

**THE LEGAL PROTECTION OF CINEMATOGRAPHIC WORKS IN THE DIGITAL
ERA: A CASE STUDY ON FILM PIRACY VIA UNAUTHORIZED STREAMING
PLATFORMS****Nadita Oktaviona**Ilmu Hukum, Fakultas Hukum Universitas Muhammadiyah Surakarta
C100210366@student.ums.ac.id**Diana Setiawati**Ilmu Hukum, Fakultas hukum universitas Muhammadiyah Surakarta
ds170@ums.ac.id**ABSTRACT**

In the digital age, the act of watching films through digital streaming platforms has emerged as a new distribution method for Indonesian filmmakers, who continue to evolve and thrive within the film industry. This study aims to examine the legal responsibilities associated with the rise of film piracy on illegal platforms and the measures taken to protect cinematic copyrights in such environments. This research employs a normative legal method, focusing on the internal aspects of positive law through a descriptive approach to provide an objective summary. The analysis is conducted qualitatively by examining secondary data sources, utilizing a literature review method relevant to the issues at hand. Law of the Republic of Indonesia Number 28 of 2014 concerning Copyright provides protection for intellectual property rights; however, this legal framework has not deterred individuals from engaging in film piracy. Although access to illegal streaming websites has been blocked, such platforms continue to proliferate in line with technological advancements. Both litigation and non-litigation measures have been implemented by the government to safeguard the rights of creators and to impose a deterrent effect on violators.

Keywords: Cinematographic Piracy, Illegal Streaming, Copyright Law

INTRODUCTION

The film industry has become an essential part of entertainment for Indonesian society, largely due to the impact of digitalization and technological advancements that have made film consumption more accessible.(1) The emergence of digital streaming platforms brings several positive implications, including increased flexibility in film viewing and the potential for Indonesian films to reach broader, even international, audiences. The ease of streaming allows

widespread circulation without requiring users to register or subscribe, thereby eliminating monitoring of viewing activities.(2)

Indonesia's domestic film industry continues to grow annually, producing diverse artistic works of varying quality. Various developments have also contributed to the industry's advancement, enhancing the popularity and accessibility of films. The primary objective of cinematographic media is to improve skills and convey stories or events through visual narratives.(3) Cinematographic works are protected under Article 40 letter (m) of Law No. 28 of 2014 on Copyright, which recognizes them as intellectual creations.

Cinematography refers to creative works involving moving images that integrate audio and visual components. Illegally streaming or downloading films without the creator's consent constitutes copyright infringement and causes significant financial harm to copyright holders and contributors. Unauthorised individuals can easily distribute and manipulate films through illegal platforms without permission.(4)

Disseminating copyrighted works for commercial purposes without the consent of the rights holder is prohibited. The lack of public awareness regarding the importance of copyright protection often leads to the misconception that piracy is harmless or trivial.(5) To eliminate intellectual property violations, collaborative efforts are needed to strengthen protection systems through advanced technology and digital security measures.(6)

Despite existing legislation addressing film piracy, unauthorized platforms such as Loklok, Bioskop HD, Cinema HD, Telegram, and short clips on TikTok continue to distribute copyrighted films without permission. Although the government has attempted to combat this issue by repeatedly blocking illegal streaming sites, such measures have limited effect, as these platforms often reappear under new domain names. (7) Copyrighted films possess exclusive rights that serve to prevent unauthorized use or reproduction by others.(8)

A relevant study conducted by Sani Rizki Faudi et al. focused on legal provisions concerning film piracy from a copyright law perspective. However, this research aims to examine more deeply the strategies for addressing film piracy on illegal streaming platforms, emphasizing copyright protection efforts in the digital era and the legal responsibilities arising from widespread infringement.

METHODS/IDEAS

This study employs a normative legal research method, focusing on internal aspects of positive law through a descriptive approach to provide an objective overview. The research relies on secondary data, including primary legal materials as the main data source, secondary legal materials to support and explain the core sources, and tertiary legal materials offering supplementary explanations. Data collection is conducted through a literature review of relevant statutes, academic books, articles, journals, and other authoritative legal sources. A qualitative data analysis method is applied to evaluate and interpret the information gathered from various legal literature sources.(9)

RESULTS AND DISCUSSION

A. Copyright Protection of Films in the Digital Era Against Film Piracy on Illegal Streaming Platforms

Streaming platforms represent a form of distribution that has experienced rapid growth, benefiting the Indonesian creative film industry. The diversity of films that previously failed to penetrate the conventional film market can now be widely and freely circulated through streaming platforms, in terms of both quantity and quality. Legal frameworks must evolve in tandem with advancements in science and technology, compelling society to adapt accordingly. However, this evolution inevitably presents new challenges to law enforcement in Indonesia.(10)

Law No. 28 of 2014 on Copyright (hereinafter referred to as the Copyright Act) regulates intellectual property rights. Works of literature, art, and science—products of human intellect—are considered creations protected under this law. Furthermore, copyright holders, including producers, licensees, and filmmakers, are also afforded legal protection.

