



TV Broadcasts Piracy Through Illegal Live Streaming Application: Challenges and Legal Protection for Copyright Holders

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ABSTRACT

Copyright violations that are currently popular include the emergence of illegal TV streaming applications. These applications are now becoming widespread and are very disturbing for official broadcasting rights holders because the presence of these illegal streaming applications will certainly cause losses. This writing aims to determine the challenges and forms of legal protection as well as legal strategies against illegal streaming actors based on copyright law. This research is normative juridical research with a statute and conceptual approach. The research results state that if someone is proven to have carried out broadcasting or distribution without the owner's permission, this violates the provisions of Article 25 paragraph (2) of the Copyright Law with a criminal penalty under Article 118 of the Copyright Law. Meanwhile, perpetrators of illegal live streaming applications who violate Article 32 paragraph (1) of the ITE Law, may be subject to criminal sanctions as intended in Article 48 paragraph (1) of the ITE Law. To overcome copyright violations, it is regulated in Article 95 paragraph (1) of the Copyright Law. Copyright dispute resolution can be done through litigation and non-litigation. People should choose to watch legally and subscribe through official services even if they have to pay money for user safety and comfort.

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1. Introduction

Nowadays, advances in information technology have experienced significant growth with its use expanding to various fields including entertainment, education and commercial businesses. The development of technology, especially electronic devices, can be seen from the increasingly widespread use of gadgets by individuals from various age groups ranging

from small children to elderly people.¹ Gadget is a technologically advanced device that offers a variety of uses including access to various news media, social networking platforms, hobbies and entertainment.² Gadgets have gained significant popularity among individuals and have grown into an essential commodity that is considered essential for everyone. Apart from gadgets, humans basically depend on the internet because of its ability to facilitate various activities such as surfing and streaming. Based on a poll conducted by the Indonesian Internet Service Providers Association (APJII), the internet penetration rate in Indonesia has reached 78.19 percent in 2023, or the equivalent of a total of 215,626,156 people out of a total population of 275,773,901 people.³

Streaming is a technological advancement that facilitates the distribution of content in the form of music, video and multimedia in real-time on the internet. Video streaming is a different category in the streaming media field. Video streaming refers to the transmission of digital multimedia content, which includes video, audio, and data, in a seamless and uninterrupted manner.⁴ As we know, there are two types of streaming, namely live streaming & prerecorded streaming. Live Streaming or live broadcast is an activity in which content creators, both individuals and groups, produce a work by recording it in real-time and broadcasting it via media, which is then broadcast live to viewers connected via an online streaming platform. Audiences have the ability to engage with live broadcasts through comments, sending messages or utilizing other interactive functions offered by streaming platforms. Meanwhile, prerecord streaming is a broadcast that refers to the distribution of audio or visual material to the general public. This involves the process of editing the video in its creation by the original owner. The content creator initially combines all the audio or video which is then saved and then posted to the chosen social media platform and only then can the content be accessed by other users.⁵

A live streaming application is a software program that allows simultaneous broadcasts to many viewers (audiences). This broadcasting process occurs through the use of data transmission media or networks, which can be connected either via cable or wireless connections.⁶ In recent years, there has been a surge in consumption of live streaming and video streaming, causing people to be reluctant to seek out simple entertainment such as

¹ Yula Anggriani, "Pemanfaatan Gadget Dalam Meningkatkan Minat Baca Anak Di Keluarga," *Jurnal Perpustakaan Universitas Airlangga* 10, no. 2 (2020): 138–47.

² Nita Monita Rini, Ika Ari Pratiwi, and Muhammad Noor Ahsin, "Dampak Penggunaan Gadget Terhadap Perilaku Sosial Anak Usia Sekolah Dasar," *Jurnal EDUCATIO* 7, no. 3 (2021): 1236–41, <https://doi.org/10.31949/educatio.v7i3.1379>.

³ Rahmi Yati, "Survei APJII: Pengguna Internet Di Indonesia Tembus 215 Juta Orang," *www.teknologi.bisnis.com*, 2023, <https://teknologi.bisnis.com/read/20230308/101/1635219/survei-apjii-pengguna-internet-di-indonesia-tembus-215-juta-orang>.

⁴ Ady Nopaldi Rombe, LM. Fid Aksara, and La Surimi, "Analisis Perbandingan Real Time Streaming Protocol (Rtsp) Dan Hypertext Transfer Protocol (Http) Pada Layanan Live Video Streaming," *SemanTIK* 5, no. 1 (2019): 149–56, <https://doi.org/10.5281/zenodo.3243704>.

