

Reconstructing Law Enforcement Against Digital Content Piracy on Streaming Platforms in Indonesia: An Effectiveness Analysis from a Copyright Perspective

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ABSTRACT

Digital content piracy on streaming platforms is one of the major challenges in copyright protection in the era of information technology. This phenomenon has grown along with technological advancement and easy internet access, which are exploited by perpetrators to distribute content illegally without the consent of copyright holders. This research aims to analyze the effectiveness of legal enforcement against digital content piracy in Indonesia, based on Law No. 28 of 2014 on Copyright and other related regulations. The research uses a normative juridical method with a statutory approach and case study analysis, including cases such as IndoXXI and pirated film channels on Telegram. The findings reveal that although the legal framework is normatively sufficient, its implementation remains weak due to the lack of criminal enforcement, limited institutional capacity, and low public legal awareness. Based on Lawrence M. Friedman's legal system theory and Soerjono Soekanto's theory of legal effectiveness, it is concluded that the imbalance between legal structure, legal substance, and legal culture is the main cause of ineffective law enforcement against digital piracy. Therefore, regulatory reform, institutional capacity building, and public education campaigns are urgently needed to ensure more effective copyright protection in the digital space.



Introduction

The rapid development of information technology has brought significant changes in the way people access, distribute, and consume copyrighted works through online media (Ginting, 2019). This digital transformation has given birth to various streaming platforms that provide content such as movies, music, and television series quickly, easily, and affordably. Wider access to digital content encourages increased public consumption of creative products, while opening up new opportunities for the creative industry to develop (Ananda & N, 2023). These advances not only have a positive impact, but also present serious challenges in the protection of Intellectual Property Rights (IPR), especially copyright. The high accessibility of digital content makes it easier for piracy to occur, namely the illegal duplication, distribution, and dissemination of works through streaming sites and applications that do not have an official license (Sudjiarto, 2022). This phenomenon not only harms creators and rights holders, but also has an impact on the state in the form of loss of potential income and weakens the legal order and morals of society in appreciating intellectual works.

In Indonesia, the practice of digital content piracy has developed massively and repeatedly with increasingly complex patterns. Various illegal sites such as IndoXXI, LK21, and Rebahin are real

examples of how the distribution of unlicensed content can take place widely and is easily accessible to the public (Darnia et al., 2023; Gantina & Anggraeni, 2023). In fact, the development of communication technology is also used as a means of distributing illegal content through instant messaging-based platforms. The government through the Ministry of Communication and Information Technology has made various efforts, including blocking thousands of illegal sites as a form of administrative law enforcement (Akbari & Fithry, 2024). However, piracy practices continue with adaptive patterns, such as domain changes, the use of overseas servers, and migration to digital platforms that are more difficult to monitor. The fact that sites that have been blocked can reappear in a short period of time shows that the preventive power of the legal system has not been working optimally (Ariani et al., 2021). This condition reflects the weak deterrent effect on perpetrators and the ineffective law enforcement strategy implemented.

Normatively, Indonesia actually has an adequate legal apparatus to protect copyright, namely through Law Number 28 of 2014 concerning Copyright (Alviyan, 2023). This regulation clearly regulates the prohibition of reproduction and distribution of works without permission and provides the threat of criminal and civil sanctions for violators. Indonesia is also bound by various international treaties that require effective copyright protection as part of its global commitments (Putri & Imaniyati, 2023). However, the existence of these regulations has not been fully able to answer the challenges that arise in the field. Legal implementation still faces various obstacles, such as limited supervision, weak coordination between law enforcement agencies, and lack of human resources who have competence in the field of information technology (Ananda & N, 2023; Ginting, 2019; Harwanto, 2023; Utama et al., 2018). In addition, the low legal awareness of the public in respecting copyrighted works has also worsened the situation, so copyright infringement in the digital space is still considered commonplace.

