, A.L., Goldberg, C., Mintz, J., & Shavalian, E. (2023). Spoiler alert: How the film's narrative captures attention. *Applied Cognitive Psychology*, 37(3), 612-623.

¹⁹Regent, Alif Firdausa, Revlina Salsabila Roselvia, M. Rahmat Hidayat dan Hari Sutra Disemadi. (2021). "Pelanggaran Hak Cipta Sinematografi Di Indonesia : Kajian Hukum Perspektif *Been Convention* dan Undang-Undang Hak Cipta". *Indonesia Law Reform Jurnal, ILREJ*, Vol. 1, No. 1.

²⁰ Tirtakoesoemah, A. J., & Arafat, M. R. (2020) . Penerapan Teori Perlindungan Hukum Terhadap Hak Cipta Atas Penyiaran. *Pena Justisia: Media Komunikasi Dan Kajian Hukum*, 18(1).

²¹ Komuna, A. P., & Wirawan, A. R. (2021). Pelanggaran Hak Cipta Pada Konten Video Tiktok. *Alauddin Law Development Journal*, 3(3), 483-492.

regulated in the Copyright Law (UUHC). namely in article 9 paragraph (2) and paragraph (3) it is stated that everyone who uses economic rights as referred to in article 9 paragraph (1) must obtain permission from the creator or copyright holder and is prohibited from duplicating and using commercially without the creator's permission. In article 9 paragraph (1) of the UUHC there are economic rights from the creator or copyright holder to publish, duplicate, translate, adapt, distribute, show, announce, communicate, and rent. Thus, if piracy occurs, such as showing it on an online site without the creator's permission, it is already a copyright violation.²²

As for the practice of spoiler film piracy in the form of content distributed through the TikTok platform, one of them occurred in 2022 with the title of the film 'Not Me Cinderella'. The case of piracy of the film "Not Me Cinderella" which was rampant on the TikTok platform in 2022 is a real reflection of the problem of copyright infringement in the digital era. The film, which was just released in theaters on July 28, 2022, was suddenly uploaded illegally so that it was classified as piracy activity. Regarding this, the lawyer from the Super Media Pictures production house reported this piracy. This report is known to have been made by the representative of Super Media Pictures, namely Arti Fudiah. Through Boy Sulimas, SH, as the company's attorney, he reported this piracy to the Polda Metro Jaya on August 5 based on the suspicion of Article 9 paragraph (1) in conjunction with Article 113 paragraph (3) of Law of the Republic of Indonesia No. 28 of 2014 concerning Copyright, and/or Article 32 in conjunction with Article 48 of Law of the Republic of Indonesia No. 19 of 2016 concerning Information and Electronic Transactions (ITE) based on police report no: number LP/B/4030/VIII/SPKT/POLDAMETROJAYA, although until now the case has not been fully handled.

According to his confession, Boy Sulimas explained that the film piracy was carried out in the cinema in a very hidden way. The perpetrators of the piracy did it secretly while the film was being shown in the cinema, without the knowledge of other viewers or officers. As a result of the piracy, the film production company suffered huge losses, both materially and immaterially. The material losses incurred by the company are estimated to reach Rp2,000,000,000 (two billion rupiah), while the immaterial losses, which include the negative impact on the company's reputation and image, are more than Rp10,000,000,000 (ten billion rupiah). This kind of piracy not only harms the production party, but can also affect the film industry as a whole.

²²Fikri Sulaiman. (2021). Perlindungan Hukum Terhadap Pencipta Karya Sinematografi Terkait Pembajakan Film Pada Situs Online.

It can be concluded that the act of pirating the film "Not Me Cinderella" violates the applicable rules and regulations regarding copyright of cinematographic works. This is as regulated by the Copyright Law, Article 1 paragraph 1, which states that Copyright is an exclusive right owned by the creator over his work, which appears automatically once the work is manifested in a tangible form, such as writing, music, images, or other forms. This means that copyright applies immediately after the work is created, without the need for prior official registration. However, this copyright is still limited by the provisions contained in the laws and regulations, which regulate the rights that may be granted to the creator and restrictions on the use of his creations by other parties. This illegal film spoiler is a violation of the exclusive rights of the copyright holder. By duplicating and distributing the work without permission, the perpetrator has violated the economic rights of the copyright holder, such as the right to reproduce, distribute, and rent the work. This action can be subject to criminal sanctions in the form of fines and even imprisonment, as well as civil sanctions in the form of compensation for losses incurred.

