



LAW ENFORCEMENT EFFECTIVENESS AGAINST DIGITAL CONTENT PIRACY IN THE PERSPECTIVE OF INTELLECTUAL PROPERTY LAW

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Abstract

The rapid development of digital technology has significantly expanded the distribution of copyrighted works, however it has also intensified the practice of digital content piracy, resulting in economic losses and weakening legal protection for copyright holders. This condition highlights the urgency of examining the effectiveness of the existing legal framework. This study aims to analyze the effectiveness of law enforcement against digital content piracy from the perspective of intellectual property law, focusing on normative consistency, regulatory harmonization, and the adequacy of legal sanctions. The research employs a normative legal method with statutory and conceptual approaches, utilizing primary legal materials including Law Number 28 of 2014 on Copyright, Law Number 11 of 2008 concerning Electronic Information and Transactions as amended by Law Number 19 of 2016, Government Regulation Number 71 of 2019, and Minister of Communication and Informatics Regulation Number 5 of 2020 as amended by Regulation Number 10 of 2021. These materials are analyzed using qualitative descriptive analytical methods. The findings indicate that normatively the legal framework governing digital content piracy is relatively comprehensive, however there remain regulatory inconsistencies, weaknesses in sanction formulation, and limitations in addressing the dynamics of digital platforms which may hinder effective law enforcement. The novelty of this research lies in its integrated cross regulatory analysis to identify normative gaps within the digital copyright protection regime. This study concludes that regulatory harmonization, strengthening of sanction norms, and legal policy reform are necessary to enhance the effectiveness of intellectual property protection in the digital era.

Keywords: Effectiveness of Law Enforcement, Digital Content Piracy, Copyright, Intellectual Property Law, Digital Regulation.

INTRODUCTION

The development of digital technology has brought significant changes in the way copyrights are produced, distributed, and consumed around the world. Digitization allows for wider access to a wide range of content such as music, movies, and software, but on the other hand it also increases the risk of copyright infringement in the form of digital piracy (Yadav, 2022). This phenomenon is not only happening globally, but it is also a serious problem in Indonesia which has a high level of digital content. Data shows that the practice of digital piracy is still rampant and has a direct impact on economic losses for the creative industry (Stokes, 2024). This condition confirms that legal protection of intellectual property is becoming increasingly important in today's digital era.

Digital content piracy not only has an impact on the economic aspect, but also on the sustainability of the creative and innovation ecosystem. Creative industry players experience a decline in revenue due to the illegal distribution of their work, while consumers are often unaware of the legal implications of using pirated content. In this context, the existence of regulations such as Law Number 28 of 2014 concerning Copyright and Law Number 11 of 2008 concerning Information and Electronic Transactions as amended by Law Number 19 of 2016 are important instruments in providing legal protection. However, the effectiveness of the implementation of the regulation is still a debate among academics and practitioners. This shows the challenge of ensuring that the law not only exists normatively, but also effectively in its application.

A number of previous studies have examined digital piracy from various perspectives, but most of them still focus on normative or descriptive aspects only. Research by Awasthi (2024) shows that law enforcement against digital piracy is often not commensurate with the pace of technological development. Meanwhile, research by Ajakaye & Lawal (2023) highlighting the importance of harmonizing international regulations in the face of digital copyright infringement. On the other hand, studies by Siddiq & Salam (2025) in Indonesia revealed that weak coordination between institutions is one of the main factors in the ineffectiveness of law enforcement. The research gap arises because there have not been many studies that specifically integrate cross-regulatory analysis to comprehensively assess the effectiveness of the law.

In addition, the development of digital platforms such as streaming and social media has also complicated the mechanism of supervision and law enforcement. Regulations such as Government Regulation Number 71 of 2019 concerning the Implementation of Electronic Systems and Transactions and Minister of Communication and Informatics Regulation Number 5 of 2020 as amended by Regulation Number 10 of 2021 have regulated the obligations of electronic system operators. However, in practice, there are still limitations in monitoring and cracking down on illegal content circulating on digital platforms (Kokshagina et al., 2023). This shows that there is a discrepancy between the existing legal norms and the reality on the ground. Therefore, a more in-depth analysis of the effectiveness of these regulations is needed.