⁵ Aorinka Anendya, "Apa Itu Streaming? Ini Pengertian, Jenis-Jenis, Dan Penerapannya," *www.dewaweb.com*, 2022, <https://www.dewaweb.com/blog/apa-itu-streaming/>.

⁶ Ryan Ari Setyawan and Yumarlin Marzuki, "Survei Aplikasi Video Live Streaming Dan Chat Di Kalangan Peajar," *Seminar Nasional Edusainstek FMIPA UNIMUS 2018*, 2018, 185–91.

reading and listening to music.⁷ The use of live streaming technology allows users to spread their experiences throughout the world. The emergence of the internet medium has facilitated greater accessibility to various websites. The Internet is becoming increasingly necessary in carrying out daily tasks such as online shopping, providing services and disseminating news and information. In addition, the internet has elements of intellectual property including copyrighted works such as music, photography and cinematography. As time goes by, many problems arise including piracy, plagiarism, and various other challenges. Therefore, the internet is analogous to a dualistic instrument because it has the potential to provide both beneficial and detrimental consequences.⁸

Copyright regulations in Indonesia are regulated in Law Number 28 of 2014 which is usually referred to as the Copyright Law. Intellectual Property Rights are granted as a means of recognition and appreciation for a person's innovative results which include inventions, works of art and creative efforts.⁹ Copyright is a form of intellectual property right that gives exclusive rights to the creator. As stated in Article 1 point 1 of the Copyright Law, copyright is automatically granted to the creator after a work is realized in real form with certain limitations in accordance with the provisions of statutory regulations. Transfer of copyright ownership may be transferred to a third party. One method of transferring copyright is called a license. A license is a permit granted by the owner of intellectual property rights to an individual or legal entity that allows them to engage in certain business activities. This permission may relate to the use of technology or know-how for the purpose of manufacturing, selling or marketing certain goods which are the exclusive rights of the owner. Copyright licenses are often created in contractual agreements or licensing agreements.¹⁰ Copyright regulations are also regulated in Articles 25 and 32 of Law Number 11 of 2008 concerning Information and Electronic Transactions (ITE Law). In this context, what is meant by "intellectual work" is a creative work that has been officially registered as a copyright, patent, trademark, trade secret, industrial design, or similar form of intellectual property. Article 25 of the law stipulates that electronic data and electronic documents which, if compiled into an intellectual work in any format, must be protected by laws and regulations relating to intellectual property rights. This is due to the economic value that electronic data and electronic documents have for their creators. If you look closely at the provisions contained in Article 32 of the ITE Law, it can be seen that the actions referred to

⁷ Rossalia Marine Andanni, "Analisis Tren Online Live Streaming Pada Website Dan Youtube Televisi Berita Di Indonesia," *Jurnal ILMU KOMUNIKASI* 18, no. 1 (2021): 35–50, <https://doi.org/10.24002/jik.v18i1.2215>.

⁸ Herman Saputra et al., "Internet Sehat Dan Aman Di Era Pandemi Bagi Masyarakat," *Jurnal Pemberdayaan Sosial Dan Teknologi Masyarakat* 1, no. 1 (2021): 85–88, <https://doi.org/10.54314/jpstm.v1i1.652>.

⁹ Regent Regent et al., "Pelanggaran Hak Cipta Sinematografi Di Indonesia: Kajian Hukum Perspektif Bern Convention Dan Undang-Undang Hak Cipta," *Indonesia Law Reform Journal* 1, no. 1 (2021): 111–21, <https://doi.org/10.22219/ilrej.v1i1.16129>.

¹⁰ R Adhitya Nugraha Triantoro and Hernawan Hadi, "Perlindungan Hukum Bagi Pemegang Lisensi Hak Cipta Menurut Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta (Studi Putusan Nomor: 09/Hki.Hak Cipta/2014/ Pn Niaga Jo Putusan M.A Nomor: 80 K/Pdt.Sus-Hki/2016)" 7, no. 2 (2019): 265–74.

in Article 32 paragraph 1 and Article 32 paragraph 2 can be categorized as acts of unauthorized publication and duplication, from a copyright perspective. It should be noted that the act of announcement and duplication is considered to violate the law as regulated in the laws and regulations mentioned above which are the subject of discussion, namely Law Number 28 of 2014 concerning Copyright.¹¹