Based on the perspective of Law No. 28 of 2014 concerning Copyright, legal protection against illegal film spoilers that occurred in the film "Not Me Cinderella" is divided into two types, namely preventive and repressive. Preventive legal protection aims to prevent violations through the application of laws and regulations that regulate obligations and limitations in taking action. One form of preventive protection is Government Regulation Number 82 of 2012 concerning the Implementation of Electronic Systems and Transactions, which is implemented to minimize copyright infringement of films as regulated in Law No. 14 of 2015 concerning Copyright. Article 54 of the law gives the government the authority to prevent copyright infringement by utilizing information technology.²³

Meanwhile, repressive legal protection is carried out after a crime or violation has occurred, with the aim of imposing sanctions on the perpetrator. These sanctions can be in the form of fines, imprisonment, or other additional penalties. For example, the government's efforts to regulate social media platforms.²⁴ This is regulated in Article 113 which states that copyright infringement can be subject to a maximum of 4 years in prison and/or a fine of up to Rp500 million. In addition, violators can also be asked for civil compensation to the copyright owner. Strict law enforcement is expected to provide a deterrent effect on perpetrators of

²³ Sahib, N. S. M., Idayanti, S., & Rahayu, K. (2023). Problematika Aturan Penyelenggara Sistem Elektronik (PSE) Di Indonesia. *Pancasakti Law Journal (PLJ)*, 1(1), 61-74.

²⁴ Reviansyah Erlianto dan Hana Faridah. (2022). Perlindungan Hukum Pembajakan Film Ilegal (Studi Perbandingan Hukum Indonesia, Malaysia dan Korea Selatan). *Jurnal Ilmu Hukum*, Volume 6 Nomor 2, December 2022. p. 211-232

copyright infringement while encouraging the public to respect the work of others more.

Efforts to protect the copyright of cinematographic works also require cooperation from various parties. Especially regarding the importance of respecting copyright for the artistic and commercial value of a work. In addition, copyright owners or copyright holders can work with digital platforms to monitor and prevent the spread of illegal content. With these steps, it is hoped that cinematographic copyrights can be better protected, supporting legal protection for the national film industry.

3.2. Legal Efforts of Copyright Holders of Cinematographic Works Due to Piracy of Film Spoilers Through the TikTok Application Based on Law No. 28 of 2014 Concerning Copyright

Forms of copyright violations are basically divided into two main categories. First, violations occur when someone intentionally and without permission announces, reproduces, or grants permission to carry out such actions. Second, violations occur when someone intentionally exhibits, distributes, or sells to the public a creation or goods that are the result of a copyright violation. This is as regulated in Article 23 Based on Law No. 28 of 2014 concerning Copyright.²⁵

Copyright holders of cinematographic works have a number of legal steps to protect their works from infringement, including the distribution of film spoilers via the TikTok application. Based on Law No. 28 of 2014 concerning Copyright, there are two types of legal measures that can be taken, namely preventive measures aimed at preventing violations from occurring and repressive measures aimed at prosecuting violations that have occurred. Both of these measures are designed to provide comprehensive legal protection while creating a deterrent effect for perpetrators of violations. In preventive efforts, one of the steps that can be taken is to grant a license in the form of an agreement between the Creator or Copyright Holder and parties who have large accounts on TikTok who of course have broad influence in society. With this step, the act of spreading spoilers can bring economic benefits to both parties and the act of spreading film content can be more closely monitored and regulated in such a way as to serve as a suggestion to help production houses promote a newly produced film story. Preventive efforts in copyright protection are regulated in Article 1 Paragraph 20 of the Copyright Law, which explains that a license is written permission granted by a copyright holder or owner of related rights to another party to use the economic rights to their creative work or related rights products, with certain

²⁵Gan Gan Gunawan Raharja. (2020). Penerapan Hukum Terhadap Pelanggaran Hak Cipta Di Bidang Pembajakan Film. *Jurnal Meta Yuridis* Vol. 3 No (2)

conditions.²⁶This license allows other parties to utilize the work or product, but with mutually agreed terms. The purpose of granting this license is to provide economic benefits to the copyright holder, which is further regulated in Article 8 of the Copyright Law. This article explains how copyright can be utilized economically, such as to obtain income from the use of copyrighted works, which ultimately provides protection and benefits for the creator or copyright owner.²⁷

In addition, repressive legal steps, this can be seen in one of the legal steps taken by the Copyright Holder for the case of piracy of the spoiler film "Not Me Cinderella", which was distributed without permission through the TikTok application as an electronic system organizer has an obligation to take firm action against accounts that are suspected of uploading film spoiler content that violates the Copyright Law. This obligation is regulated in Government Regulation Number 71 of 2019 concerning the Implementation of Electronic Systems and Transactions (PP PSTE). As an electronic system organizer, TikTok must ensure that its platform does not contain information that violates statutory provisions, as regulated in Article 5 paragraph (1) of the PP PSTE. In addition, TikTok is also required to ensure that its system does not facilitate the dissemination of prohibited information, as stated in Article 5 paragraph (2) of the PP PSTE.²⁸

