



Humanist Film Law Policy in Indonesia

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Abstract

Film law policy in Indonesia has an important role in regulating and developing the film industry which is not only oriented to economic and cultural aspects, but also upholds human values. The humanist approach in film regulation emphasizes the protection of the rights of film workers, freedom of expression, and cultural diversity and moral values in society. This study aims to analyze film law policies in Indonesia with a humanist approach, identify challenges in their implementation, and provide recommendations for more inclusive and beneficial policies. Law Number 33 of 2009 concerning Cinema has accommodated aspects of the protection of workers' rights and freedom of expression, there are still obstacles in its implementation, such as excessive censorship and lack of protection for independent filmmakers. Therefore, more adaptive and participatory policies are needed to ensure that the Indonesian film industry develops sustainably while respecting the principles of human rights. The problem that will be discussed in this study is how is the humanist film law policy in Indonesia. The research method used is a normative research method with a statute approach and a theoretical approach, and analyzed using content analysis.

Keywords: Legal Policy; Cinema; Humanist Approach; Human Rights; Freedom of Expression

Introduction

The film industry has a strategic role in shaping cultural identity, channeling artistic expression, and supporting the growth of the creative economy in a country. In Indonesia, film not only functions as a medium of entertainment, but also as a means of education, social criticism, and cultural diplomacy.¹ Therefore, legal policies that regulate cinema must be able to create a balance between the protection of freedom of expression, economic interests, and social and cultural values that develop in society. Law

¹ Ariani, Relys Sandi, Luna Dezeana Ticoalu, and Herlin Sri Wahyuni. "Optimizing the role of the Indonesian Film Agency: An analysis of copyright aspects against illegal video broadcasting practices." *Journal of Legal Reform Studies* 1.2 (2021): 175-214.

Number 33 of 2009 concerning Cinema (Film Law) is the main basis for regulating this industry in Indonesia. The law regulates various aspects such as production, distribution, censorship, and the protection of the rights of film workers. However, in its implementation, film legal policies still face various challenges, such as strict censorship, limited access for independent filmmakers, and lack of protection for workers in this sector.²

Film as a work of cultural art has a strategic role in increasing the nation's cultural resilience and the welfare of the people born inwardly to strengthen national resilience and therefore the state is responsible for advancing cinema.³ Film as a mass communication medium is a means of intellectualizing the nation's life, developing self-potential, fostering noble morals, promoting community welfare, and a vehicle for promoting Indonesia in the international world, so Indonesian films and cinema need to be developed and protected. In the era of globalization, it can be a tool for cultural penetration so that it needs to be guarded from negative influences that are not in accordance with the ideology of Pancasila and the identity of the Indonesian nation. Efforts to advance Indonesian cinema must be in line with the dynamics of society and the advancement of science and technology. Film as a work of cultural art that is realized based on the rules of cinematography is a cultural phenomenon.⁴

Thus the film is not value-free because it has a vital thread of ideas and messages that are developed as the collective work of many organized people. That is why, film is a social institution that has a personality, vision and mission that will determine its quality and feasibility. It is greatly influenced by the competence and dedication of the people who work collectively, technological advancements, and other resources. Various things related to film are called cinema which includes non-commercial activities and commercial businesses. Non-commercial ones are carried out by activity actors and commercial ones are carried out by business actors. All of this involves film people, the Government, local governments, and the community who have their respective functions and roles regulated in laws and regulations. Films are made domestically and can be imported from abroad with all their influences. Films made domestically and imported films from abroad that are circulated and performed in Indonesia are aimed at fostering noble morals, the realization of the intelligence of the nation's life, the preservation of national unity and unity, the increase of the dignity and dignity of the nation, the development and preservation of the nation's cultural values, the improvement of community welfare, and the development of films based on the nation's culture that are alive and sustainable.⁵

Cinematographic activities are the implementation of films that are directly related to films and are non-commercial in nature as regulated in Article 1 paragraph (4) of the Film Law. Along with the development of technology and globalization, Indonesian cinema has experienced rapid growth, both in the number of productions and the quality of content.⁶ However, behind this progress, there are various legal problems that hinder the development of the film industry, including strict regulations, excessive censorship, and inequality in the distribution and protection of film workers.⁷ The Film Law aims to encourage freedom of expression, improve the quality of national films, and protect the interests of the public. However, the implementation of this regulation still faces major challenges that require further

² Wijiharjono, N. Aspek Hukum Dan Etika Bisnis Pada Industri Perfilman Nasional, *Jurnal Akuntansi*, 2 (1), (2012). 110-121.

³ Nisa, Choirun. "Legal Protection for Copyright Holders for Piracy of Cinematic Works in accordance with Law Number 28 of 2014 concerning Copyright." *Lex Privatum* 6.4 (2018).