Copyright includes part of the exclusive rights consisting of two fundamental rights. The main aspect of rights relates to harmonization between the creator of a work and his creation, which is sometimes referred to as moral rights. Another important aspect is economic rights. Moral rights include the creator's right to be named in his work, as well as the prerogative to modify and/or change the substance of his work. The transfer of moral rights is limited so as to ensure the linkage of moral rights to the creator of the work, which can be seen as an embodiment of the artist's integrity. In the context of intellectual property, copyright is intrinsically linked to economic rights which endow copyright with economic significance and enable its practical use. Economic rights are legal rights to be involved in adding and publishing a copyrighted work.¹²

As times progress, technology raises problems related to copyright infringement. One of the copyright violations that is currently popular is the emergence of illegal television (TV) streaming applications. This application has now become popular among Indonesian people. Apart from being easy to use, this illegal TV streaming application is spread on the internet and can be searched for both via social media and bought and sold on online shopping platforms at affordable prices. This condition is certainly very disturbing for TV stations and official broadcasting rights holders because the presence of illegal streaming applications will certainly cause losses. as shown by a poll conducted by the Coalition Against Piracy (CAP), an organization affiliated with the Asia Video Industry Association. The majority, namely 63% of internet streaming service users in Indonesia, prefer to access broadcasts via unauthorized or illegal platforms.¹³ One of the main reasons for using this application is because it is free and does not require a subscription. This phenomenon inevitably causes financial losses for copyright holders, because the content fails to generate significant sales in the market and thus only generates profits for the perpetrators of broadcast piracy.

Based on previous research conducted by students at the Islamic University of Indonesia, the results of their research found a streaming platform known as TVBERSAMA which operates by distributing links without having permits or licenses. Apart from that, TVBERSAMA is also not officially registered as a broadcasting institution appointed as the

¹¹ Martha Elizabeth Sutrahitu, Sarah Selfina Kuahaty, and Agustina Balik, "Perlindungan Hukum Pemegang Hak Cipta Terhadap Pelanggaran Melalui Aplikasi Telegram," *TATOHI Jurnal Ilmu Hukum* 1, no. 4 (2021): 346–55.

¹² Hari S Disemadi, Raihan Radinka Yusuf, and Novi Wira Sartika Zebua, "Perlindungan Hak Eksklusif Atas Ciptaan Digital Painting Dalam Tatanan Hak Kekayaan Intelektual Di Indoensia," *Widya Juridika* 4, no. 1 (2021): 41–52.

¹³ Yuni Riadi, "Alasan Pengguna Layanan Streaming Online Di Indonesia Lebih Suka Situs Ilegal," www.selular.id, 2022, <https://selular.id/2022/02/alasan-pengguna-layanan-streaming-online-di-indonesia-lebih-suka-situs-ilegal/>.

official broadcaster for English League broadcasts.¹⁴ Similar research has also been carried out by students at the Faculty of Law, Padjadjaran University. The findings of this research state that there are several illegal streaming sites including bolasiar.live, bolasiar.net, bolasiar.xyz, and 62.210.88.55. The site in question was proven to have violated the Copyright Law regarding television programs produced by Mola TV.¹⁵ Likewise, research conducted on students at the Faculty of Law, Tarumanegara University, stated that the phenomenon of piracy in the film industry continues, as indicated by the increasing number of illegal sites appearing, especially those distributed via social media platforms. Apart from that, cases of piracy in cinemas increasingly highlight the existence of a large portion of society who show a lack of understanding of the law in Indonesia.¹⁶

From these three studies, it can be concluded that the proliferation of illegal streaming site platforms circulating in society, be it sports content, TV broadcasts or films. The ease of carrying out illegal actions means that the problem of piracy in the country continues to occur and has the potential for the emergence of platforms through illegal applications. Even though there have been revisions to the Copyright Law which expand the rights and protection provided to copyright holders and introduce criminal provisions, there are still several copyright violations, especially broadcasting without permission and distribution of illegal streaming links. Therefore, it is very important to pay attention to copyright infringement as a problem that will arise in the future.¹⁷ Based on this explanation, the author is interested in studying further the challenges and forms of legal protection as well as legal strategies against illegal streaming actors based on the Copyright Law.