A number of previous studies have examined copyright protection and digital piracy with an emphasis on normative aspects, such as analysis of laws and regulations, legal comparisons, and evaluation of government policies in blocking illegal sites (Ananda & N, 2023; Asthenu et al., 2023; Fajrina & Sasongko, 2022; Kusuma & Marsetio, 2023; Nathaniel, 2023). The studies also highlight the economic impact of piracy on the national creative industry, including financial losses and declining incentives for industry players (Aji et al., 2022; Al-Farouqi et al., 2020). While they make an important contribution to understanding the legal framework in force, these studies tend not to provide an in-depth empirical picture of law enforcement practices in the field. The dominant doctrinal approach leads to limitations in explaining how the law is implemented, as well as how the interaction between law enforcement officials, offenders, and the public in the digital context.

The research gap can be seen in the lack of studies that integrate normative analysis with empirical approaches to comprehensively evaluate the effectiveness of law enforcement. There has not been much research that has specifically identified the technical, institutional, and social barriers that affect the success of law enforcement against digital content piracy. In fact, understanding these factors is very important to formulate a more effective and adaptive law enforcement strategy. Without a thorough analysis of empirical conditions, the resulting policies have the potential to be not on target and less able to respond to the challenges faced in the ever-evolving digital era.

Based on these conditions, this study offers novelty by combining normative and empirical

approaches in analyzing the effectiveness of law enforcement against digital content piracy on streaming platforms in Indonesia. This research not only examines the applicable legal provisions, but also examines their implementation in practice, including the role of related institutions, law enforcement mechanisms, and obstacles faced by law enforcement officials. This approach is expected to be able to provide a more comprehensive picture of the relationship between legal norms and reality in the field, so that it can produce a more in-depth and relevant analysis.

This study aims to analyze the effectiveness of the implementation of legal provisions related to digital content piracy, identify the factors that cause the practice to continue to occur, and formulate alternative solutions to strengthen the copyright protection system in Indonesia. The results of the research are expected to make an academic contribution to the development of intellectual property law studies, as well as provide practical recommendations for policymakers and law enforcement officials in improving the effectiveness of law enforcement that is more adaptive to the development of information technology.

Method

This study employs a normative juridical method as its primary approach (Jonandi Effendi, 2018; Saebani, 2021), with a focus on analyzing legal norms governing copyright protection in the digital environment. This method is used to examine statutory regulations and underlying legal principles, while a descriptive-analytical technique is applied to systematically describe and evaluate how these norms are implemented in practice. Through this approach, the study seeks to assess the extent to which existing legal frameworks are capable of addressing the challenges posed by digital piracy.

The research is conducted through three main approaches. The statute approach is used to examine relevant legal instruments, particularly Law No. 28 of 2014 on Copyright and other regulations related to digital content and electronic transactions. The conceptual approach is applied to explore legal doctrines and theoretical frameworks, including Lawrence M. Friedman's legal system theory and Soerjono Soekanto's theory of legal effectiveness. The case approach is carried out by analyzing prominent piracy cases, such as IndoXXI and the distribution of content through Telegram platforms, in order to understand how legal norms operate in real situations.

The legal materials utilized in this study consist of primary legal materials in the form of statutes and regulations, secondary materials such as scholarly books and journal articles, and tertiary materials including reports and relevant official publications. All materials are analyzed qualitatively using a descriptive-analytical technique to identify discrepancies between normative provisions and their implementation. This method allows for a comprehensive analysis by connecting legal norms, theoretical perspectives, and practical realities in evaluating the effectiveness of law enforcement against digital piracy.

Results and Discussion

Law Enforcement Effectiveness Against Digital Content Piracy

Law enforcement against digital content piracy on streaming platforms in Indonesia normatively has a strong foundation through Law Number 28 of 2014 concerning Copyright. This

regulation gives exclusive rights to creators and regulates criminal and civil sanctions for violations. These provisions have conceptually been designed to provide comprehensive protection for copyrighted works in the digital era (Darnia et al., 2023). However, the reality on the ground shows that the existence of these legal norms has not been able to answer the complexity of piracy practices that continue to develop. This condition shows that there is a real gap between the applicable legal norms and their implementation in law enforcement practice.