Hakim,Morina Kartika Santoso."Bentuk Perlindungan Hukum Terhadap Perfilman Di Indoneisa." *Lex Et Societatis* 4.8 (2016). 2-10

⁴ Hakim, Morina Kartika Santoso. "Bentuk Perlindungan Hukum Terhadap Perfilman Di Indoneisa." *Lex Et Societatis* 4.8 (2016). 2-10

⁵ Hauzan, Muhammad Rifqi, and Imam Haryanto. "Perlindungan Hukum Terhadap Film Yang di Spoiler Melalui Channel Youtube Ditinjau Dari Undang-Undang Hak Cipta." *National Conference on Law Studies (NCOLS)*. Vol. 5. No. 1. 2023.

⁶ Tamara Indratmo, Kadenza Adisty. "A Review of the Law on the Protection of Documentary Film Copyright and the Economic Rights Opportunities of Documentary Film Personnel in Indonesia." *Technology and Economics Law Journal* 1.1 (2022): 6.

⁷ Suyadi, Asip. "The Position and Authority of the Indonesian Broadcasting Commission with the Film Censorship Agency Regarding Legal Certainty in the Film Sector." *Rechtsregel: Journal of Legal Sciences* 2.1 (2019): 449-464.

study to create a more inclusive and equitable film ecosystem. Legal problems in the film industry include the following.⁸

1. Censorship and freedom of expression: One of the main problems in Indonesian cinema is the strict censorship policy by the Film Censorship Institute (LSF). Censorship aims to protect the moral and cultural values of the nation, but it is often considered to hinder the freedom of expression of filmmakers. Some films that raise sensitive issues, such as politics, human rights, and gender diversity, are often cut or even banned. This raises a debate between the protection of public morals and the right of creators to express their ideas.
2. Less adaptive regulation to digital developments: The development of digital platforms such as streaming services (OTT) has changed the film distribution landscape. However, existing regulations still focus on conventional distribution models such as cinemas and television. The absence of clear regulations on digital films causes legal uncertainty for filmmakers and service providers, including in terms of taxes, copyrights, and censorship mechanisms and age classification.
3. Protection of the rights of film workers: The film industry in Indonesia still faces challenges in the protection of labor rights, such as actors, directors, screenwriters, and production crews. Many film workers work without clear contracts, do not have insurance or social security, and experience exploitation due to irregular work systems. Existing labor regulations have not fully accommodated the characteristics of work in the film industry, thus creating inequality in the welfare of creative workers.
4. Uneven distribution and access: The film distribution system in Indonesia is still dominated by large cinema chains that tend to prioritize commercial films. As a result, independent filmmakers and community-based films have difficulty getting wide access to screening. This is exacerbated by the lack of affirmative policies that support the distribution of local films to remote areas, so that audiences outside big cities have limitations in enjoying quality film works.

Indonesian cinema has great potential to develop as a globally competitive creative industry. However, various legal problems are still an obstacle in the development of an inclusive and equitable film ecosystem. Strict censorship, regulations that have not kept up with digital developments, minimal labor protection, and uneven distribution of films are the main issues that need to be resolved immediately. With more humane and adaptive regulatory reforms, it is hoped that the Indonesian film industry can grow sustainably and provide benefits for all industry players and the wider community.⁹ Therefore, legal policies that regulate cinema must be able to create an ecosystem that supports freedom of expression, the welfare of industry players, and the protection of social and cultural values. In this context, a humanist approach in film law policy is becoming increasingly urgent so that regulations are not only oriented to economic and security aspects, but also pay attention to the rights and welfare of all parties involved in this industry.¹⁰

The urgency of humanist film law policies in Indonesia is increasing in line with the development of the film industry which continues to undergo transformation. Current regulations still face various challenges, such as strict censorship, minimal labor protection, and uneven distribution of films. Therefore, more adaptive and inclusive policy reforms need to be carried out immediately so that the film industry in Indonesia can develop sustainably and provide benefits to all parties involved. Based on this description, the problem in this study is how the problems and policies of humanist film law in Indonesia are in Indonesia.

⁸ Thifalia, Naurah, and Santi Susanti. "Produksi Konten Visual dan Audiovisual Media Sosial Lembaga Sensor Film." *Jurnal Common* 5.1 (2021): 39-55.

⁹ Haryanto, Dwi. "Commodification of Religion in Cinema Media as a Sales Strategy for the Indonesian Film Industry." *Journal of Urban Society's Arts* 4.2 (2017): 61-70.

¹⁰ Ardiyanti, Handrini. "Perfilman Indonesia: Perkembangan dan Kebijakan, Sebuah Telaah dari Perspektif Industri Budaya (Cinema in Indonesia: History and Goverment Regulation, A Cultural Industry Perspective)." *Kajian* 22.2 (2020): 163-179.

