



## **PROTECTION LAW HOLDER RIGHT CREATION FILM AGAINST THE SPREAD OF PIRATED FILMS THROUGH ILLEGAL STREAMING SITES**

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### **Abstract**

The distribution of pirated films through illegal streaming websites constitutes a serious problem affecting copyright protection in Indonesia. This practice not only causes economic losses to copyright holders but also undermines the sustainability of the national film industry. This research aims to analyze the forms of legal protection available to film copyright holders and the legal liability of parties involved in the distribution of pirated films via illegal streaming platforms. This study employs normative legal research using a statutory approach by examining Law Number 28 of 2014 on Copyright, Law Number 33 of 2009 on Film, and other related regulations. The findings indicate that legal protection for film copyright holders is provided through preventive and repressive measures. Preventive measures include blocking illegal streaming websites, monitoring digital content, and enhancing public legal awareness. Repressive measures involve civil lawsuits for damages, termination of illegal distribution, and seizure of facilities used in copyright infringement. Furthermore, perpetrators of illegal film distribution may be held civilly liable under the Copyright Law and Article 1365 of the Indonesian Civil Code concerning unlawful acts. This research is expected to contribute to strengthen copyright protection for films and to encourage greater legal awareness within society in response to digital technological developments.

**Keywords:**

Civil Law; Film Copyright; Film Piracy; Illegal Streaming; Legal Protection.

**Introduction**

Film is an audiovisual communication tool that presents a representation of movement through a series of images displayed sequentially, creating the illusion of movement, complemented by sound, dialogue, music, narration, and visual components such as moving images, production design, and cinematography. Initially, films were only available in black and white and could only be viewed on certain television channels, but along with the advancement of digital technology, Films have experienced rapid development, serving as a source of entertainment, education, documentation, propaganda, social criticism, or a work of art. As an expression of cultural art that can be displayed with or without audio, film is a means of mass communication that conveys significant messages with a big impact on society.<sup>1</sup> Based on Law Number 33 of 2009 concerning Film, film is defined as a work of art based on the principles of cinematography, whether with sound or not, which can be shown by means of mechanical, electronic, or other methods of projection, can be in the form of recordings of people, objects, animation, or works of art that integrate music, sound, theater, and technology for a deep visual and emotional experience.

In Indonesia, the protection of intellectual property rights is regulated by Law Number 28 of 2014 concerning Copyright, where copyright is an exclusive right owned by the creator which appears naturally. automatic based on declarative principle after the work the manifested in concrete form, with limitations in accordance with applicable law. This includes the right to distribute, duplicate, or grant permission to use the work. in the fields of science, art, and literature. Film as a form of cinematography is protected by copyright, giving the rights holder of the work the power to Avoiding misuse. Anyone wishing to duplicate a film must obtain permission and pay royalties to the rights holder to obtain profits. In the film production process, the copyright holder also plays a role in managing the process and gathering resources, including nature, labor, knowledge, and

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<sup>1</sup> Sitompul, A. L., Patriansyah, M., & Pangestu, R. (2021). ANALISIS POSTER VIDEO KLIP LATHI : KAJIAN SEMIOTIKA FERDINAND DE SAUSSURE. *Besaung Jurnal Seni Desain Dan Budaya*, 6(1). <https://doi.org/10.36982/jsdb.v6i1.1830>

technology. technology and funds, so the state must provide legal protection as a form of appreciation for the work produced.<sup>2</sup>

However, the distribution of pirated films through illegal streaming sites such as Telegram, iDFlix, IndoXXI, and LK21 undermines this protection, where creators and copyright holders are disadvantaged because only the site owners profit without permission or royalty payments, violating intellectual property rights. These platforms make it easier to access new films from cinemas or digital services, leading to a rise in resistance to cinema dominance, resulting in the loss of financial compensation for creators, producers, actors, and production teams. This can reduce both the quality and quantity of creative works and reduce investor interest in the long term. Online distribution also violates Law Number 28 of 2014 concerning Copyright and Article 32 of Law Number 11 of 2008 concerning Electronic Information and Transactions (as amended by Law Number 19 of 2016), which prohibits unauthorized access, transmission, or modification of electronic data. Meanwhile, civil lawsuits based on Chapter 99 paragraph (3) Constitution Right Creation give right to rights holders to sue infringers in Commercial Court to seize devices used to pirate, delete and withdraw counterfeit products from circulation, while the government continues to strengthen efforts in line with the development of violation methods.