Problem Formulation

Based on the background explained above, the problem formulation that the author will examine in this research is as follows:

1. What are the challenges and forms of legal protection for TV stations for broadcast piracy activities through illegal live streaming applications?
2. What legal strategies can TV stations take against perpetrators of illegal streaming based on the Copyright Law?

Purpose and Benefit of research

This research has two objectives, namely to find out the legal regulation of television broadcast piracy activities through illegal streaming applications in Indonesia and to find out

¹⁴ Bima Yoga Shendy Susanto and Abdurrahman Al-faqih, "Perlindungan Hukum Bagi Pemegang Lisensi Hak Siar Terhadap Tayangan Streaming Tidak Berlisensi," *Journal of Intellectual Property* 5, no. 2 (2022), www.journal.uin.ac.id/JIPRO%60PerlindunganJIPRO%60.

¹⁵ Asri Wulandari, Shafa Dinda Putri, and Zikra Aliifah Noval, "Pelanggaran Hak Cipta Dalam Penyelenggaraan Situs Layanan Streaming Sepak Bola Di Indonesia," *Padjajaran Law Review* 9, no. 1 (2021).

¹⁶ Ranissa Sekar Elaies, "Tanggung Jawab Perdata Terhadap Pelanggaran Hak Cipta Atas Tindakan Pembajakan Film Melalui Situs Ilegal," *Jurnal Hukum Dan HAM Wara Sains* 2, no. 05 (2023): 367–77, <https://doi.org/10.58812/jhhws.v2i05.312>.

¹⁷ Ahmad Khoirudin et al., "Pengaturan Hukum Terhadap Pelaku Tindak Pidana Illegal Streaming Di Media Sosial Perspektif Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta," *Al-Mustashfa: Jurnal Penelitian Hukum Ekonomi Islam* 07, no. 01 (2022).

the challenges and forms of legal protection for television stations that experience losses due to broadcast piracy activities through illegal streaming applications. This research also provides theoretical and practical benefits. Theoretically, it is hoped that it will be able to provide understanding and contribute ideas to the wider community, especially television broadcast viewers. Meanwhile, the practical benefit for society is that it can contribute ideas aimed at providing understanding for the public regarding illegal TV broadcast applications which are detrimental to copyright holders and users and for students it can be a source of literature and reference for students to increase insight and knowledge.

2. Legal Material and Methods

This type of research is normative legal research with a statute approach and conceptual approach. The normative juridical approach according to Soekanto and Mamudji is legal research carried out by examining library materials or secondary data as basic material for research by conducting searches on regulations and literature related to the problem being studied.¹⁸ The object of study used is legal rules and is based on primary legal material, secondary legal material and tertiary law. Then this research uses a qualitative analysis method with descriptive analysis carried out by collecting data from literature reviews obtained from literature studies and other internet sources.

3. Results and Discussion

3.1 Challenges and Forms of Legal Protection for TV Stations for Broadcast Piracy Activities Through Illegal Live Streaming Applications

In this digital era, the process of disseminating information has become smooth and fast. Unfortunately, this phenomenon is sometimes exploited by irresponsible parties to carry out unlawful activities such as piracy. One of the piracy cases that is still hot in the news at the moment is the arrest of an illegal live streaming application operator called SBO TV who, without permission, has rebroadcast sports content such as badminton, football, circuit racing, MMA, and broadcasts of the 2022 World Cup. advertise online soccer betting games. The chronology of the arrests involving SBO TV began in January 2023, when the Lampung Police Sub-Directorate V Cyber Crime Team was carrying out routine cyber patrol operations. During the patrol, the relevant team observed that SBO TV had been carrying out illegal or unauthorized restreaming of content from various local TV stations and video streaming sites starting from 2022. On March 10 2023, the Lampung Regional Police succeeded in arresting two people identified as AR and CW who are believed to be involved in the operation and administration of SBO TV after going through in-depth (intensive) investigations and evidence collection efforts. The arrest occurred at the suspect's domicile

¹⁸ Kornelius Benuf and Muhamad Azhar, "Metodologi Penelitian Hukum Sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer," *Jurnal Gema Keadilan* 7, no. 1 (2020): 20–33, <https://doi.org/https://doi.org/10.14710/gk.2020.7504>.