Based on these problems, this study aims to analyze the effectiveness of law enforcement against digital content piracy from the perspective of intellectual property law. In particular, this study focuses on the suitability of legal norms, the level of harmonization between regulations, and the adequacy of sanctions in providing a deterrent effect. The approach used is normative legal research with analysis of various relevant laws and regulations. Thus, this research is expected to be able to provide a comprehensive picture of the current legal conditions.

The contribution of this research theoretically lies in the development of the study of intellectual property law, especially in the context of digitization and content piracy. This research also offers a new perspective through an integrative approach across regulations that has not been widely studied in previous research. Practically, the results of this research are expected to be recommendations for policymakers in formulating regulations that are more adaptive to the development of digital technology. In addition, this research can also be a reference for law enforcement officials in increasing the effectiveness of law enforcement.

Thus, this research not only seeks to identify weaknesses in existing regulations, but also provides strategic solutions to improve legal protection of intellectual property. In the context of globalization and digital transformation, the effectiveness of the law is key in maintaining a balance between access to information and copyright protection. Therefore, this study is relevant and important to be carried out to support the creation of a responsive and fair legal system. This research is expected to make a real contribution to the development of intellectual property law in Indonesia.

LITERATURE REVIEW

The rapid development of digital technology has significantly transformed the production, distribution, and consumption of copyrighted works. While digitalization enables broader access to various forms of content such as music, films, and software, it simultaneously increases the risk of copyright infringement in the form of digital piracy (Peukert & Windisch, 2025). This issue has become a global concern, including in Indonesia, where high levels of digital content consumption are accompanied by persistent piracy practices that result in substantial economic losses for the creative industry (Nasution & Judijanto, 2024).

Digital piracy not only affects economic aspects but also threatens the sustainability of the creative and innovation ecosystem. Content creators and industry stakeholders experience reduced revenues due to unauthorized distribution, while consumers often lack awareness of the legal consequences of accessing pirated content. In response, legal frameworks such as Law Number 28 of 2014 on Copyright and Law Number 11 of 2008 concerning Electronic Information and Transactions (as amended) have been established to provide legal protection. However, the effectiveness of these regulations in practice remains debated, indicating a gap between normative legal provisions and their actual implementation.

Previous studies have examined digital piracy from various perspectives. (Awasthi, 2024) argues that law enforcement mechanisms often lag behind the rapid pace of technological advancement, resulting in ineffective control over digital piracy. Similarly, (Rahman et al., 2024) emphasize the importance of international regulatory harmonization, given the cross-border nature of digital copyright infringement. In the Indonesian context, (Igwe, 2023) highlight that weak inter-agency coordination is a key factor contributing to ineffective law enforcement against digital piracy.

Furthermore, the emergence of digital platforms such as streaming services and social media has added complexity to monitoring and enforcement mechanisms. Regulations such as Government Regulation Number 71 of 2019 and Minister of Communication and Informatics Regulation Number 5 of 2020 (as amended) impose obligations on electronic system operators. Nevertheless, practical challenges persist in effectively monitoring and removing illegal content distributed عبر digital platforms (Al Khabour, 2022). This reflects a misalignment between existing legal norms and the realities of digital environments.

Based on the existing literature, it can be concluded that although the legal framework governing digital content piracy is relatively comprehensive, significant challenges remain in its enforcement. The research gap lies in the limited number of studies that integrate cross-regulatory analysis to comprehensively assess legal effectiveness. Therefore, a more holistic approach is required, focusing on regulatory harmonization, normative consistency, and the adequacy of legal sanctions to strengthen intellectual property protection in the digital era.