Thus, this research is based on two main problem formulations, namely how the legal protection for film copyright owners in relation to the illegal distribution of films through streaming sites and how the legal responsibility for individuals who distribute the film that harms the copyright owner. The purpose of this research is to analyze the legal protection provided to film copyright owners in relation to piracy through illegal streaming platforms based on Law Number 28 Year 2014 concerning Copyright, as well as to determine the legal responsibilities of perpetrators involved in the distribution of pirated films that harm copyright owners.

## Method

Research, in its etymological sense, means seeking new information, which is then developed into a theory to enrich and expand a particular field of knowledge. In the context of legal science, there is a distinction between normative and empirical approaches.

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<sup>2</sup> Cipta, A. (2023b). Manajemen Sumber Daya manusia. *Repository Alungcipta*, 1(1). <https://doi.org/10.59000/ra.v1i1.4>

This study uses normative legal research methods<sup>3</sup> to address the issue of legal protection for film copyright holders and the responsibilities of those who distribute illegal films through illegal streaming sites. This is done by examining the law from various perspectives, such as theory, philosophy, comparison, legal structure, norm consistency, general explanations, and article-by-article analysis, formality, binding legal force, and legal language used.

The suitability of the normative method lies in its focus on analyzing legal documents as primary sources, which is highly suitable for exploring copyright regulatory issues without the need for empirical field data. Meanwhile, the reliability of the findings is ensured through cross-verification with binding primary norms, and validity is achieved through critical interpretation consistent with national legal principles.

Strategy problem-solving approach Which used is legislative approach (statute approach), namely critical review A thorough and in-depth analysis of all relevant regulations, including the identification of existing legal principles, principles, and doctrines, is essential. This approach allows researchers to understand how these regulations were formulated, their application, and their consistency with the broader legal system, providing a strong normative basis for analyzing the effectiveness of copyright protection.

Primary sources of law include binding legal regulations such as the Civil Code, Law Number 33 of 2009 concerning Film, and Law Number 28 of 2009 concerning 2014 about Copyright, which is runway main in assessing norms of protection and sanctions. Secondary sources consist of non-official publications, such as journals, books, and articles, that provide explanations, interpretations, and commentary on primary materials to enhance contextual understanding. Tertiary sources include supporting documents, such as legal dictionaries, encyclopedias, and indexes that provide additional guidance on primary and secondary sources, ensuring a complete analysis with comprehensive references.

The collection of legal materials is carried out through library research, namely a systematic search of legal literature, statutory documents, related court decisions, and relevant scientific sources, with procedures that can be replicated to guarantee the reliability of the normative data obtained.

The collected legal materials were analyzed using a descriptive-qualitative approach. At the descriptive stage, legal norms were

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<sup>3</sup> Soekanto, S., & Mamudji, S. (2015). Penelitian hukum normatif : suatu tinjauan singkat. In *Andalas University Repository (Andalas University)*.  
[http://katalog.pustaka.unand.ac.id//index.php?p=show\\_detail&id=61414](http://katalog.pustaka.unand.ac.id//index.php?p=show_detail&id=61414)

presented narratively based on the hierarchy of laws, then... followed with qualitative stage who evaluates effectiveness, relevance, weaknesses, and recommendations for improvement related to combating the spread of pirated films through illegal streaming sites. The analytical techniques used include grammatical interpretation (the literal meaning of the article), systematic (consistency with other laws), and teleological (the legal purpose of copyright protection). Thus, readers can assess the validity of the findings through the transparency of the analytical procedure, which is logical and based on normative evidence.<sup>4</sup>

## Results And Discussion

Copyright gives the creator or rights holder exclusive power to use, distribute, and gain financial benefit from a film work through moral rights that recognize the creator and economic rights that guarantee compensation. finance. The screening of films in cinemas Legally, films generate revenue from tickets, royalties, and profit sharing, expanding audiences and increasing the commercial value of other media or derivative products. This encourages sustainable creative production. However, distribution through illegal streaming platforms like IndoXXI or LK21 has resulted in a drastic decline in legal revenue, as free access encourages viewers to violate economic rights and damages the film industry ecosystem, with annual losses totaling billions of rupiah. as analyzed in studies on digital piracy.<sup>5</sup>

