

ABSTRAK

Pasal 35 ayat (1) Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan menetapkan bahwa harta benda yang diperoleh selama perkawinan menjadi harta bersama. Berkembangnya ekonomi kreatif melahirkan aset baru berupa hak cipta yang tercipta selama masa perkawinan, sebagaimana tercermin dalam sengketa kekayaan intelektual Nussa Rara antara Annisa Hadiyanti dan Aditya Triantoro. Ketiadaan harmonisasi antara Undang-Undang Perkawinan dan Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta memunculkan keaburan hukum mengenai kedudukan hak cipta yang lahir selama perkawinan sebagai harta bersama serta mekanisme pembagiannya apabila terjadi perceraian.

Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan perundang-undangan (*statute approach*). Bahan hukum yang dikumpulkan kemudian dianalisis secara deduktif dan ditafsirkan secara sistematis untuk menjawab rumusan masalah.

Hasil penelitian menunjukkan bahwa hak cipta yang lahir selama perkawinan dapat dikategorikan sebagai harta bersama, namun hanya berlaku terhadap hak ekonominya, sedangkan hak moral tetap melekat personal pada pencipta dan tidak dapat dialihkan selama pencipta hidup. Pembagian hak ekonomi hak cipta sebagai harta bersama pada dasarnya mengikuti asas pembagian seperdua sebagaimana diatur Pasal 37 Undang-Undang Perkawinan juncto Pasal 97 Kompilasi Hukum Islam, yang dapat diwujudkan melalui skema bagi hasil royalti, kompensasi finansial berdasarkan penilaian independen, atau pengalihan saham pada badan hukum pengelola hak cipta. Penelitian ini merekomendasikan harmonisasi regulasi antara Undang-Undang Perkawinan dan Undang-Undang Hak Cipta guna menjamin kepastian dan keadilan hukum.

Kata Kunci: *Hak Cipta, Harta Bersama, Perceraian, Kekayaan Inteltual, Hak Ekonomi, Hak Moral.*

ABSTRACT

Article 35 paragraph (1) of Law Number 1 of 1974 concerning Marriage stipulates that property acquired during marriage constitutes joint marital property. The development of the creative economy has given rise to new assets in the form of copyrights created during the marriage, as reflected in the Nussa Rara intellectual property dispute between Annisa Hadiyanti and Aditya Triantoro. The lack of harmonization between the Marriage Law and Law Number 28 of 2014 concerning Copyright has resulted in legal ambiguity regarding the status of copyrights arising during marriage as joint marital property and the mechanism for their division in the event of divorce.

This study employs normative legal research using a statutory approach. The collected legal materials were analyzed deductively and interpreted systematically to address the research questions.

The findings indicate that copyrights arising during marriage may be classified as joint marital property; however, this classification applies only to economic rights. Moral rights remain personally attached to the creator and cannot be transferred during the creator's lifetime. In principle, the division of copyright economic rights as joint marital property follows the equal-division principle as stipulated in Article 37 of the Marriage Law in conjunction with Article 97 of the Compilation of Islamic Law. Such division may be implemented through royalty-sharing arrangements, financial compensation based on an independent valuation, or the transfer of shares in a legal entity managing the copyright. This study recommends regulatory harmonization between the Marriage Law and the Copyright Law to ensure legal certainty and justice.

Keywords: Copyright, Joint Marital Property, Divorce, Intellectual Property, Economic Rights, Moral Rights.