The phenomenon of digital piracy in Indonesia shows a dynamic and adaptive character. Illegal sites such as IndoXXI that have been repeatedly blocked by the government are still able to reappear in new forms, either through domain changes or through migrations to other platforms such as instant messaging-based applications. This pattern indicates that the law enforcement strategies that have been used, especially in the form of blocking sites, are still reactive and temporary. These actions have not touched the root of the problem and do not provide a sustainable deterrent effect for the main perpetrators of piracy. This ineffectiveness is increasingly evident from the lack of repressive legal action against the main actors behind the illegal content distribution network.

This condition shows that law enforcement against digital piracy is not only related to the existence of regulations, but also greatly influenced by institutional capacity in implementing the law. Weak coordination between law enforcement agencies, such as between the police, relevant ministries, and digital service providers, is one of the main factors that hinder the effectiveness of law enforcement. The absence of an integrated mechanism in handling copyright infringement in the digital space causes case handling to tend to be partial and not integrated. This has an impact on the low effectiveness of enforcement efforts and the difficulty of dismantling piracy networks that are cross-regional and even cross-country.

From a theoretical perspective, this condition can be analyzed through legal systems theory that emphasizes the importance of a balance between legal structure, legal substance, and legal culture. The substance of the law in this context can be said to be quite adequate because it has clearly regulated the prohibition and sanctions against piracy. However, the legal structure that includes law enforcement officials and related institutions still shows weaknesses, both in terms of human resource capacity and technical capabilities in dealing with technology-based crime. At the same time, the legal culture of the community has also not fully supported effective law enforcement. The high public tolerance for piracy practices reflects low legal awareness and weak respect for copyright.

The analysis is in line with the view on the effectiveness of the law which emphasizes that the success of law enforcement is influenced by various factors, including the quality of law enforcement officials, the availability of facilities and infrastructure, and the level of public awareness. In the context of digital piracy, the limitations of technology owned by law enforcement officials are a significant obstacle. Piracy perpetrators generally take advantage of more advanced technologies, such as the use of overseas servers, virtual private networks (VPNs), and encryption systems on digital platforms. This technological inequality causes law enforcement officials to experience difficulties in tracking, collecting evidence, and effectively enforcing the law.

Another problem that also affects the effectiveness of law enforcement is the weak enforcement of criminal sanctions against the main perpetrators of piracy. In practice, law

enforcement is still more focused on administrative efforts such as blocking websites, rather than law enforcement targeting the intellectual actors behind piracy practices. This causes piracy to continue to recur because there are no significant legal consequences for the perpetrators. In other words, the law enforcement system has not been able to create a deterrent effect which is one of the main goals of the implementation of criminal sanctions.

The low legal awareness of the public is also an important factor that strengthens the sustainability of piracy practices. Many users still consider that accessing or downloading illegal content is not a serious offense. This perception is influenced by the ease of access, low prices or even free illegal services, and a lack of education about the importance of copyright protection. This condition shows that the problem of digital piracy is not only juridical, but also closely related to the social and cultural aspects of society.

The ineffectiveness of law enforcement against digital piracy is also influenced by the cross-border character of these crimes. Many illegal sites or platforms operate outside of Indonesian jurisdiction, making it difficult to enforce the law. The limitations of international cooperation in handling cybercrime are an obstacle in itself, especially in terms of tracking perpetrators and enforcing legal sanctions. Without a strong cooperation mechanism between countries, law enforcement efforts against digital piracy will always face limitations.

