

## ABSTRAK

### KEPASTIAN HUKUM TERHADAP SUBYEK JAMINAN HAK CIPTA RUMAH JOGLO BUDAYA JAWA

Rumah Joglo Adat Jawa merupakan karya seni, berbentuk rumah dengan arsitektur khas adat jawa, terbuat dari bahan kayu jati, yang disetiap dindingnya terdapat ukir-ukiran yang melambangkan identitas sosial dan budaya masyarakat jawa. Rumah Joglo dilindungi UUHC dalam Pasal 40 ayat 1 huruf f yaitu karya seni rupa dalam berbagai bentuk dan huruf h yaitu karya arsitektur. Rumah joglo juga dilindungi UUHC dalam Pasal 38 yaitu Ekspresi Budaya Tradisional, karena Rumah Joglo sebagai ciptaan tradisional baik yang dibuat kelompok maupun perorangan dalam masyarakat yang menunjukkan identitas sosial dan budayanya berdasarkan standar dan nilai-nilai yang diucapkan atau diikuti secara turun-temurun.

Permasalahan dalam penelitian ini adalah (1) bagaimana perlindungan hukum terhadap Hak Cipta Rumah Joglo Budaya Jawa; dan (2) bagaimana kepastian hukum terhadap Subyek Jaminan Hak Intelektual Rumah Joglo Budaya Jawa.

Penulisan tesis ini menggunakan metode penelitian yuridis Normatif. Data primer diperoleh melalui studi dokumen dan pustaka. Spesifikasi Penelitian bersifat deskriptif analitis, sumber dan jenis data menggunakan data primer yang diperoleh dengan penelitian kepustakaan yang mempunyai ketentuan mengikat yaitu UUHC Nomor 28 tahun 2014 Pasal 40, Pasal 38, dan Pasal 16 ayat (3), serta Undang-Undang Nomor 42 tahun 1999 tentang Fidusia. Data sekunder diperoleh melalui studi dokumen dan pustaka. Tehnik analisis data menggunakan metode kualitatif untuk mendapatkan simpulan secara induktif.

Simpulan rumah joglo adat Jawa termasuk dalam Ciptaan yang dilindungi berdasarkan pasal 40 UUHC Nomor 28 tahun 2014 Ayat (1) huruf f yaitu dalam bidang Seni Rupa (ukiran) karena terdapat bagian-bagian dari rumah joglo adat Jawa yang diukir. Kepastian hukum terhadap subyek jaminan Hak Cipta rumah joglo adat Jawa dikategorikan sebagai jaminan fidusia yang tercantum dalam Undang-Undang Nomor 42 tahun 1999 pasal 1 UUF yang dimaksud Jaminan Fidusia adalah hak jaminan atas benda bergerak baik yang berwujud maupun yang tidak berwujud, dan benda tidak bergerak khususnya bangunan yang tidak dapat dibebani hak tanggungan.

Kata kunci : *Kepastian Hukum, Rumah Joglo, Hak Cipta, Fidusia, dan Jaminan Hutang*

## ABSTRACT

### LEGAL CERTAINTY OF JAVANESE TRADITIONAL HOUSE AS THE SUBJECT MATTER OF COPYRIGHT

Javanese Traditional House (*Rumah Joglo Adat Jawa*) is a work of art, in a form of a house based on Javanese traditional architecture made of teak wood and crafted on its walls are the symbols of social and cultural identities of the Javanese. Javanese Traditional House is protected under the Copyright Act in Article 40 paragraph (1): Creation of protected includes work in the fields of science, art, and literature, consisting of: section (h) works of architecture. Javanese traditional house is also protected under Indonesian Copyright Act article 38 as traditional cultural expressions since it is considered as traditional creation made by individuals or groups in communities representing its social and cultural identities based on standards and norms spoken or believed for generations.

The issues discussed in the research were (1) how is the copyright of Javanese traditional house protected by law; and (2) how is Javanese traditional house as the Subject matter of Copyright analyzed for its legal certainty.

The thesis was based on normative juridical research method. Primary data were obtained from document and literature study. Specification of the research was descriptive analysis, using primary data source from literature research which has binding provisions namely Copyright Act Number 28 year 2014 article 40, 38, and article 16 paragraph (3), as well as Act Number 42 year 1999 on Fiduciary. Secondary data were obtained from document and literature study. Qualitative method was used to analyze the data to obtain inductive conclusion.

As a conclusions, Javanese traditional house is a creation which is protected under Copyright Act No. 28 year 2014 article 40 Paragraph (1) f that as a Visual Art (engraving) because there are sculpted parts in the Javanese traditional house. The legal security of Javanese traditional house as subject matters of copyright is categorized as fiduciary based on Law No. 42 of 1999 on Fiduciary Article 1 which define Fiduciary as object is anything that can be owned or transferred, both tangible and intangible, registered or not registered, movable or immovable which cannot be burdened with security rights or mortgage.

Key words: *Legal certainty, Javanese Traditional House (Rumah Joglo), Copyright, Fiducia, Loan guarantee.*