in Purworejo District, Central Java Province.¹⁹

The challenge faced by TV stations is that there are still several illegal live streaming applications that are still operating today, such as Zhe TV, TV Dewa, OKE Stream and Paseo TV. Not only that, streaming of sports broadcasts has also spread to online soccer betting sites including rbtv77.digital, mpostreaming.com and kulidepo189.net. Apart from that, the financial losses caused by perpetrators of TV broadcast piracy are inevitable for TV stations in Indonesia. One of the TV stations that experienced this was PT MNC Sky Vision Tbk. PT MNC suffered a significant financial loss of IDR 14 billion due to illegal piracy of exclusive broadcasts of the HBO, AXN and HBO Hits channels by PT Bukadri Vision, Balikpapan in 2015. Previously it was known that MNC Sky Vision holds the exclusive rights to broadcast the HBO, AXN and HBO Hits channels in Indonesia. However, BKV then rebroadcast the channel without obtaining permission from MNC.²⁰ Based on the Media Partners Asia (MPA) report regarding economic losses due to piracy in January 2020 commissioned by the Anti-Piracy Coalition (CAP) by AVIA, there are several important findings, namely that the presence of online piracy is estimated to have resulted in a decline in Indonesian TV revenues in the Online Video sector. losses of around USD 1 billion in 2019. Then the TV sector, Online Video industry and Indonesian Theater also experienced job losses due to online piracy amounting to USD 200 million in 2019. This figure is equivalent to the potential creation of more than 16,000 new direct jobs. or indirectly.²¹

The legal framework for broadcasting rights protection in Indonesia is regulated in Law Number 28 of 2014 concerning Copyright Regulations (Copyright Law). These laws and regulations provide protection for the Economic Rights, Moral Rights and Related Rights inherent in creators. The establishment of this rule can be linked to the rise of copyright violations including illegal streaming and other forms. With the existence of moral rights and economic rights, it has indirectly become evidence that the state, through the implementation of the Copyright Law, has provided legal protection for individuals who are responsible for their creation.²² From a legal perspective, it is important to note that a person's work or creativity is granted automatic protection as soon as it is first realized. The legal protection in question can be proven by the existence of a documented work letter held by the person responsible for its creation or the legal copyright owner. The creation letter

¹⁹ Tim Redaksi, "Polisi Tangkap Operator SBO TV Aplikasi Streaming Bajakan," www.cnbcindonesia.com, 2023, <https://www.cnbcindonesia.com/lifestyle/20230403151026-33-426884/polisi-tangkap-operator-sbo-tv-aplikasi-streaming-bajakan>.

²⁰ Novi Abdi, "MNC Rugi Rp14 Miliar Akibat Pembajakan Siaran," www.kaltim.antaranews.com, 2015, <https://kaltim.antaranews.com/berita/24611/mnc-rugi-rp14-miliar-akibat-pembajakan-siaran>.

²¹ Adinda Permatasari, "Dalam 10 Bulan, Penonton Streaming Bajakan Menurun 55 Persen," www.viva.co.id, 2020, <https://www.viva.co.id/showbiz/film/1284465-dalam-10-bulan-penonton-streaming-bajakan-menurun-55-persen>.

²² Anak Agung Gde Chandra Wiratama, I Nyoman Putu Budiarta, and Diah Gayatri Sudibya, "Perlindungan Hukum Terhadap Pemegang Hak Cipta Terkait Kegiatan Streaming Dan Download Film Bajakan Melalui Website Ilegal," *Jurnal Konstruksi Hukum* 3, no. 2 (2022): 270–75, <https://doi.org/10.55637/jkh.3.2.4810.270-275>.

can be used as evidence if there is a disagreement in the future.²³ The opinion that legal protection for individuals is a form of preventive and repressive government action was expressed by Philipus M. Hadjon, which is supported by the Legal Protection Theory. The aim of preventive legal protection is to proactively avoid conflict. This goal requires that government actions be carried out carefully and wisely to minimize the possibility of problems arising. On the other hand, repressive legal protection is focused on resolving disputes that have already occurred. This involves the involvement of the Judicial Institution in processing and resolving these problems.²⁴ According to Satjipto Rahardjo, the concept of legal protection is protecting a person's interests by giving them the authority to exercise their human rights in the context of their own interests.²⁵