Based on this description, it can be concluded that the effectiveness of law enforcement against digital content piracy in Indonesia still faces various structural, cultural, and technological challenges. This problem does not lie in the absence of legal norms, but in the weak implementation caused by the imbalance between the legal structure, legal substance, and legal culture. Therefore, a more comprehensive and integrated approach is needed in law enforcement efforts, which not only relies on regulations, but also strengthens institutional capacity, increases public legal literacy, and develops the technological capabilities of law enforcement officials to be able to deal with the dynamics of digital crime that continues to develop.

Causes of Ineffectiveness and Reconstruction of Law Enforcement Model

Ineffectiveness in law enforcement against digital content piracy in Indonesia cannot be understood as a single-factor problem, but rather as the result of interconnected structural, cultural, and technological constraints that collectively weaken the overall system. These factors operate simultaneously and reinforce one another, creating a cycle in which legal enforcement remains reactive and unable to adapt to the rapidly evolving nature of digital piracy. The persistence of piracy practices, despite the existence of clear legal norms, demonstrates that the issue lies not only in regulatory design but also in the broader governance of enforcement mechanisms.

From a structural perspective, one of the primary causes of ineffectiveness is the lack of institutional coordination among relevant agencies. Law enforcement in copyright infringement cases involves multiple actors, including the police, the Ministry of Communication and Information Technology, the judiciary, and internet service providers. However, coordination among these institutions is often fragmented, with each entity operating within its own mandate without an integrated enforcement framework. This fragmentation leads to overlapping authority, delays in response, and inefficiencies in case handling. The absence of a centralized or specialized cyber

enforcement unit further exacerbates this issue, as digital piracy requires technical expertise and rapid response mechanisms that conventional law enforcement structures are not fully equipped to provide.

In addition to institutional fragmentation, limitations in human resources significantly affect enforcement outcomes. Many law enforcement officers still lack adequate training in digital forensics, cyber investigation techniques, and the identification of complex online piracy networks. As a result, investigations tend to focus on surface-level violations rather than targeting the main actors behind organized piracy operations. This limitation is compounded by insufficient budget allocation for cybercrime enforcement, which restricts the ability of institutions to invest in advanced technologies, training programs, and operational support. Consequently, enforcement efforts remain constrained and unable to keep pace with the sophistication of digital piracy actors.

Technological factors also play a critical role in undermining law enforcement effectiveness. Digital piracy actors often operate using advanced technological tools that enable them to evade detection and prosecution. The use of offshore servers, virtual private networks (VPNs), encrypted communication channels, and decentralized distribution systems makes it difficult for authorities to trace the origin of illegal content. Platforms such as Telegram and similar applications provide additional layers of anonymity, allowing piracy networks to distribute content quickly and securely. This technological asymmetry places law enforcement agencies at a disadvantage, as they must operate within legal and procedural constraints while confronting actors who exploit technological loopholes and jurisdictional gaps.

Cultural factors further contribute to the persistence of digital piracy. Public perception toward piracy in Indonesia remains relatively permissive, with many individuals viewing access to free digital content as acceptable or even normal. This attitude reflects a broader issue of low legal awareness and limited understanding of the economic and moral implications of copyright infringement. The normalization of piracy is reinforced by the widespread availability of illegal platforms and the lack of visible legal consequences for users. In this environment, compliance with copyright law becomes weak, and enforcement efforts face resistance not only from perpetrators but also from segments of society that do not perceive piracy as a serious offense.

The interaction between these structural, technological, and cultural factors illustrates that digital piracy is not merely a legal violation but a complex governance challenge. Existing enforcement strategies, which largely rely on reactive measures such as website blocking, are insufficient to address the root causes of the problem. Blocking measures may temporarily disrupt access to illegal content, but they do not dismantle the underlying networks or prevent the emergence of new platforms. This approach creates a repetitive cycle in which enforcement actions are continuously followed by adaptation from piracy actors, resulting in limited long-term impact.

