

**TINJAUAN YURIDIS HAK CIPTA TERHADAP PENGGUNAAN DESAIN
TATA RIAS HASIL KARYA *MAKEUP ARTIST* OLEH PIHAK KETIGA
BERDASARKAN UNDANG-UNDANG HAK CIPTA**

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ABSTRAK

Perkembangan industri kecantikan khususnya profesi *Makeup Artist* (MUA), menunjukkan bahwa desain tata rias tidak hanya merupakan keterampilan teknis tetapi juga bentuk ekspresi artistik yang memiliki nilai ekonomi dan moral. Namun, penggunaan desain tata rias oleh pihak ketiga tanpa izin masih sering terjadi, sementara pengaturan mengenai status hukum desain tata rias sebagai objek hak cipta belum dirumuskan secara eksplisit. Fokus utama dari kajian hukum normatif ini adalah membedah kerangka perlindungan desain *makeup artist* dari ancaman eksploitasi tak berizin, sekaligus menyandingkan rezim Undang-Undang Hak Cipta nasional dengan sistem hukum di Amerika Serikat. Melalui kombinasi pendekatan perundang-undangan dan komparasi, studi ini menguraikan bahan hukum primer, sekunder, hingga tersier secara deskriptif-evaluatif. Hasil penelitian menunjukkan bahwa di Indonesia desain tata rias belum diatur secara spesifik sebagai objek ciptaan yang dilindungi, namun secara interpretatif dapat dikategorikan sebagai karya seni rupa atau seni terapan apabila memenuhi unsur orisinalitas dan kreativitas. Sementara itu, di Amerika Serikat perlindungan terhadap desain tata rias bergantung pada prinsip orisinalitas dan fiksasi dalam medium nyata, sehingga karya tersebut umumnya memperoleh perlindungan melalui dokumentasi visual seperti foto atau video. Dengan demikian, perlindungan hukum terhadap desain tata rias pada dasarnya dimungkinkan dalam kedua sistem hukum, namun diperlukan penguatan regulasi dan kejelasan interpretasi hukum agar memberikan kepastian hukum bagi karya kreatif *Makeup Artist*.

Kata Kunci: Hak Cipta, Desain Tata Rias, *Makeup Artist*, Perlindungan Hukum, Kekayaan Intelektual.

**LEGAL REVIEW OF COPYRIGHT ON THE USE OF MUA'S MAKEUP
DESIGNS BY THIRD PARTIES BASED ON COPYRIGHT LAWS**

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ABSTRACT

The development of the beauty industry, particularly the profession of Makeup Artists (MUAs), demonstrates that makeup design is not merely a technical skill but also a form of artistic expression possessing economic and moral value. However, the unauthorized use of makeup designs by third parties remains prevalent, while the legal status of makeup designs as copyright-protected objects has not yet been explicitly regulated. This normative legal study primarily aims to examine the legal protection framework for Makeup Artist designs against the threat of unauthorized exploitation, while simultaneously comparing the national Copyright Law regime with the legal system of the United States. Through a combination of statutory and comparative approaches, this study analyzes primary, secondary, and tertiary legal materials using a descriptive-evaluative method. The findings reveal that, in Indonesia, makeup designs have not been specifically regulated as protected works of creation; however, they may be interpretatively classified as works of fine art or applied art if they fulfill the elements of originality and creativity. Meanwhile, in the United States, protection for makeup designs depends on the principles of originality and fixation in a tangible medium of expression, whereby such works generally obtain copyright protection through visual documentation, such as photographs or videos. Therefore, legal protection for makeup designs is fundamentally possible under both legal systems; nevertheless, regulatory reinforcement and clearer legal interpretation are required to provide greater legal certainty for the creative works produced by Makeup Artists.

Keywords: Copyright, Makeup Design, Makeup Artist, Legal Protection, Intellectual Property.