Normatively, the copyright holder of a film is a legal subject with intangible property rights that arise automatically based on the declarative principle from the time the film is actually realized. without registration, in accordance with Article 2 Constitution Number 28 Year 2014. Right this is equivalent with ownership rights that provide exclusive power to control and prohibit unauthorized use as subjective rights protected by civil law. In the context of cinematography, the producer as the organizer and financier is the primary rights holder based on Article 40 paragraph 1 letter m, where the transfer of rights is carried out through a contract that reflects the principle of freedom of contract in the Civil Code. This finding is reinforced by theory Philip M. Hadjon about intellectual property rights that strengthen the

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<sup>4</sup> Ariyanti, V. (2019). KEBIJAKAN PENEGAKAN HUKUM DALAM SISTEM PERADILAN PIDANA INDONESIA. *Jurnal Yuridis*, 6(2), 33. <https://doi.org/10.35586/jyur.v6i2.789>

<sup>5</sup> Rifauddin, M., & Halida, A. N. (2018). Waspada Cybercrime dan Informasi Hoax pada Media Sosial Facebook. *Khizanah al-Hikmah Jurnal Ilmu Perpustakaan Informasi Dan Kearsipan*, 6(2), 98. <https://doi.org/10.24252/kah.v6i2a2>

position of the rights holder to file a civil lawsuit effective for violations.<sup>6</sup>

Films, as cinematographic works, are protected by Article 40 of Law Number 28 of 2014 as legal objects of human creativity with high commercial value. Copyright theory distinguishes between economic rights for reproduction, publication, and distribution and moral rights, which are permanent and non-transferable. However, in the digital era, films are vulnerable to piracy due to cheap replication. Illegal streaming eliminates potential royalties and harms the national economy. In civil law, compensation is possible through Article 99 paragraph 3, which affirms that films are protected assets for the sake of a sustainable industry.

The main findings indicate that duplication of digital files, public announcement, and wide distribution without permission are the three core violations regulated in Article 9 paragraph 1. Law No. 28 of 2014, which is classified as digital piracy with enormous losses. This fulfills the elements of an unlawful act in Article 1365 of the Civil Code because it violates absolute rights and the principle of justice, where the profits obtained by the perpetrator contradict the losses suffered by the rights holder. Court case studies have recognized this cumulative impact.

Preventive legal protection can prevent violations through information technology monitoring, as stipulated in Article 56 of Law Number 28 of 2014, including website blocking by the Ministry of Communication and Information Technology. This aligns with Hadjon's theory of the preventive nature of restricting access before significant harm occurs. Public education is also crucial to improving a low legal culture, and content monitoring through collaboration between the government and platforms has shown partial effectiveness, but still requires strengthening in the digital age.<sup>7</sup>

Post-violation repressive legal efforts aim to restore rights through civil action in Article 99 paragraph 3 of Law Number 28 of 2014 which includes compensation loss, termination distribution, confiscation of facilities, and deletion content in Court Commerce as a restorative mechanism that restores the original state with an indirect deterrent effect through precedent. Literature supports the assumption

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<sup>6</sup> Anam, M. C., & Hafiz, M. (2015). Surat Edaran Kapolri Tentang Penanganan Ujaran Kebencian (Hate Speech) dalam Kerangka Hak Asasi Manusia. *Jurnal Keamanan Nasional*, 1(3). <https://doi.org/10.31599/jkn.v1i3.30>

<sup>7</sup> Mychelida, E., Soekarni, M., Nugroho, A. E., Rifai, B., Buhaerah, P., Pranata, N., Zulhamdani, M., Novandra, R., & Yuliana, R. R. R. D. (2023). Strategi pengembangan daya saing ekonomi Digital: Penguatan inovasi industri manufaktur berbasis teknologi digital. In *Penerbit BRIN eBooks*. <https://doi.org/10.55981/brin.576>

that action repressive in civil law more effective than criminal sanctions to address economic losses, thus supporting the sustainability of the industry.

Spread illegal violate exclusive rights which is regulated in Constitution Number 28 In 2014, this resulted in economic losses for rights holders and the industry, while also reducing public understanding of the law. Therefore, both civil and criminal liability, coupled with educational efforts, are necessary. Findings from the multi-actor classification indicate that site administrators knowingly exploited the site through ad monetization, uploaders who initially duplicated the site, server providers, or Hosts who are negligent if they are aware of the existence of illegal content, and link distributors who assist in distribution, can all be made subjects of civil law under Article 1365 of the Civil Code in accordance with the doctrine of contribution to the offense.

