

**ABSTRAK**

**ASPEK-ASPEK HUKUM HAK CIPTA DALAM TINDAKAN**

**WEBSCRAPPING/WEBCRAWLING PADA KEGIATAN EKONOMIS YANG**

**BERBASIS DIGITAL**

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Kian maraknya transaksi perdagangan dalam kegiatan perekonomian yang difasilitasi oleh kemajuan teknologi telah meningkatkan pemanfaatan data oleh para pelaku usaha. Pernyataan "data is the new oil" bukan lagi semata-mata istilah utopis. Seluruh kegiatan perekonomian kini telah berbasis data, dan bahkan menimbulkan suatu tren pengumpulan data secara masif melalui sistem yang bersifat otomatis dinamakan webscraping/webcrawling. Melalui tindakan webscraping/webcrawling, pelaku usaha dapat dengan mudah mendapatkan beragam data yang dibutuhkan untuk menunjang kegiatan perekonomian yang dilakukannya.

Akan tetapi, dengan sifat dari tindakan webscraping/webcrawling yang beroperasi secara otomatis berbasis sistem, terdapat potensi pelanggaran hukum yang dapat terjadi. Penulisan ini akan berfokus kepada potensi pelanggaran hukum, secara khusus hak cipta, yang dapat terjadi akibat tindakan webscraping/webcrawling. Penelitian yang dilakukan secara normatif kualitatif ini akan menganalisa kegiatan webscraping/webcrawling yang kian ramai terjadi, disandingkan dengan teori-teori hukum. Beberapa perbandingan terhadap praktek pengaturan terhadap tindakan webscraping/webcrawling yang dilakukan di negara lain juga turut menjadi bahan analisa penulisan ini.

Diharapkan, penulisan hukum dapat menjadi titik awal perumusan kebijakan terhadap tindakan webscraping/webcrawling di Indonesia. Mengingat masih belum diaturnya kegiatan webscraping/webcrawling secara jelas, sehingga menimbulkan ketidakpastian hukum pada pihak-pihak terkait dalam kegiatannya.

**Keywords:** *webcrawling, webscraping, hak cipta*

## **ABSTRACT**

### **LEGAL ASPECTS OF COPYRIGHT ON WEBSRAPPING/WEBCRAWLING ACTIVITIES ON THE DIGITAL-BASED ECONOMIC ACTIVITIES**

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The utilization of information and technology as a result of technology developments activities has, over the time, changing the human behaviour, including but not limited, to the trading activities whereas the utilization of such information technology, especially the use of internet as a media in facilitating the said trade activities has form as a pivotal media that set the economic activities itself. The use of data and other information in the economic activities, including the use of other content that subject to intellectual property, especially copyrights, has become a necessity in order to advance the competition amongst the online business doers. The statement of “data is the new oil” is no longer a utopia. Every economic activity relies on data utilization, and even creates massive data collection trend via automatic system namely web scraping and web crawling. The data collected through the aforementioned activities can be in the form of consumer’ profile information, picture, artworks, or other content that copyrightable. Through the said web crawling or web scraping activities, the business players may now easily extract various types of data to support its economic activities.

However, with the nature of web crawling or web scraping which automatically operating by its system, potential various infringements of law may occur. This research, hence, will focus on the risk of legal infringement, specifically on copyright potential infringement from the perspective of Indonesian regulations, that may occur following to the web crawling or web scraping. This research, which carried through qualitative normative research, will analyze the activities web crawling or web scraping with certain legal theories. Several comparisons toward foreign practice of web crawling or web scraping regulation will also become part of this writing’s analysis that will enrich the result of the research, particularly in setting out a benchmark of the appropriate legal instruments that need to be develop to accommodate the activities of web

crawling or web scraping without having to breach any laws or infringe any other parties' copyright in Indonesia.

It is hoped that this writing may serve as cornerstone for drafting policies on web crawling or web scraping in Indonesia. Since currently there is no provision under the laws specifically regulating web crawling or web scraping activities, which may lead to a condition of legal uncertainty for relevant stakeholders in doing the online based economic activities in Indonesia.

***Keywords:*** *web crawling, web scraping, online commerce, copyright*