The distribution of movie spoilers is a copyright violation, so TikTok is required to follow up on it without exception. This is important because every activity in the electronic system is the responsibility of the system organizer, in accordance with Article 3 paragraph (2) of the PP PSTE. If TikTok does not fulfill its obligations, the platform can be subject to sanctions, such as written warnings, administrative fines, temporary suspension, termination of access, or even removal from the list of organizers.²⁹In order for repressive legal efforts to run well, the government needs to carry out digital supervision by monitoring platforms such as TikTok to detect and report content that violates copyright. This. This step is a concrete form of implementing repressive legal protection as regulated in Article 54 of the Copyright Law which explains that the government has the authority to supervise the creation and dissemination of content that violates copyright and related rights.

²⁶Ridha Wahyuni,dkk, Kedudukan Hukum Surat Pencatatan Ciptaan Bagi Perlindungan HaK Cipta Karya Lukisan dihadapkan pada prinsip Automatically protection

²⁷ Baranyanan, S. D. (2021). Simplification of law regulations in copyright criminal act settlement. *Journal of Human Rights, Culture and Legal System*, 1(2), 80-91.

²⁸ Harahap, S. B. R. (2024). Perlindungan Hak Cipta dan Pertanggungjawaban Pihak Pelanggar terhadap Penyebaran Film Ilegal di Telegram. *Equality: Journal of Law and Justice*, 1(2), 242-256.

²⁹Komdigi. (2019). Dirjen APTIKA: PP PSTE Baru Sudah Atur Sanksi Bagi Pelanggar. <https://www.komdigi.go.id/berita/berita-komdigi/detail/dirjen-aptika-pp-pste-baru-sudah-atu-sanksi-bagi-pelanggar>. (05 December 2024)

On the other hand, repressive legal efforts are carried out after the violation has occurred with the aim of providing a deterrent effect on the perpetrator. Copyright holders can report the perpetrators of violations to law enforcement officers based on Article 95 and Article 96 of the Copyright Law. This action allows the perpetrators to be tried in accordance with applicable law.³⁰In addition, copyright holders can also file civil lawsuits to claim compensation for material and immaterial losses caused by the piracy. Criminal charges can also be filed against perpetrators who spread movie spoilers without permission. Based on Article 113 of the Copyright Law, perpetrators can be subject to penalties in the form of fines or imprisonment. In addition, the government also has the authority to block illegal content on digital platforms, including accounts on TikTok that spread spoilers without permission.³¹

By implementing both types of legal efforts, copyright holders can protect their cinematographic works from piracy more effectively. In addition to providing better protection for creative industry players, this step is also expected to increase public awareness to respect copyright. Strict law enforcement not only creates a deterrent effect for perpetrators of violations, but also encourages the creation of a healthier and more responsible digital ecosystem.

4. Conclusion

The many cases of movie spoilers on the TikTok application reflect that the enforcement of the Copyright Law has not been carried out according to the applicable corridor, such as supervision of electronic system organizers which is considered to still have many shortcomings. Copyright infringement of cinematographic works, such as the distribution of movie spoilers through digital platforms such as TikTok, has become a serious problem that is detrimental to the film industry, both in terms of material and immaterial. This phenomenon has the potential to damage the reputation and reduce the potential income of creators, because it ignores the exclusive rights held by copyright holders. Based on Law No. 28 of 2014 concerning Copyright, legal protection for cinematographic works can be carried out through two approaches, namely preventive and repressive efforts. Preventive efforts, such as granting licenses to other parties to distribute cinematographic works in the form of content, can help prevent copyright infringement and provide economic benefits to copyright holders. Meanwhile, repressive efforts aim to prosecute violations that have occurred, by providing criminal and civil sanctions against perpetrators of piracy and monitoring Tiktok

³⁰ Lombok, L. L., Tuwaidan, A., & Takasana, V. (2024). Tinjauan Hukum Terhadap Pelanggaran Hak Cipta Karya Digital Content Creator Di Indonesia. *INVENTION: Journal of Intellectual Property Law*, 1(1), 47-59.

³¹Ridha Wahyuni, dkk, Perlindungan Hak Cipta karya musik di dalam digital service platforma berbasis UGC berdasarkan UUHC

social media as an electronic organizer system. As an electronic system organizer, TikTok has a big responsibility to ensure that its platform is not used for violations of the law, including copyright infringement in the form of spreading movie spoilers. By complying with the provisions stipulated in the PP PSTE and the Copyright Law, TikTok not only protects the rights of copyright holders, but also maintains the integrity of its platform as a safe and compliant digital space.

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