Regulations in the Copyright Law regulate the implementation of law enforcement which determines specific actions that qualify as criminal acts related to copyright and related rights.²⁶ In this case, illegal streaming practices are proven to violate Article 25 paragraph (2) of the Copyright Law. As stated in Article 25 paragraph (2), the economic rights owned by broadcasting institutions include the right to carry out their own activities, give permission, or prohibit other parties from re-broadcasting broadcasts, broadcast communications, as well as fixing broadcasts and/or duplicating fixing broadcasts. Apart from that, the article also explains that every person is prohibited from carrying out acts of dissemination without permission for commercial purposes regarding content created by broadcast works by broadcasting institutions which can be subject to criminal penalties under Article 118 of Law Number 28 of 2014 concerning Copyright. In Article 118 paragraph (1) it is explained that parties who violate economic rights as intended in Article 25 paragraph (2) letters a, b, c, and/or letter d for Commercial Use can be sentenced to a maximum imprisonment of 4 (four) years and/or a maximum fine of IDR 1,000,000,000.00 (one billion rupiah). Meanwhile, in Article 118 paragraph (2) it is explained that parties who have fulfilled the elements of Article 25 paragraph (2) with the aim of piracy can be punished with a maximum imprisonment of 10 (ten) years and/or a maximum fine of IDR 4,000,000,000.00 (four billion rupiah). Therefore, even if there is evidence of copyright infringement based on Article 25 paragraph (2) of the Copyright Law, perpetrators who violate the law will not be immediately affected by the law or subject to punishment as regulated in Article 118 of the Copyright Law. There needs to be evidence to prove the status of the broadcast rights license holder as the legal owner of the broadcast rights license. This

²³ Cynthia Putri Guswandi et al., "Pengaruh Revolusi Industri 4.0 Terhadap Perlindungan Hukum Hak Cipta Di Indonesia," *CoMbinES - Conference on Management, Business, Innovation, Education and Social Sciences* 1, no. 1 (2021): 277–83, <https://journal.uib.ac.id/index.php/combin.es>.

²⁴ Nabila Sari and Winshery Tan, "Analisis Hukum Produk Kosmetika Yang Di Impor Untuk Digunakan Secara Pribadi Oleh Konsumen," *Jurnal Pendidikan Kewarganegaraan Undiksha* 9, no. 3 (2021): 959–73.

²⁵ R Juli Moertiono, "Perjanjian Kredit Pemilikan Rumah Dalam Perspektif Teori Perlindungan Hukum," *All Fields of Science Journal Liaison Academia and Society* 1, no. 3 (2021): 252–62, <https://doi.org/10.58939/afosj-las.v1i3.109>.

²⁶ Annisa Justisia Tirtakoesoemah and Muhammad Rusli Arafat, "Penerapan Teori Perlindungan Hukum Terhadap Hak Cipta Atas Penyiaran," *Pena Justisia: Media Komunikasi Dan Kajian Hukum* 18, no. 1 (2020): 1–14, <https://doi.org/10.31941/pj.v18i1.1084>.

then requires the signing of a written agreement which must be registered by the Minister in the General Register of Copyright License Agreements.

Copyright infringement is also a type of cybercrime. Cyber Crime is criminal activity that occurs in the digital realm, especially the use of computer technology and internet networks as its main goal. The rise of cybercrime coincides with the rapid progress of digital, communications and information technology.²⁷ The ITE Law also regulates the protection of Intellectual Property Rights (IPR) which can be found in article 25. If someone is proven to be streaming, broadcasting or distributing content illegally without the owner's permission thereby violating Article 32 paragraph (1) of the ITE Law, then he can be charged criminal sanctions of 8 (eight) years in prison or a fine of IDR 2,000,000,000.00 (two billion rupiah) as intended in Article 48 paragraph (1) of the ITE Law.

3.2 Legal Strategies that TV Stations Can Take Against Perpetrators of Illegal Streaming Based on the Copyright Law

One of the main factors that makes people violate IPR in this case, especially Copyright, is to gain profits in terms of illegal reproduction of broadcasts through applications or websites. These irresponsible actors do not need to put more effort into creating content to earn income. The thing that makes the perpetrators determined to commit copyright infringement is because they think that the sanctions given are still weak. In Soerjono Soekanto's view, laws have a big influence on the implementation of law enforcement. In material law, what is meant by law is a regulation in written form that applies generally and is legally made by authorized officials at both the central and regional levels.²⁸ Philipus M. Hadjon in his theory states that legal protection for the people is a preventive and repressive government action. Preventive legal protection is a government protection provision designed to proactively prevent violations before they occur. Legislative regulations are designed to prevent violations and establish indicators or limits in carrying out legal actions.²⁹

The application of this law will shape what the law aspires for the parties concerned to achieve the goals outlined by the law.³⁰ The government's effort to implement preventive protection to safeguard the interests of TV broadcast creators and copyright holders is by

²⁷ Neri Widya Ramailis, "Cyber Crime Dan Potensi Munculnya Viktimisasi Perempuan Di Era Teknologi Industri 4.0," *Sisi Lain Realita* 5, no. 01 (2020): 1–20, [https://doi.org/10.25299/sisilainrealita.2020.vol5\(01\).6381](https://doi.org/10.25299/sisilainrealita.2020.vol5(01).6381).