2. Materials and Methods

The research method used is a normative research method.¹¹ By using the statute approach and theoretical approach related to humanist film law policies in Indonesia.¹² The statute approach is to examine matters related to legal principles, legal views and doctrines, and laws and regulations related to the environment, and accurate and accountable data related to humanist film laws in Indonesia.¹³ The theoretical approach is a framework of thought or perspective used in research to analyze a phenomenon based on relevant theories. This approach serves as a conceptual basis for understanding, explaining, and interpreting a problem scientifically. In addition, an in-depth examination of the legal facts is also carried out to then try to solve the problems that arise in the symptoms concerned.¹⁴

3. Results

The film industry is one of the creative sectors that has a great impact on society, both economically, socially, and culturally.¹⁵ In Indonesia and at the international level, film is not only entertainment, but also a means of communication, cultural expression, and a driver of social change. The film industry, both in Indonesia and in the world, has enormous benefits for society in various aspects.¹⁶ However, the challenges and impacts cannot be ignored either. With good regulation, ever-growing innovation, and support for the local industry, film can continue to be a medium that contributes positively to global society and culture.¹⁷

1. Legal Policy in the Aspect of Utility

Legal policy is an important instrument in a country's legal system to achieve certain goals, both in social, economic, political, and cultural aspects.¹⁸ Legal policies are designed as guidelines for the government in formulating laws and regulations and directing the implementation of laws in society.¹⁹ Therefore, understanding the essence of legal policy from the perspective of experts is very important to assess its effectiveness in creating social justice and welfare. Various jurists have different views on legal policy, depending on the perspective used, such as normative, sociological, or responsive legal theory. By understanding these various views, we can evaluate how legal policies should be formulated and implemented to suit social dynamics and societal needs.

Van Apeldoorn stated that legal policy is a part of law that is oriented towards the formation of regulations that aim to regulate people's lives more effectively. In his view, the law is not only normative but must also consider practical aspects so that it can be applied properly. Satjipto Rahardjo emphasized that legal policies must be responsive, meaning that the law must not be static but must be able to adapt to social needs and changes. He argued that the law is not just a collection of rules, but must be used as a tool to achieve social justice. According to Mahfud MD, legal policy includes the process of formulating laws, implementation, and evaluating their effectiveness. He emphasized that legal policies must reflect democratic values and people's welfare, and should not be used as a tool of power that only benefits certain groups.²⁰

¹¹ Soetrisno, Research Methodology, UGM, Yogyakarta, 1978, 49.

¹² Peter Mahmud Marzuki, Legal Research, Kencana Prenada Media Group, Jakarta, 2011, 35

¹³ Mukti Fajar and Yulianto Achmad, Dualism of Normative & Empirical Legal Research, Yogyakarta, Student Library, 2010, 34

¹⁴ Abdulkadir Muhammad, Hukum dan penelitian Hukum, Bandung : Citra Aditya Bakti, 2004, 32

¹⁵ Irawan, Rahmat Edi. "Women's representation in the film industry." Humanities 5.1 (2014): 1-8.

¹⁶ Komalawati, Euis. "Indonesian film industry: building economic harmony between film media and content quality." LUGAS Journal of Communication 1.1 (2017): 1-18.

¹⁷ Kurnia, Novi. "Lambannya pertumbuhan industri perfilman." Jurnal Ilmu Sosial dan Ilmu Politik 9.3 (2006): 271-296.

¹⁸ Barda Nawawi Arief, S. H. The problem of law enforcement and criminal law policies in crime prevention. Prenada Media, 2018. 34 reviews

¹⁹ Usman, Husaini. "Analysis of the development of criminal law theory." Journal of Jambi Law 2.1 (2011): 43258.

²⁰ Hidayat, Defril, and Hainadri Hainadri. "Hukum Sebagai Sarana Pembaharuan Dalam Masyarakat (law as a tool of social engineering)." Datin Law Jurnal 2.1 (2021): 66-75.

In Savigny's view, law evolves in accordance with the development of society's culture and customs. Therefore, legal policies should not be made separately from the social values that exist in society. The law must reflect the *Volksgeist* (the soul of the nation), so that a good legal policy is one that is in accordance with the social and cultural characteristics of a country. Roscoe Pound²¹ introduced the theory of sociological jurisprudence, which emphasized that law as a tool of social engineering. In the context of legal policy, this means that laws must be made to address social problems, improve people's welfare, and balance various interests in society.²²

Based on the views of the above experts, it can be concluded that legal policy has several main characteristics:

- a) Dynamic: Legal policies must be able to adapt to changing social, economic, and political developments. Regulations that are rigid and do not follow the changing times will be ineffective in regulating society.
- b) Justice and Welfare-oriented: Legal policies should aim to achieve justice and improve the welfare of the people. This is in line with the concept of progressive law developed by Satjipto Rahardjo, where the law must be a means to achieve a better life for the community.
- c) Aligning the Interests of Multiple Parties: In a complex society, legal policies must be able to balance the interests of various groups, including governments, the business sector, and civil society. The concept of law as a balancing mechanism from Roscoe Pound emphasizes that the law must be a tool to balance the rights and obligations of every individual in society.
- d) Grounded in Social and Cultural Values: A good legal policy should reflect the social and cultural values that develop in society. von Savigny's view shows that law cannot be separated from the *Volksgeist*, so universal legal policies without considering local wisdom are often ineffective in their implementation.
- e) Solution-oriented: Legal policies are not just regulations that are made without a purpose, but must be solutive in solving problems faced by society. Therefore, laws must be made based on evidence-based policies, i.e. policies designed based on data and in-depth analysis.²³
The essence of adaptive and welfare-oriented legal policies can be applied in various fields, such as:
 - a) Economy: Legal policies in the economic field must support inclusive growth and protect small businesses from competing with large corporations.
 - b) Social: Regulations in the social sphere must ensure the protection of vulnerable groups, such as women, children, and people with disabilities.
 - c) Technology: With the development of digitalization, legal policies must be able to regulate electronic transactions, personal data protection, and cybersecurity without hindering innovation.
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²¹ Pound, Roscoe. "Law in books and law in action." *Am. L. Rev.* 44 (1910): 12.

²² Matnuh, Harpani. "Law as a tool of social engineering." 1st International Conference on Social Sciences Education- "Multicultural Transformation in Education, Social Sciences and Wetland Environment"(ICSSE 2017). Atlantis Press, 2017. 32

²³ De Graaff, Nana, and Bastiaan Van Apeldoorn. "The transnationalist US foreign-policy elite in exile? A comparative network analysis of the Trump administration." *Global Networks* 21.2 (2021): 238-264.

²⁴ De Graaff, Nana, and Bastiaan Van Apeldoorn. "The transnationalist US foreign-policy elite in exile? A comparative network analysis of the Trump administration." *Global Networks* 21.2 (2021): 238-264.

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The essence of legal policy, according to experts, reflects that the law is not just a static norm, but must be a flexible instrument and be able to adapt to social changes. The ideal legal policy is one that is humanist, responsive, and oriented to the welfare of the community.²⁵ By understanding the various perspectives of legal experts, we can formulate legal policies that are more effective in overcoming social problems, improving people's welfare, and maintaining a balance between the interests of individuals and the state. Therefore, legal policy reform must continue to be carried out so that the law can function optimally in creating a fairer and more prosperous society. Legal policy is part of a legal system designed to create social order, justice, and welfare in society. In the concept of law, there are three fundamental values that are the main purpose of law, namely legal certainty, justice, and utility. In this case, usefulness is an important aspect because the law must not only be fair and certain, but also must provide real benefits for society.

Utility in law is often associated with the theory of utilitarianism, developed by Jeremy Bentham²⁶ and John Stuart Mill. According to this view, the law should aim to produce the greatest benefit for the greatest number of people.²⁷ Therefore, effective legal policies must be able to provide solutions to social problems, improve people's welfare, and reduce the negative impact of social imbalances. Usefulness in legal policy can be interpreted as the extent to which a policy or regulation can have a positive impact on society. This can be measured through several indicators, including legal effectiveness, sustainability and long-term impact, balance between rights and obligations, and influence on social and economic development.

A good legal policy must contain a beneficial aspect in order to have a positive impact on society. The law not only serves as a tool for enforcing norms, but must also be an instrument that improves social and economic well-being. In order for legal policies to be truly useful, several things that must be considered include increasing the effectiveness of law enforcement through strict supervision and clear sanctions, community participation in the legislation process so that the policies made are in accordance with the needs in the field, alignment between central and regional regulations to avoid overlapping rules, and a data-based approach in policy-making so that decisions taken are based on analysis scientific and real evidence. By understanding the correlation between legal policies and benefits aspects, it is hoped that the regulations made can be more effective in achieving the goals of justice, welfare, and social order in Indonesia.

2. Humanist Film Law Policy in Indonesia

Films in Indonesia are no longer intended only for the development of national culture and increasing national resilience in national development, but have been strengthened so that they also include an orientation to economic functions as well as a driver of creative works. Therefore, films in the Cinema Law paradigm and contemporary (contemporary) perspectives are very closely related to the existence and development of the creative economy in Indonesia. The very fundamental paradigm shift in the Film Law is clearly seen in the General Explanation of the Film Law which specifically mandates a noble mission, namely that films must be able to function to advance the welfare of the community by paying attention to the principle of healthy business competition. In order to face and anticipate the latent

²⁵ Moho, Hasaziduhu. "Law Enforcement in Indonesia According to Aspects of Legal Certainty, Justice and Utility." *Warta Dharmawangsa* 13.1 (2019). 1-12