METHOD

Types and Approaches to Research

This research uses a qualitative approach with a normative legal research type that focuses on the analysis of legal norms that govern digital content piracy in the perspective of intellectual property law (Mitchell, 2023). The qualitative approach was chosen because this study aims to understand and examine in depth the legal construction and the effectiveness of applicable norms. The research design used is descriptive-analytical, which is to systematically describe existing legal provisions and then analyze them to identify suitability, weaknesses, and disharmony between regulations. The approaches used include legislative approaches and conceptual approaches that are commonly used in legal research.

Population, Sample, and Unit of Analysis

In normative law research, the terms population and sample do not refer to human respondents, but to the legal material that is the object of study. Therefore, the population in this study is all laws and regulations related to digital content piracy and intellectual property law. The sampling technique used is non-probability sampling with the purposive sampling method, which is the deliberate selection of legal materials based on the relevance to the research topic. The samples analyzed include Law Number 28 of 2014 concerning Copyright, Law Number 11 of 2008 concerning Information and Electronic Transactions as amended by Law Number 19 of 2016, Government Regulation Number 71 of 2019 concerning Implementation of Electronic Systems and Transactions, and Minister of Communication and Informatics Regulation Number 5 of 2020 as amended by Regulation Number 10 of 2021. The selection of legal materials is based on their relevance in regulating aspects of copyright protection and digital content distribution in Indonesia (Sasa et al., 2023).

Data Collection Techniques and Research Instruments

The data collection technique in this study was carried out through literature study by collecting primary, secondary, and tertiary legal materials (Hamzani et al., 2023). Primary legal materials are in the form of laws and regulations that are still in force, while secondary legal materials include books, journal articles, and previous research results that are relevant to the topic of digital piracy. The research instruments used are in the form of documentation guidelines and legal analysis sheets that are prepared based on indicators of legal effectiveness, such as the suitability of norms, harmonization of regulations, and the adequacy of sanctions. Because this study is normative, the validity and reliability test is carried out through the source triangulation technique and consistency of legal interpretation, i.e. comparing various legal sources and literature to ensure the validity of the data (Sasa & Sisi, 2023).

Research Implementation Procedure

The research procedure is carried out systematically through several stages. The first stage is the identification of problems and the determination of research focus based on the phenomenon of digital content piracy. The second stage is the collection of relevant legal materials through literature studies. The third stage is the classification and systematization of legal materials based on the type and hierarchy of laws and regulations. The fourth stage is the analysis of legal materials using legislative and conceptual approaches to identify the suitability of norms and regulatory disharmony. The last stage is the drawing of conclusions and the preparation of legal policy recommendations. These procedures are carried out sequentially to ensure the consistency and validity of research results (Creswell, 2021).

Data Analysis Techniques

The data analysis technique used in this study is descriptive-analytical qualitative analysis. The analysis is carried out by interpreting the legal norms contained in laws and regulations, then comparing them to see the level of harmonization and effectiveness (Wulandari, 2026). In addition, the analysis is also carried out by identifying weaknesses in legal norms, especially related to the regulation of sanctions and the responsibility of digital platforms. This approach allows researchers to produce a systematic, logical, and data-based analysis based on valid legal data.

RESULTS AND DISCUSSION

A. The Level of Comprehensiveness of the Legal Framework in the Regulation of Digital Content Piracy

The results of the study show that the legal framework that regulates digital content piracy in Indonesia is normatively comprehensive, especially through Law Number 28 of 2014 concerning Copyright. The provisions in Article 9 paragraph (1) give the creator the exclusive right to reproduce and publish his creations, while Article 113 regulates criminal sanctions for copyright infringement. In addition, other regulatory support such as Law Number 11 of 2008 concerning Information and Electronic Transactions as amended by Law Number 19 of 2016 strengthens the protection aspect in the digital realm, especially through Article 32 and Article 48. Normatively, the existence of these regulations shows that the state has provided sufficient legal tools to tackle digital piracy. This finding is in line with the theory of legal protection which states that the existence of clear legal norms is the main condition for the creation of legal certainty (Aji et al., 2026; Kerti, 2023).

