ABSTRAK

Hak cipta dalam beberapa keadaan harus dialihkan pada pihak lain. Jasa notaris merupakan salah satu pendampingan yang dipilih masyarakat dalam mengalihkan hak cipta. Pengalihan hak cipta hanya dapat dilakukan satu kali seumur hidup. Kelalaian notaris saat mengalihkan hak cipta menyebabkan kerugian hak ekonomi pada penerima hak cipta yang seharusnya. Jika terjadi kelalaian oleh notaris, maka notaris akan bertanggung jawab. Oleh karena itu, notaris wajib memenuhi indikator pencegahan untuk menghindari kesalahan saat mengalihkan hak cipta melalui penerapan prinsip kehati-hatian untuk memberikan perlindungan kepada para pihak. Permasalahan dalam tesis yaitu (1) Peran dan tanggung jawab notaris dalam pengalihan hak cipta dan (2) Penerapan prinsip kehati-hatian oleh notaris dalam mengalihkan hak cipta. Pendekatan masalah tesis adalah teknik identifikasi pokok pembahasan (*topical subject*) melalui rumusan masalah. Selain itu, tesis menggunakan data sekunder sebagai referensi penelitian. Hasil penelitian menemukan bahwa peran notaris dalam pengalihan hak cipta adalah memberikan pendampingan kepada masyarakat saat mengalihkan hak cipta. Tanggung jawab notaris dalam pengalihan hak cipta terdiri dari tanggung jawab preventif dan represif. Tanggung jawab secara preventif adalah penerapan dari prinsip kehati-hatian dalam pengalihan hak cipta melalui pelaksanaan Pasal 1320 KUH Perdata. Sedangkan tanggung jawab represif adalah notaris yang bertanggungjawab secara pidana, perdata, dan administrasi karena kesalahan saat pengalihan hak cipta. Penerapan prinsip kehati-hatian oleh notaris dalam mengalihkan hak cipta dapat diukur melalui lima unsur yaitu (1) Tahapan pengenalan identitas penghadap, (2) Verifikasi data subyek dan obyek penghadap secara rinci, (3) Adanya tenggang waktu dalam penyusunan akta autentik, (3) Proses pembuatan akta dilakukan secara hati-hati, teliti, dan cermat, (4) Teknik pembuatan akta notaris memenuhi segala syarat, serta (5) Indikasi pencucian uang dalam transaksi notaris yang harus dilaporkan kepada pihak berwenang. Penelitian menyarankan pada Ikatan Notaris Indonesia untuk mengintegrasikan standarisasi pengalihan hak cipta oleh notaris sebagai perwujudan prinsip kehati-hatian dan upaya perlindungan hukum para pihak.

Kata Kunci : Prinsip Kehati-hatian; Pengalihan hak cipta; Notaris; Undang-Undang Jabatan Notaris .

ABSTRACT

Copyright in some circumstances must be transferred to other parties. Notary services are one of the assistances chosen by the community in transferring copyrights. Copyright transfers are once in a lifetime. The notary's negligence when transferring the copyright causes a loss of economic rights to the rightful copyright recipient. If there is negligence by the notary, the notary will be responsible. Therefore, notaries are required to meet prevention indicators to avoid mistakes when transferring copyrights through the application of the precautionary principle as a form of legal protection to both parties. The problems in this thesis are (1) the role and responsibilities of a notary in transferring copyright and (2) the implementation of the precautionary principle by a notary in transferring copyright. The thesis problem approach is a technique of identifying the subject matter through the formulation of the problem. In addition, the thesis uses secondary data as a research reference. The research illustrates that the role of a notary in transferring copyrights is to aid the community when transferring copyrights. The responsibility of a notary in the transfer of copyright consists of preventive and repressive responsibilities. Preventive responsibility is the application of the precautionary principle in the transfer of copyright through the implementation of Article 1320 of the Civil Code. Meanwhile, repressive responsibility is a notary who is criminally, civilly, and administratively responsible for mistakes when transferring copyrights. The forms of repressive notary responsibility are imprisonment, reimbursement of money, compensation, interest, reprimand, and dismissal as a notary. The application of the precautionary principle by a notary in transferring copyright can be measured through five elements, namely (1) Stages of identifying the identity of the appearer, (2) Detailed verification of subject and object data, (3) There is a time limit in preparing an authentic deed, (3)) The process of making the deed is carried out carefully, thoroughly and meticulously, (4) The technique for making a notary deed meets all the requirements, and (5) There are indications of money laundering in notarial transactions that must be reported to the authorities. Research suggests the Indonesian Notary Association to integrate copyright transfers by a notary's standardization as a manifestation of the precautionary principle and legal protection efforts for the involved parties.

Key Word : Precautionary Principles; Transfer of copyright; Notary Public; Notary Office Law.