²⁶ Bentham, Jeremy. *Political tactics*. Clarendon Press, 1999. 40

²⁷ Saptaningrum, Lathifah Azhar. "The Application of Restorative Justice to the Protection of Children Facing the Law Reviewed from the Theory of Utilitarianism." *Journal Equitable* 8.1 (2023): 95-110.

danger of foreign cultural and economic penetration and domination through the film industry as a result of the vast film ecosystem that is borderless, the Film Law also contains various regulations regarding the prioritization, protection, and empowerment of national elements in the implementation of film in Indonesia. Arrangements regarding this matter are carried out in the film business area (especially film import), film governance (manufacturing, distribution, performance, sales, rental, to archiving), as well as the implementation of the mandate to always ensure the sustainability of the optimal use and empowerment of domestic resources.²⁸

Cinema is one of the important instruments in the creative industry that has a big role in shaping culture, conveying social messages, and becoming a means of expression for the community. In Indonesia, the film industry is growing rapidly in line with technological advances and increasing public appreciation for cinematic works. However, behind this growth, there are various legal challenges that must be overcome so that cinema can develop healthily and still respect human values. Therefore, a humanist film law policy is needed, namely a policy that not only regulates technical and commercial aspects, but also pays attention to the rights of creators, film workers, as well as social and cultural values in society. ²⁹

The Film Censorship Institute (LSF) is basically needed to protect the public from some of the above problems as stipulated in Government Regulation Number 18 of 2014 concerning Film Censorship Institutions. LSF must be able to perform its function as a professional sensor. Censorship is carried out with the principle of dialogue with the owners of censored films, namely film actors, film business actors, diplomatic representatives or international bodies recognized by the Government. LSF is in charge of censoring films, advertisements, soap operas, television shows, and movie billboards. LSF also sets the age classification of spectators. However, LSF currently does not have clear regulations regarding the supervision of film content on social media. In many cases, content removal or restriction relies more on the internal policies of digital platforms and user reports than direct intervention from LSF. LSF's authority in supervising films on social media is still limited because existing regulations do not fully cover the dynamics of digital content distribution. For this reason, more flexible and collaborative policies are needed so that film censorship remains relevant in the digital era without hindering freedom of expression. The government, LSF, and digital platforms need to work together in formulating regulations that balance moral and cultural protection with the development of information technology.

Films containing themes, images, scenes, sounds, and translated text that do not comply with the censorship guidelines and criteria are returned to the film owner for correction in accordance with the censorship guidelines and criteria. In addition to the public being protected from the negative influence of films, the public is also given the opportunity to participate in cinema, both individually and in groups. Film as a whole audio-visual narrative cannot be separated into separate small parts. Film has a unity of meaning that can only be identified in a narrative sequence from the beginning to the end. This is what makes the task of LSF more decomposed and clear. The omission of a substantial scene would take away the meaning of the film itself. This problem of ambiguity will invite diverse and multi-interpretation perceptions of film content and film advertisements in Indonesia. For this purpose, a Government Regulation was formed that provides a legal basis and legal certainty.

A humanist legal policy is an approach in the legal system that focuses on human values, justice, and community welfare. This concept emphasizes that the law must not only be normative and repressive, but also must pay attention to social, cultural, and human rights (HAM) aspects. Legal experts have given various views on the importance of a more humane approach to legal policy, especially in the criminal justice system, legislative policies, and the protection of vulnerable groups. ³⁰ According to Satjipto

²⁸ Rohman, Arif. "Inisiasi Kebijakan Menuju Penguatan Pendidikan Humanis-Religius." *Foundasia* 9.1 (2018). 3-9

²⁹ Syahid, Adam, and Retnowati WD Tuti. "Paradigma Humanis Pelayanan Publik Pada Kebijakan Larangan Mudik 2021 di Pelabuhan Bakauheni Lampung." *Journal of Governance and Policy Innovation* 1.2 (2021): 120-128.

³⁰ Prasodjo, Tunggul. "The humanist paradigm in public service." *Scientific Journal of Public Administration* 7.1 (2017): 38-45.

Rahardjo,³¹ humanist law is a law that is not rigid in applying rules, but rather considers substantive justice and community welfare. In his theory of progressive law, Rahardjo emphasized that the law must be able to develop in accordance with social dynamics and not just be fixated on the text of the law. Philip Selznick also argued that good law is one that is oriented towards social justice and is responsible for human needs. In a responsive legalism approach, he emphasized that the law must be flexible and adaptive to the evolving needs of society.³²

In addition, Gustav Radbruch³³ proposed a three-dimensional legal theory, namely legal certainty, justice, and utility. According to him, the law must not only provide legal certainty but also must consider the value of justice and usefulness for the wider community. A humanist legal policy is an approach that emphasizes a balance between legal certainty, justice, and social benefits. By drawing on the thoughts of experts such as Satjipto Rahardjo, Philip Selznick, and Gustav Radbruch, humanist law can be realized through responsive, human rights-oriented, and socially just policies. The implementation of this approach in various fields of law will encourage the formation of a fairer and more inclusive legal system for all communities.³⁴