²⁸ Ampuan Situmeang et al., "Efektivitas Kewenangan Pemerintah Kota Tanjungpinang Di Bidang Kelautan Dan Perikanan Pasca Lahirnya Undang-Undang Pemerintahan Daerah," *Wajah Hukum* 5, no. 1 (2021): 284–99, <https://doi.org/10.33087/wjh.v5i1.253>.

²⁹ Filemon Halawa, Ampuan Situmeang, and FL Yudhi Priyo Amboro, "Perlindungan Hukum Preventif Kepada Konsultan Hukum Pasar Modal Di Indonesia (Studi Perbandingan Hukum Indonesia Dan Singapura)," *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam* 5, no. 1 (2023): 827–36, <https://doi.org/10.37680/almanhaj.v5i1.2714>.

³⁰ Siti Hatikasari, "Esensi Perlindungan Hukum Dalam Sistem First To Announce Atas Karya Cipta," *Supremasi Hukum: Jurnal Penelitian Hukum* 27, no. 2 (2019): 118–32, <https://doi.org/10.33369/jsh.27.2.118-132>.

enacting the Copyright Law. Meanwhile, repressive legal protection is the highest form of protection, including punishments such as fines, imprisonment and additional penalties imposed after a dispute occurs or a violation is committed.³¹ This explains that repressive legal protection can also resolve disputes if there is a violation of broadcast copyright. There are two different approaches to overcome the problem of legal protection for Broadcasting Copyright Holders whose rights have been violated. This approach includes non-litigation efforts which prioritize settlement efforts outside the justice system, as well as litigation efforts involving legal processes carried out in the judicial environment.

The Copyright Law protects the interests of Creators, Copyright Holders and Related Rights Owners. Every Creator or Copyright Holder and Related Rights Owner can submit a claim for compensation for infringement of copyright or related products as regulated in article 99 paragraph (1). Meanwhile, criminal sanctions for illegal streaming actors are contained in articles 112-120 of the Copyright Law. It is also explained in article 120 that the Copyright Crime is a complaint offense (*klacht delict*). A complaint offense is a type of copyright infringement that requires the involvement of the victim or injured party so that the police can initiate legal proceedings. The legal implications for the police are seen in the fact that they are not authorized or obliged to initiate legal proceedings for copyright infringement without an official complaint from the injured party or victim. However, there is a positive impact from the complaint offense, namely facilitating the acquisition of evidence by the police as law enforcers which can then be used in the inquiry and investigation stages. This can happen due to increased awareness and willingness of victims to take legal action against the perpetrator.³²

Legal strategies for dealing with copyright infringement have been determined and regulated based on the laws outlined in the Copyright Law. According to Article 95 paragraph (1), copyright dispute resolution can be done through litigation and non-litigation. Non-Litigation steps that can be taken include the use of alternative dispute resolution mechanisms and through arbitration institutions.

3.3 Settlement Through Non-Litigation Methods

Alternative dispute resolution or often referred to as Alternative Dispute Resolution (ADR) is the first step in resolving disputes based on an agreement between the parties to prevent dispute resolution through litigation by parties who feel disadvantaged. The settlement is carried out through procedures agreed upon by the parties by means of consultation, negotiation, conciliation mediation, or expert assessment with the aim of

³¹ Syahrul Ramadhon and Aaa Ngr Tini Rusmini Gorda, "Perlindungan Hukum Terhadap Perempuan Sebagai Korban Kekerasan Dalam Rumah Tangga Secara Preventif Dan Represif," *Jurnal Analisis Hukum (JAH)* 3, no. 2 (2020): 205–17.