Films are a type of protected creative work. Article 9 of the Copyright Act affirms that authors have the exclusive right to reproduce, distribute, and transmit their works. Violation of these rights is subject to criminal penalties of up to 10 years of imprisonment or a fine of up to

IDR 4 billion, as stated in Article 113 paragraph (4) of the Copyright Act. The role of electronic system providers in halting the dissemination of illegal content, including pirated films, is also governed under Government Regulation No. 71 of 2019 concerning the Operation of Electronic Systems and Transactions.

Moving visual images—commonly referred to as cinematographic works—can be produced using celluloid film, video, video discs, optical discs, and other performance-supporting media. Cinematography encompasses the integration of ideas, storytelling, imagination, visual communication, acting arts, photography, and optical technologies, all contributing to the aesthetics of filmmaking.⁽¹¹⁾ Copyright protects cinematographic works and films owned by a legal entity for a period of 50 years from the date of their initial publication.⁽¹²⁾

Indonesia ranks third globally in terms of copyright infringement.⁽¹³⁾ South Korea also experiences high rates of film piracy, being one of the Asian countries with considerable interest in pirated content. Numerous websites openly facilitate piracy, reflecting a public inclination toward easily accessible and free content.⁽¹⁴⁾

Piracy is often carried out by individuals who record content from legal streaming platforms (e.g., Netflix, iFlix, GoPlay, Vidio, Genflix, CatchPlay, Viu, Disney+ Hotstar) and upload it to illegal platforms such as LokLok, LayarKaca21 (LK21), Kita Nonton, Bioskop HD, Telegram, or via TikTok video clips. These infringers incur minimal capital yet earn significant revenue from users downloading their illegal applications. This creates a glaring disparity between the infringer's profits and the creators' rightful earnings, such as royalties.⁽¹⁵⁾

The challenge of copyright protection necessitates collaboration among government institutions, copyright holders, and the technology sector to reduce piracy and raise awareness of copyright respect. Legal, technological, and cross-sectoral efforts include the active blocking of illegal streaming websites by the Ministry of Communication and Information Technology (Kominfo), in coordination with the Indonesian Film Industry Association and the National Collective Management Organization (LMKN). In 2023, over 3,500 piracy sites were shut down.⁽¹⁶⁾ Law enforcement has also been enhanced through the police and investigators from the Directorate General of Intellectual Property (DJKI), working alongside copyright holders.

The government, in cooperation with financial institutions and the Financial Services Authority (OJK), has taken action to block accounts and advertisements on piracy sites.

Technological initiatives, such as Digital Rights Management (DRM), in collaboration with legal streaming platforms, are employed to prevent unauthorized duplication and distribution. Forensic digital watermarking, whereby films are released with unique identifiers, enables the tracing of content leaks. Public education campaigns like "Stop Watching Pirated Films" are conducted across digital platforms, television, and social media. Affordable legal streaming platforms also offer legitimate alternatives, supported by government incentives for production companies releasing their films legally.

B. Legal Responsibilities Pertaining to the Prevalence of Film Piracy on Illegal Platforms

Film piracy through illegal streaming services constitutes a copyright infringement with legal consequences for all involved parties. The government establishes laws and regulations to uphold legal order and safeguard the rights of legal subjects. Legal protection is twofold: a) Preventive legal protection, which aims to deter violations in accordance with the Copyright Act and the Electronic Information and Transactions Law (ITE Law). Cinematographic works may be protected through registration with the Directorate General of Intellectual Property under the Ministry of Law and Human Rights. b) Repressive legal protection, which imposes penalties after a violation has occurred. Sanctions may include imprisonment, fines, and additional penalties based on the nature of the violation.

The Copyright Act delineates the rights and obligations of creators and copyright holders. Economic rights encompass reproduction, publication, adaptation, arrangement, transformation, transmission, performance, communication, and rental. These rights can be transferred or licensed with the creator's consent. Moral rights, on the other hand, are inalienable, granting authors the right to attribution, anonymity, modification, and protection against distortion or mutilation of their work.