A humanist film legal policy must be based on several main principles, namely:

- a) Freedom of Expression: Legal policies must guarantee the right of filmmakers to express their ideas and ideas without excessive intervention from the government or certain groups. However, clear limits are still needed so as not to violate the rights of other communities.
- b) Copyright Protection and Welfare of Film Workers: Laws must provide strong protection for the copyrights of filmmakers so that their works are not easily pirated or unfairly exploited. In addition, the welfare of film workers, including actors, production crews, and other technical workers, must be guaranteed through regulations related to employment contracts, insurance, and decent salary standards.
- c) Sensitivity to Social and Cultural Values: Cinema must be able to be a medium that reflects Indonesia's cultural diversity and strengthens positive social values. Censorship regulations must be more adaptive and based on dialogue with filmmakers and the public, not just restricting or prohibiting without objective consideration.
- d) Equal Access for All: The government must create policies that support local filmmakers, especially from areas that do not have adequate access to film production and distribution. Tax subsidies and incentives can be provided to encourage the production of quality films that have a strong social and cultural message.

In order for a humanist film law policy to be implemented effectively, it is necessary to revise the Film Law to adjust to the development of the industry and the needs of filmmakers. The need to increase the role of the film community and filmmakers in the policy formulation process, so that the regulations made are more in line with the reality in the field. It is necessary to improve the film censorship system with a more open and dialogue-based approach between regulators and industry players, and the need to encourage film education through training programs and scholarships for young filmmakers so that they can compete at the national and international levels. A humanist film law policy in Indonesia must be able to balance between freedom of expression, protection of the rights of film workers, sensitivity to social values, and equal access for all industry players. By implementing policies that are more inclusive and in favor of diversity, Indonesian cinema can develop sustainably and provide great benefits to society. Therefore, regulatory reform in the film sector must continue to be carried out by involving all

³¹ Rahardjo, Satjipto. *Dissecting progressive law*. Kompas Book Publisher, 2006. 45 reviews

³² Rahardjo, Satjipto. *Sisi-sisi lain dari Hukum di Indonesia*. Penerbit Buku Kompas, 2003. 23

³³ Radbruch, Gustav. "Statutory lawlessness and supra-statutory law (1946)." *Oxford Journal of Legal Studies* 26.1 (2006).

³⁴ Julyano, Mario, and Aditya Yuli Sulistyawan. "Pemahaman terhadap asas kepastian hukum melalui konstruksi penalaran positivisme hukum." *Crepidio* 1.1 (2019): 13-22.

stakeholders so that this industry can grow in a healthy and humane manner.³⁵

Legal policy theory emphasizes that laws must be designed to achieve desired social goals, both in economic, cultural, and political aspects. According to Friedmann (1975), legal policy consists of legal substance, legal structure, and legal culture, all three of which must synergize to achieve effective regulation.³⁶ In the context of cinema, legal policies must reflect a balance between freedom of expression and protection of people's moral values. For example, the Film Law regulates moral standards in film production and distribution, but challenges arise when this policy is faced with the dynamics of rapid digitalization and globalization. Therefore, more flexible and adaptive policies are needed so that the national film industry remains competitive without losing its cultural identity and social norms.

The theory of utility, introduced by Jeremy Bentham, states that the law should provide the greatest benefit to as many people as possible. In film policy, this principle can be applied by ensuring that the regulations made provide benefits for filmmakers, the film industry, and the public as film connoisseurs. The benefits in film regulation include the following aspects:

- a) Economic Benefits: Regulations that support investment and development of the film industry will have a positive impact on job creation and creative economy growth.
- b) Social Benefits: Film as a communication medium has a role in education and strengthening national values. Therefore, humanist regulations must encourage the production of films that are not only entertaining but also educational.
- c) Cultural Benefits: Policies that accommodate local and international cultural developments will help maintain Indonesia's cultural diversity in global cinema.
- e) Humanist film law policies must be designed based on the principles of legal policies and utility theories, so that they are able to provide benefits for all stakeholders. Good film regulations must be adaptive to the development of the times, provide economic and social benefits, and still maintain the moral and cultural values of the nation. Therefore, the government needs to continue to evaluate and improve film policies to be in line with the development of the creative industry and the needs of a dynamic society.³⁷ Indonesia as a country with cultural and religious diversity has its own challenges in formulating humanist policies. The standards of humanism in public policy should reflect universal human values while still considering the cultural roots and religious teachings embraced by society.³⁸

This article will discuss how policies in Indonesia can reflect humanism standards that are in line with local values. Humanism in public policy refers to an approach that puts humans at the center of attention in decision-making.³⁹ These principles include justice, equality, welfare, and respect for human rights. However, in Indonesia, the implementation of humanism standards cannot be separated from the cultural and religious context that shapes the character of society.⁴⁰

Indonesia has a variety of cultures that uphold human values, such as mutual cooperation, deliberation, and social justice. In the teachings of religions in Indonesia, the concepts of compassion, justice, and concern for others are also highly emphasized. Therefore, public policy must accommodate

³⁵ Andrianto, Fadly. "Kepastian Hukum dalam Politik Hukum di Indonesia." *Administrative Law and Governance Journal* 3.1 (2020): 114-123.