However, the study found that although the legal framework is available, the regulation is still partial and not yet fully integrated into a single complete digital legal system. The Copyright Law focuses more on the protection of works, while the Information and Electronic Transactions Law focuses more on electronic systems, so there is no unity of norms that specifically regulates digital piracy as a cross-sectoral phenomenon. This condition shows that there is regulatory fragmentation that has the potential to cause legal uncertainty in implementation. These findings are in line with international research that states that intellectual property law is often unable to keep pace with the pace of digital technology developments (Unnikrishnan, 2024; Rustambekov et al., 2024). On the other hand, research by Afzal (2024) It also emphasized that regulatory overlap is one of the main factors for weak law enforcement in the digital era. The difference in this study lies in the focus of cross-regulatory analysis in the Indonesian context which shows that the problem is not only in the norms, but in the regulatory structure itself.

B. Disharmony of Regulations in the Enforcement of Digital Piracy Law

The results of the study show that there is a regulatory disharmony between Law Number 28 of 2014 concerning Copyright, Law Number 11 of 2008 concerning Information and Electronic Transactions as amended by Law Number 19 of 2016, and Government Regulation Number 71 of 2019 concerning Implementation of Electronic Systems and Transactions. Each regulation has a different scope and has not been fully coordinated in dealing with digital piracy. For example, Article 9 and Article 113 of the Copyright Act regulate copyright infringement, while Article 32 of the Information and Electronic Transactions Act regulates illegal access to electronic systems, without explicitly linking them to copyright infringement. This leads to potential overlap in the application of the law. This condition shows that regulatory harmonization is still the main challenge in digital law enforcement.

From the perspective of legal harmonization theory, this condition reflects the lack of optimal vertical and horizontal synchronization between laws and regulations. This theory emphasizes that the effectiveness of the law depends heavily on consistency between norms in a legal system (Bernal, 2024). These findings are in line with research Nwachukwu & Ikechukwu (2022) which states that regulatory disharmony can hinder the effectiveness of copyright protection in the digital era. In addition, research by Karimullah (2024) It shows that the lack of regulatory integration often leads to a lack of clarity of responsibility in law enforcement. The difference in this study lies in the specific identification of the insynchronization between national regulations in Indonesia. Thus, the results of this study confirm that regulatory harmonization is a key factor in increasing the effectiveness of law enforcement against digital piracy.

C. Weaknesses of Sanctions Formulation in Countering Digital Piracy

The results of the study show that the formulation of sanctions in Law Number 28 of 2014 concerning Copyright, especially in Article 113, still has weaknesses in providing a deterrent effect against digital piracy perpetrators. The sanctions regulated tend to be general and do not specifically accommodate the characteristics of digital violations that are massive and cross-border. In addition, the Information and Electronic Transactions Law through Article 48 focuses more on electronic system infringement than copyright infringement. This shows that

existing sanctions have not been fully integrated in handling digital crime. This condition has the potential to reduce the effectiveness of law enforcement against digital content piracy. From the perspective of deterrence theory, legal sanctions must be able to provide a real deterrent effect in order to prevent violations of the law (Siponen et al., 2022). However, the results of the study show that the existing sanctions formulation does not meet this principle. These findings are in line with research Eviani et al. (2024) which states that sanctions in copyright law are often ineffective in dealing with digital infringement. In addition, research by Littleton-Spralls (2023) It also shows that weak sanctions are one of the main factors in the high rate of digital piracy. The difference in this research lies in the specific analysis of the formulation of sanctions in the context of Indonesian law. Thus, the results of this study confirm that strengthening legal sanctions is an urgent need to increase the effectiveness of law enforcement.