Despite existing laws, illegal streaming websites still distribute pirated films. For instance, in the piracy case involving the film *Keluarga Cemara* by Visinema Pictures, the perpetrator Aditya Fernando Phasyah from Jambi uploaded over 3,000 local and international films to Duniafilm21 since 2018. He was charged under multiple provisions, including the ITE

Law and the Copyright Act, and was sentenced to 14 months in prison and fined IDR 200 million by the Jambi District Court on April 27, 2021.

Another case involved the piracy of Mencuri Raden Saleh, reported to the Metro Jaya Police under report number LP/B/4844/IX/2022/SPKT/Polda Metro Jaya. Seven websites had distributed the film illegally, and charges were filed under relevant articles of the ITE Law and the Copyright Act. (17)

Both the perpetrators of piracy and the users of illegal streaming services are liable under Indonesian law. Offenders face up to 10 years' imprisonment and/or fines up to IDR 4 billion under Article 116 paragraph (4) of the Copyright Act. In addition to criminal sanctions, copyright disputes may be resolved through litigation or non-litigation mechanisms as stated in Article 95 of the Copyright Act. (18)

Mediation serves as a non-litigation method involving a neutral third party to facilitate mutually agreeable solutions. Compensation claims may be filed by creators or copyright holders when economic and moral rights are violated, and may be adjudicated by the commercial court as stipulated in Article 1 paragraph (25) of the Copyright Act.

Article 120 of the Copyright Act categorizes copyright infringement as a *delik aduan* (complaint-based offense), meaning only the rights holders or parties directly harmed may initiate legal proceedings. According to the Indonesian Dictionary, a "*delik*" refers to an act punishable by law due to its illegality.

Victims, including creators and copyright holders, have the legal standing to report copyright violations. Government bodies, police, judges, and prosecutors play crucial roles in enforcing copyright law. To prevent internet-based copyright violations, the government has issued Ministerial Regulation No. 14 of 2015 between the Ministry of Law and Human Rights and the Ministry of Communication and Information Technology. (20) This regulation facilitates the reporting of intellectual property violations to the National Police Criminal Investigation Agency (BARESKRIM POLRI) or the Directorate of Investigation at the Ministry of Law and Human Rights. Complaints may also be submitted electronically or through authorized collective management organizations. (21)

Film piracy via illegal streaming is a serious offense with specific legal responsibilities in Indonesia, summarized as follows:

a. Responsible Parties:

1) Owners and Operators of Illegal Streaming Sites:

Those who deliberately create, manage, or operate such platforms for commercial purposes are liable under Article 113 of the Copyright Act and face up to 10 years' imprisonment and/or fines of up to IDR 4 billion.

2) Users of Illegal Streaming Sites:

Users can be considered passive offenders who knowingly support illegal platforms by accessing or sharing pirated content. While specific regulations are still lacking, such users may be subject to applicable provisions in the ITE Law.

3) Facilitators of Piracy:

Advertisers or hosting providers that support pirated content may also be held accountable under the Copyright Act and ITE Law.

Despite efforts, enforcement faces significant challenges such as the emergence of new sites post-blocking, low public legal awareness, and technological evasion tactics like offshore servers and VPNs. Government strategies must be enhanced through continuous monitoring and proactive suppression of illegal streaming site proliferation.

CONCLUSION

The Copyright Law and the Electronic Information and Transactions (ITE) Law provide a strong legal foundation for the protection of creative works, including films. Although the government has made efforts to block illegal movie streaming sites, such sites continue to proliferate in line with technological developments. Therefore, it is essential to raise public awareness about the importance of respecting copyright and to strengthen the government's role through cross-sector collaboration, particularly in the legal and technological domains, to combat digital piracy.

The government has also facilitated the process for creators to register their works as a preventive measure against copyright infringement. Criminal liability for piracy is clearly regulated in Article 113 of the Copyright Law and Article 48 paragraph (2) of the ITE Law. These provisions ensure legal protection for creators' economic and moral rights and provide a strong legal basis for prosecuting violators.

Government efforts to protect creators through both litigation and non-litigation measures aim to deter offenders and offer comprehensive protection to creators. It is important to understand that piracy not only involves the main perpetrators but also consumers and parties that facilitate these illegal acts. All such parties may be subject to criminal sanctions in accordance with the applicable laws and regulations in Indonesia.