³⁶ Halim, Mustafa' Afifi Ab, Shabrina Zata Ammi, and Mufti Maulana. "Legal System in the Perspectives of HLA Hart and Lawrence M. Friedman." *Peradaban Journal of Law and Society* 2.1 (2023): 51-61.

³⁷ Nahak, Hildgardis MI. "Efforts to preserve Indonesian culture in the era of globalization." *Journal of Nusantara Sociology* 5.1 (2019): 65-76.

³⁸ Marzali, Amri. "Advancing Indonesian National Culture." *Humanities* 26.3 (2014): 251-265.

³⁹ Antara, Made, and Made Vairagya Yogantari. "Keragaman budaya Indonesia sumber inspirasi inovasi industri kreatif."

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⁴⁰ Lintang, Fitri Lintang Fitri, and Fatma Ulfatun Najicha. "Nilai-nilai sila persatuan Indonesia dalam keberagaman kebudayaan Indonesia." *Jurnal Global Citizen: Jurnal Ilmiah Kajian Pendidikan Kewarganegaraan* 11.1 (2022): 79-85.

these two aspects in order to be accepted by the wider community. To realize policies based on humanism standards in Indonesia, a balanced approach between cultural values and religious teachings with the principles of universal humanism is needed. The government needs to ensure that the policies implemented not only meet the standards of justice and welfare, but are also accepted by the community in accordance with local wisdom. Thus, the resulting policies can reflect the harmony between human, cultural, and religious values embraced by the Indonesian people.

4. Conclusions

I Based on the results of research related to humanist film law policies in Indonesia , it is known that film policies in Indonesia must emphasize the aspects of usefulness and adaptability to the development of the times without ignoring moral and moral values. Regulations in the film industry must be able to provide benefits for all stakeholders, including industry players, the government, and the wider community. In addition, film law policies must be more flexible and responsive to the dynamics of technology, culture, and global trends so that the national creative industry can develop competitively. However, in this adaptation process, the moral and moral values that are the foundation of Indonesian culture must still be maintained so that cinema is not only an entertainment medium, but also a means of education and the formation of the nation's character. Thus, humanist legal policies in cinema can create a balanced ecosystem between freedom of expression, protection of public interests, and strengthening Indonesian cultural identity.

References

Arief, B. N. (2018). *Masalah penegakan hukum dan kebijakan hukum pidana dalam penanggulangan kejahatan*. Prenada Media.

Bentham, J. (1999). *Political tactics*. Clarendon Press.

Fajar, M., & Achmad, Y. (2010). *Dualisme penelitian hukum normatif & empiris*. Pustaka Pelajar.

Marzuki, P. M. (2011). *Penelitian hukum*. Kencana Prenada Media Group.

Muhammad, A. (2004). *Hukum dan penelitian hukum*. Citra Aditya Bakti.

Rahardjo, S. (2003). *Sisi-sisi lain dari hukum di Indonesia*. Penerbit Buku Kompas.

----- (2006). *Membedah hukum progresif*. Penerbit Buku Kompas.

Soetrisno. (1978). *Metodologi research*. UGM.

Artikel Jurnal:

Andrianto, F. (2020). Kepastian hukum dalam politik hukum di Indonesia. *Administrative Law and Governance Journal*, 3(1), 114-123.

Antara, M., & Yogantari, M. V. (2018). Keragaman budaya Indonesia sumber inspirasi inovasi industri kreatif. *SENADA (Seminar Nasional Manajemen, Desain Dan Aplikasi Bisnis Teknologi*, 1, 11-20.

Ardiyanti, H. (2020). Perfilman Indonesia: Perkembangan dan kebijakan, sebuah telaah dari perspektif industri budaya. *Kajian*, 22(2), 163-179.

Ariani, R. S., Ticoalu, L. D., & Wahyuni, H. S. (2021). Mengoptimalkan peran Badan Perfilman Indonesia: Analisis aspek hak cipta terhadap praktik siaran video ilegal. *Jurnal Kajian Pembaruan Hukum*, 1(2), 175-214.

De Graaff, N., & Van Apeldoorn, B. (2021). The transnationalist US foreign-policy elite in exile? A comparative network analysis of the Trump administration. *Global Networks*, 21(2), 238-264.

Hakim, M. K. S. (2016). Bentuk perlindungan hukum terhadap perfilman di Indonesia. *Lex Et Societatis*, 4(8), 2-10.