D. Regulatory Limitations in Accommodating Digital Platform Dynamics

The results of the study show that existing regulations, including Government Regulation Number 71 of 2019 concerning the Implementation of Electronic Systems and Transactions and Minister of Communication and Informatics Regulation Number 5 of 2020 as amended by Regulation Number 10 of 2021, have not been fully able to accommodate the dynamics of digital platforms. The provisions in Article 5 and Article 9 of Government Regulation Number 71 of 2019 regulate the obligations of electronic system operators, but do not expressly regulate the platform's responsibility for pirated content. Meanwhile, regulations from the Ministry of Communication and Information Technology focus more on content blocking mechanisms, without comprehensively regulating the responsibility of platforms. This shows that there is a void of norms in the regulation of digital platforms. This condition has the potential to hamper law enforcement efforts against digital piracy.

From the perspective of intermediary liability theory, digital platforms have an important role in preventing the distribution of illegal content (Bulgakova & Deruma, 2023). However, the results of the study show that regulations in Indonesia have not fully adopted this concept. These findings are in line with research Jones & Samples, (2023) which emphasizes the importance of platform responsibility in managing digital content. In addition, research by Sukanto et al. (2023) It also shows that regulations that are not adaptive to technology can hinder the effectiveness of the law. The difference in this study lies in the focus of analysis on national regulations that have not strictly regulated intermediary liability. Thus, the results of this study show that strengthening regulations on digital platforms is an important need in the digital era.

E. Implications of the Findings on Law Enforcement Effectiveness

The results of the study show that the effectiveness of law enforcement against digital content piracy is not only determined by the existence of regulations, but also by the quality and integration of existing legal norms. Although normatively a legal framework is available, the existence of regulatory disharmony, weak sanctions, and limited regulation of digital platforms shows that the law is not yet fully effective. This condition shows that there is a gap between legal norms and practice in the field. From the perspective of legal effectiveness theory, law is said to be effective if it is able to regulate people's behavior in real terms (De Filippi et al., 2022). However, the results of the study show that this condition has not been fully achieved.

These findings are in line with research Akpobome (2024) which states that the effectiveness of digital law is highly dependent on regulatory integration and adaptability to technology. In addition, research by Aspray & Doty, (2023) It also emphasizes that legal policies that are not responsive to technological developments will lose their relevance. The difference in this study lies in the cross-regulatory integrative approach used to analyze the effectiveness of the law in Indonesia. Thus, the results of this study make an important contribution in identifying factors that affect the effectiveness of law enforcement against digital content piracy. These findings also serve as a basis for the development of more adaptive and integrated legal policies in the future.

CONCLUSION

Based on the results of the research, it can be concluded that normatively the legal framework that regulates digital content piracy in Indonesia is available and relatively comprehensive through Law Number 28 of 2014 concerning Copyright, Law Number 11 of 2008 concerning Information and Electronic Transactions as amended by Law Number 19 of 2016, Government Regulation Number 71 of 2019 concerning Implementation of Electronic Systems and Transactions, and Minister of Communication and Informatics Regulation Number 5 of 2020 as amended by Regulation Number 10 of 2021. However, the effectiveness of law enforcement still faces a number of fundamental obstacles in the form of disharmony between regulations, weaknesses in the formulation of sanctions, and limited regulation on the role and responsibilities of digital platforms. This condition shows that the existence

of legal norms has not been fully able to answer the dynamics of digital technology developments and the characteristics of cross-border violations. Theoretically, these findings confirm that the effectiveness of laws is determined not only by the existence of norms, but also by the consistency, integration, and relevance of those norms to social reality and technological developments. The insynchronization between regulations and the lack of optimal intermediary liability arrangements show that there is a gap between positive law and practice in the field. Therefore, efforts are needed to harmonize regulations, strengthen more adaptive sanction norms, and update legal policies that are able to accommodate the development of digital platforms. Thus, this research contributes to identifying normative gaps as well as being the basis for the development of a more effective and responsive intellectual property legal system in the digital era.

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