Liability in the civil sector focuses on intellectual property rights, with claims for compensation based on Article 99 paragraph 3 which are compensatory in nature through the Commercial Court for loss Which current or potential. Matter This including action oppose law According to Article 1365 of the Civil Code, the elements of action, fault, loss, and causality are met. Confiscation or deletion of content can stop ongoing losses, while termination distribution and prohibition which is preventive and repressive can have a broad deterrent effect. <sup>8</sup>Thus, the literature shows that compensation serves to protect the film industry's economy.

Normative analysis reveals the existence of dual preventive and repressive protection through Law Number 28 of 2014 and the Civil Code, with comprehensive multi-actor responsibilities. However, the challenges of the digital era require strengthening regulations And improvement awareness Which support policy national for the sake of sustainability industry film industry.

## Conclusion

Based on the analysis discussed previously, this study concludes that legal protection for film copyright holders from distribution through illegal streaming platforms is regulated by Law Number 28 of 2014, which provides protection for cinematographic works through moral and economic rights. Violations that occur, such as unauthorized duplication and distribution, are addressed through preventive

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<sup>8</sup> Anam, M. C., & Hafiz, M. (2015). Surat Edaran Kapolri Tentang Penanganan Ujaran Kebencian (Hate Speech) dalam Kerangka Hak Asasi Manusia. *Jurnal Keamanan Nasional*, 1(3). <https://doi.org/10.31599/jkn.v1i3.30>

measures such as blocking sites, public education, and repressive measures including lawsuits for damages, stopping distribution, confiscating facilities, and deleting content through the Commercial Court to ensure legal certainty, justice, and economic sustainability in the film industry. In addition, the legal responsibility of the perpetrator also includes civil liability in accordance with Article 1365 of the Civil Code for unlawful acts that fulfill the elements of action, fault, loss, and causal relationship, not only for the uploader but also for the site manager, server provider, and link distributor who contributed, thus resulting in comprehensive rights recovery without repeating the previous discussion.

## References

- Anam, M. C., & Hafiz, M. (2015). Surat Edaran Kapolri Tentang Penanganan Ujaran Kebencian (Hate Speech) dalam Kerangka Hak Asasi Manusia. *Jurnal Keamanan Nasional*, 1(3). <https://doi.org/10.31599/jkn.v1i3.30>
- Ariyanti, V. (2019). KEBIJAKAN PENEGAKAN HUKUM DALAM SISTEM PERADILAN PIDANA INDONESIA. *Jurnal Yuridis*, 6(2), 33. <https://doi.org/10.35586/jjur.v6i2.789>
- Cipta, A. (2023). Manajemen Sumber Daya manusia. *Repository Alungcipta*, 1(1). <https://doi.org/10.59000/ra.v1i1.4>
- Mychelisda, E., Soekarni, M., Nugroho, A. E., Rifai, B., Buhaerah, P., Pranata, N., Zulhamdani, M., Novandra, R., & Yuliana, R. R. R. D. (2023). Strategi pengembangan daya saing ekonomi Digital: Penguatan inovasi industri manufaktur berbasis teknologi digital. In Penerbit BRIN eBooks. <https://doi.org/10.55981/brin.576>
- Rifauddin, M., & Halida, A. N. (2018). Waspada Cybercrime dan Informasi Hoax pada Media Sosial Facebook. *Khizanah al-Hikmah Jurnal Ilmu Perpustakaan Informasi Dan Kearsipan*, 6(2), 98. <https://doi.org/10.24252/kah.v6i2a2>
- Sitompul, A. L., Patriansyah, M., & Pangestu, R. (2021). ANALISIS POSTER VIDEO KLIP LATHI: KAJIAN SEMIOTIKA FERDINAND DE SAUSSURE. *Besaung Jurnal Seni Desain Dan Budaya*, 6(1). <https://doi.org/10.36982/jsdb.v6i1.1830>
- Soekanto, S., & Mamudji, S. (2015). Penelitian hukum normatif : suatu tinjauan singkat. In *Andalas University Repository (Andalas University)*. [http://katalog.pustaka.unand.ac.id//index.php?p=show\\_detail&id=61414](http://katalog.pustaka.unand.ac.id//index.php?p=show_detail&id=61414)