From an analytical standpoint, the persistence of these issues confirms that the failure of law enforcement is systemic in nature. The imbalance between legal substance, structure, and culture indicates that reforms cannot rely solely on strengthening regulations. Instead, a comprehensive reconstruction of the law enforcement model is required, one that integrates legal, institutional, technological, and social dimensions into a cohesive strategy. Without such reconstruction, enforcement efforts will remain fragmented and unable to respond effectively to the dynamic nature

of digital piracy.

A reconstructed law enforcement model should begin with the strengthening of cyber-based enforcement mechanisms. This includes the establishment of specialized units equipped with advanced technological capabilities and trained personnel who can conduct digital investigations effectively. Investment in digital forensics, data analytics, and real-time monitoring systems is essential to enhance the ability of law enforcement agencies to detect and respond to piracy activities. Such measures would enable authorities to move beyond reactive approaches and adopt more proactive and preventive strategies.

Regulatory adaptation also forms a critical component of the reconstructed model. Legal frameworks must be continuously updated to keep pace with technological developments and emerging forms of digital piracy. This includes clarifying jurisdictional issues, expanding the scope of liability to include facilitators of piracy, and ensuring that enforcement mechanisms are flexible enough to address new challenges. Adaptive regulation would allow the legal system to remain relevant and effective in a rapidly changing digital environment.

International cooperation is another essential element in addressing digital piracy, given its transnational nature. Strengthening collaboration with other countries, international organizations, and global digital platforms is necessary to facilitate information sharing, joint investigations, and coordinated enforcement actions. Without such cooperation, efforts to combat piracy will remain limited by jurisdictional boundaries and enforcement gaps.

Equally important is the need to improve public legal awareness and digital literacy. Educational initiatives aimed at increasing understanding of copyright law and the negative impacts of piracy can help shift societal attitudes toward greater respect for intellectual property. Public campaigns, integration of intellectual property education into formal curricula, and collaboration with digital platforms to promote legal content consumption are key strategies in fostering a more supportive legal culture. Strengthening cultural awareness is crucial because sustainable enforcement cannot be achieved without public compliance and participation.

In conclusion, the persistence of digital piracy in Indonesia reflects a deeper structural weakness in law enforcement governance rather than merely a failure of legal compliance. Addressing this issue requires a multidimensional and integrated approach that combines institutional strengthening, technological advancement, regulatory adaptation, international cooperation, and cultural transformation. Through such a comprehensive reconstruction, law enforcement can move toward a more effective and sustainable model capable of addressing the challenges of digital piracy in the modern era.

Conclusion

The findings of this study indicate that law enforcement against digital content piracy on streaming platforms in Indonesia has not yet achieved optimal effectiveness, despite the existence of a comprehensive legal framework. The persistence of piracy practices reflects a clear gap between normative legal provisions and their implementation. This condition is primarily influenced by weaknesses in institutional coordination, limited technological capacity of law enforcement agencies, and the continued reliance on reactive enforcement strategies such as website blocking,

which have proven insufficient in creating a sustainable deterrent effect.

The study also reveals that the ineffectiveness of law enforcement is shaped by the interaction of structural, technological, and cultural factors. Structurally, fragmented coordination among institutions and limited human resources hinder effective enforcement. Technologically, the sophistication of piracy actors, including the use of encrypted platforms and offshore infrastructure, creates significant challenges for detection and prosecution. Culturally, low public awareness and permissive attitudes toward piracy further weaken compliance with copyright law. These findings confirm that digital piracy should be understood not merely as a legal violation, but as a complex governance issue requiring a multidimensional response.

Based on these findings, strengthening law enforcement requires a comprehensive and integrated approach. Efforts should focus on enhancing cyber-based enforcement capabilities, developing adaptive regulatory frameworks, expanding international cooperation, and increasing public awareness of copyright protection. Without such systemic reforms, law enforcement against digital piracy will continue to face significant limitations and remain unable to keep pace with the rapid development of digital technology.

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