REFERENCES

1. Saputri A, Hilabi SS, Nurapriani F, Huda B. Pemilihan Platform Film Streaming Menggunakan Metode SMARTER dan MOORA. *MALCOM: Indonesian Journal of Machine Learning and Computer Science*. 2024 Apr 18;4(2):702–9.
2. Pramesti W. Media Streaminig Digital, Alternatife Ruang Tayang Filem. *Jurnal Seni dan Desain*. 2023;5:52–5.
3. Nurhafiah S. Strategi Komunikasi Pemasaran Netflix Pada Film Gadis Kretek Dalam Meningkatkan Minat Penonton. *Journal of Comprehensive Science p-ISSN*. 2024;3(5).
4. Fauzi SR, Fakhlor, Dhumillah DSR. Ketentuan Hukum Tentang Pembajakan Film dalam Perspektif Hak Cipta Di Indonesia. *POSTULAT*. 2023 Jun 15;1(2):57–61.
5. Setiono GC, Bramantyo RY. Implementasi Sanksi Pidana terhadap Pelanggaran Hak Cipta di Indonesia. *Hurbal Transparansi Hukum*. 2023;6(1):138–45.
6. Darnia ME, Monica CD, Munawardi, Aprillia R. Perlindungan Hak Kekayaan Intelektual di Era Digital. *JERUMI: Journal of Education Religion Humanities and Multidiciplinary E-ISSN*. 2023 Dec;1(2):411–9.
7. Elaies RS. Tanggung Jawab Perdata Terhadap Pelanggaran Hak Cipta Atas Tindakan Pembajakan Film Melalui Situs Ilegal Ranissa Sekar Elaies. *Jurnal Hukum dan HAM Wara Sains*. 2023 May;2(05):367–77.
8. Asthenu GM, Berlianty T, Labetubun MAH. Perlindungan Hak Cipta Terhadap Pembajakan Film Nasional. *TATOHI: Jurnal Ilmu Hukum*. 2023 Mar 31;3(1):50–6.

9. Dimiyati K, Wardiono K. Metodologi Penelitian Hukum. 2015. 1–54 p.
10. Wandayani SDAW, Fairuzzaman F. Perlindungan Hukum Pemegang Hak Cipta Terhadap Penyebarluasan Tanpa Izin Pada Konten Video Di Media Sosial (TikTok). 2023.
11. Sitepu RI. Pertanggungjawaban Pidana Terhadap Pelanggaran Hak Cipta Sinematografi Di Aplikasi Telegram. *Jurnal Rechten : Riset Hukum Dan Hak Asasi Manusia*. 2022;4(1):27–35.
12. Undang-Undang Republik Indonesia Nomor 28 Tahun 2014 Tentang Hak Cipta.
13. Tua MOK, Sinurat A, Dima AD. Perlindungan Hukum terhadap Pencipta Karya Sinematografi dalam Pembajakan Film pada Situs Streaming Ilegal. *Jembatan Hukum : Kajian ilmu Hukum, Sosial dan Administrasi Negara* [Internet]. 2024 Nov 20;1(4):39–48. Available from: <https://journal.lpkd.or.id/index.php/Jembatan/article/view/922>
14. Erlianto R, Faridah H. Perlindungan Hukum Pembajakan Film Digital (Studi Perbandingan Hukum Indonesia, Malaysia, dan Korea Selatan). *AJUDIKASI : Jurnal Ilmu Hukum* [Internet]. 2022;6(2):211–32. Available from: <https://dgip.go.id/artikel/detail-artikel/meski-didera-pandemi-kenaikan-rata->
15. Anshari IN. Sirkulasi Film dan Program Televisi di Era Digital: Studi Kasus Praktik Download dan Streaming melalui Situs Bajakan. *Komuniti : Jurnal Komunikasi dan Teknologi Informasi*. 2019 Oct 2;10(2):88–102.
16. Undang-Undang Republik Indonesia Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik.
17. Plasmanto G. <https://www.liputan6.com/regional/read/4548469/menelusuri-perjalanan-kasus-pembajakan-film-keluarga-cemara> . 2021. Menelusuri Perjalanan Kasus Pembajakan Film Keluarga Cemara.
18. Ryandi D. <https://www.jawapos.com/entertainment/01409263/pembajak-film-mencuri-raden-saleh-terancam-hukuman-10-tahun-penjara>. 2022. Pembajak Film Mencuri Raden Saleh Terancam Hukuman 10 Tahun Penjara.
19. Meydinaresti E. Delik Aduan Terhadap Pelanggaran Hak Cipta (Analisis Pasal 120 UU No.28 Tahun 2014. [Semarang]: Universitas Islam Negeri Walisongo; 2020.
20. Kamus Besar Bahasa Indonesia. <https://kbbi.web.id/delik>. Delik.
21. Pratama AAGAI, Winatha IGMY, Maharani NMN, Mulyanti NWD. Pencegahan Dan Penindakan Pembajakan Film Berdasarkan Peraturan Undang – Undang Nomor 28 Tahun 2014 Tentang Hak Cipta. *Raad Kertha*. 2024 Aug;6(2):20–5.