Halim, M. A. A., Amni, S. Z., & Maulana, M. (2023). Legal system in the perspectives of HLA Hart and Lawrence M. Friedman. *Peradaban Journal of Law and Society*, 2(1), 51-61.

Haryanto, D. (2017). Komodifikasi agama pada media sinema sebagai strategi jualan industri perfilman Indonesia. *Journal of Urban Society's Arts*, 4(2), 61-70.

Hauzan, M. R., & Haryanto, I. (2023). Perlindungan hukum terhadap film yang di spoiler melalui channel YouTube ditinjau dari Undang-Undang Hak Cipta. *National Conference on Law Studies (NCOLS, 5(1))*.

Hidayat, D., & Hainadri, H. (2021). Hukum sebagai sarana pembaharuan dalam masyarakat (*law as a tool of social engineering*). *Datin Law Journal, 2(1)*, 66-75.

Indratmo, T., & Adisty, K. (2022). Tinjauan hukum perlindungan hak cipta film dokumenter dan peluang hak ekonomi insan perfilman dokumenter di Indonesia. *Technology and Economics Law Journal, 1(1)*, 6.

Irawan, R. E. (2014). Representasi perempuan dalam industri sinema. *Humaniora, 5(1)*, 1-8.

Julyano, M., & Sulistyawan, A. Y. (2019). Pemahaman terhadap asas kepastian hukum melalui konstruksi penalaran positivisme hukum. *Crepidio, 1(1)*, 13-22.

Komalawati, E. (2017). Industri film Indonesia: Membangun keselarasan ekonomi media film dan kualitas konten. *LUGAS Jurnal Komunikasi, 1(1)*, 1-18.

Kurnia, N. (2006). Lambannya pertumbuhan industri perfilman. *Jurnal Ilmu Sosial dan Ilmu Politik, 9(3)*, 271-296.

Lintang, F. L., & Najicha, F. U. (2022). Nilai-nilai sila persatuan Indonesia dalam keberagaman kebudayaan Indonesia. *Jurnal Global Citizen: Jurnal Ilmiah Kajian Pendidikan Kewarganegaraan, 11(1)*, 79-85.

Marzali, A. (2014). Memajukan kebudayaan nasional Indonesia. *Humaniora, 26(3)*, 251-265.

Matnuh, H. (2017). Law as a tool of social engineering. *1st International Conference on Social Sciences Education, 32*.

Moho, H. (2019). Penegakan hukum di Indonesia menurut aspek kepastian hukum, keadilan dan kemanfaatan. *Warta Dharmawangsa, 13(1)*, 1-12.

Nahak, H. M. I. (2019). Upaya melestarikan budaya Indonesia di era globalisasi. *Jurnal Sosiologi Nusantara, 5(1)*, 65-76.

Nisa, C. (2018). Perlindungan hukum terhadap pemegang hak cipta atas pembajakan karya perfilman menurut Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta. *Lex Privatum, 6(4)*, 1-12.

Pound, R. (1910). Law in books and law in action. *American Law Review, 44*, 12.

Prasodjo, T. (2017). Paradigma humanis dalam pelayanan publik. *Jurnal Ilmiah Ilmu Administrasi Publik, 7(1)*, 38-45.

Radbruch, G. (2006). Statutory lawlessness and supra-statutory law (1946). *Oxford Journal of Legal Studies, 26(1)*, 1-11.

Rohman, A. (2018). Inisiasi kebijakan menuju penguatan pendidikan humanis-religius. *Foundasia, 9(1)*, 3-9.

Saptaningrum, L. A. (2023). Penerapan restorative justice terhadap perlindungan anak yang berhadapan dengan hukum ditinjau dari teori utilitarianisme. *Journal Equitable, 8(1)*, 95-110.

Suyadi, A. (2019). Kedudukan dan kewenangan Komisi Penyiaran Indonesia dengan Lembaga Sensor Film mengenai kepastian hukum bidang perfilman. *Rechtsregel: Jurnal Ilmu Hukum, 2(1)*, 449-464.

Syahid, A., & Tuti, R. W. D. (2021). Paradigma humanis pelayanan publik pada kebijakan larangan mudik 2021 di Pelabuhan Bakauheni Lampung. *Journal of Governance and Policy Innovation, 1(2)*, 120-128.

Thifalia, N., & Susanti, S. (2021). Produksi konten visual dan audiovisual media sosial Lembaga Sensor Film. *Jurnal Common, 5(1)*, 39-55.

Usman, H. (2011). Analisis perkembangan teori hukum pidana. *Jurnal Ilmu Hukum Jambi, 2(1)*, 43258.

Wijiharjono, N. (2012). Aspek hukum dan etika bisnis pada industri perfilman nasional. *Jurnal Akuntansi, 2(1)*, 110-121.

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