³² Evi Retno Wulan and Heru Kuswanto, "Kajian Yuridis Pasal 120 Undang-Undang Hak Cipta Nomor 28 Tahun 2014 Tentang Delik Aduan Pada Pelanggaran Hak Cipta," *Lex Journal: Kajian Hukum & Keadilan* 4, no. 2 (2021): 151–71, <https://doi.org/10.25139/lex.v4i2.3376>.

achieving a win-win solution.³³ If alternative dispute resolution cannot resolve the dispute from the party who feels disadvantaged, it can be continued through an arbitration institution. Arbitration is a method of resolving disputes outside of court, based on an arbitration agreement made by the parties in writing and carried out by an arbitrator who is selected and given the authority to make decisions. This is Article 1 number 1 of Law No. 30 of 1999 concerning Arbitration and APS.

3.4 Settlement Through Litigation Method

For parties who feel aggrieved, they can also file a claim for compensation as regulated in Article 96, Article 98 paragraph (1), and Article 99 of the Copyright Law which clearly states which parties can file a civil claim for copyright infringement, namely the creator who experienced the loss, losses, Copyright holders and/or Related Rights holders who experience losses or their heirs who experience losses. Based on this article, any party who suffers losses can submit a claim for compensation to the Commercial Court if there is a violation of economic and moral rights. Apart from that, content and/or user access rights that violate copyright as contained in Article 56 paragraph (2) UUHC can also be closed. This effort to close content is an administrative effort, which is stated in Article 13 of the Joint Regulation of the Minister of Law and Human Rights No. 14 of 2015 and the Minister of Communication and Information No. 26 of 2015 concerning the Implementation of Closing Content and/or Related Rights in Electronic Systems. Creators and Copyright Holders can report streaming applications that violate Copyright to the Investigation Directorate of the Directorate General of Intellectual Property Rights, Ministry of Law and Human Rights of the Republic of Indonesia.

4. Conclusion

Broadcasting activities without permission from the creator or broadcasting rights licensee for commercial purposes can be said to be a copyright violation. The challenge faced by TV stations is that there are still several illegal live streaming applications that are still operating today, such as Zhe TV, TV Dewa, OKE Stream and Paseo TV. Not only that, there is potential financial loss caused by perpetrators of broadcast piracy. One of the TV stations that experienced this was PT MNC Sky Vision Tbk, which experienced a financial loss of IDR 14 billion in 2015. The form of legal protection for broadcasting rights in Indonesia is regulated in Law Number 28 of 2014 concerning Copyright Regulations (Copyright Law). In Article 25 paragraph (2) of the Copyright Law, broadcasting or distributing content without the permission of the original owner can be subject to penalties in accordance with Article 118 of the Copyright Law. However, there needs to be evidence from the broadcasting rights license holder to prove the status of the broadcasting rights license holder

³³ Yuniar Kurniawaty, "Efektivitas Alternatif Penyelesaian Sengketa Dalam Sengketa Kekayaan Intelektual (Alternative Dispute Resolution On Intellectual Property Dispute)," *Jurnal Legislasi Indonesia* 14, no. 2 (2017): 163–70.

as the legal owner of the broadcasting rights license which is made in the form of a written agreement and has been recorded by the Minister in the General Register of Copyright License Agreements. Piracy of TV broadcasts through illegal streaming applications is a crime in cyberspace and enters the digital realm. Illegal streaming actors who have violated Article 32 paragraph (1) of the ITE Law, can be subject to criminal sanctions of 8 (eight) years in prison or a fine of IDR 2,000,000,000.00 (two billion rupiah) as intended in Article 48 paragraph (1) ITE Law. Legal strategies for dealing with copyright infringement have been determined and regulated based on the laws outlined in the Copyright Law. According to Article 95 paragraph (1), copyright dispute resolution can be done through litigation and non-litigation. Non-Litigation resolution that can be carried out is in the form of alternative dispute resolution and through arbitration institutions. Meanwhile, to resolve the Litigation route, you can submit a claim for compensation as regulated in Article 96, Article 98 paragraph (1), and Article 99 of the Copyright Law to the Commercial Court. Then content and/or user access rights can also be closed as contained in Article 56 paragraph (2) of the Copyright Law as contained in Article 13 of the Joint Regulation of the Minister of Law and Human Rights No. 14 of 2015 and the Minister of Communication and Information No. 26 of 2015 regarding the Implementation of Closure of Content and/or Related Rights in Electronic Systems.

It would be better for people to choose to watch legally and subscribe through official services even though they have to pay money and be aware of the security risks of watching broadcast content on illegal pirated applications and platforms such as SBO TV which can harm viewers as well as kill the film industry and harm the government.

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