

Protection of the Economic Rights of the Licensee for the Activities of Watching Together Without Permission

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ABSTRACT

Economic rights in the Copyright Law Number 28 of 2014 expressly protect the potential income from cinematographic works, including football broadcasts. The practice of illegal watching, especially commercial ones, directly violates the exclusive rights of copyright owners and broadcasting rights to economically utilize their works through performances and communication to the public. Football broadcasts as cinematographic works are protected by copyright, and commercial broadcasting without a permit violates the economic rights of the creator/copyright holder and broadcasting rights, potentially subject to criminal sanctions and/or fines. The protection of the financial rights of the broadcasting rights licensee is based on exclusive rights. The research uses a normative juridical method by examining Law Number 28 of 2014, finding that various regulations regulate the enforcement of economic rights violations. To protect the economic rights of football broadcasters from illegal piracy, strategic steps include raising public and business awareness of economic losses due to copyright infringement, firm and consistent law enforcement, providing legal piracy solutions through affordable commercial licensing schemes, and strengthening international cooperation to eradicate cross-border piracy.

INTRODUCTION

As an archipelagic country rich in artistic and cultural heritage, Indonesia has diverse creative and cultural expressions that are sources of intellectual property and must be legally protected. This protection aims to motivate community participation and creativity in creative activities while ensuring individual welfare (Grace & Diding, 2024). Intellectual property rights emerged as a consequence of humans' cognitive capacity for producing intellectual works in various fields such as science, art, literature, and technology, which require significant dedication of time, energy, and thought in the process of their creation (Susanto & Sendi, 2022). Copyright, part of intellectual property rights and protected by Law Number 28 of 2014, is a special right for creators that arises automatically after the copyrighted work is realized in concrete form. This right gives exclusive power to the creator, subject to the limitations set by laws and regulations. Copyright consists of two types of rights: economic and moral (Susanto & Sendi, 2022). In addition to protecting the rights of creators of their work, copyright laws in many countries also protect the rights of those who display or distribute the work to the general public. These rights, referred to as related rights, are granted to those who play an essential role in disseminating the work to society. Recognition of these related rights is automatic, similar to copyright, without administrative requirements (Awan et al., 2023).

Broadcasting rights are the rights granted to broadcasting institutions that create, reproduce, or broadcast their broadcast works and to grant permission or prohibit parties without their consent from doing so. Broadcasting rights fall under the category of related rights related to copyright. Related rights are exclusive rights granted to performers, phonogram producers, or broadcasting institutions for related works, with creation. Related rights are born as a consequence of the existence of copyrights, so without being preceded by copyright, related rights will not exist (DJKI, 2024).

Broadcasting rights are permission granted by the rights holder to another party to broadcast or rebroadcast an event. Recently, copyright infringement has been rampant, especially in the illegal broadcasting of football matches. This action is carried out without the permission of the broadcasting rights holder to gain a competitive advantage. This violation harms rights holders both financially and non-financially. As technology advances, the potential for greater copyright infringement issues also increases (Pramana, 2024).

One of the main challenges in enforcing the law against broadcasting rights piracy is the rapid development of technology. With rapid technological advancements, the digital era has changed how we communicate, transact, and carry out our daily activities, resulting in an increasing dependence on digital platforms. Behind the various conveniences offered, there are also concerns about how citizens' constitutional rights are protected in this development (Gunawan et al., 2025). Digital technology allows anyone to access and distribute broadcast content through various online platforms easily. Innovations in streaming technology allow individuals or groups to rebroadcast content live without

permission. This makes it difficult for law enforcement officials to monitor and take action against violations that occur almost instantly. The nature of digital piracy means that data streams can be shared across multiple platforms and services, sometimes with servers located in different countries, further complicating law enforcement efforts. This requires a high level of technical expertise and coordination between international agencies to effectively identify and shut down illegal data flows (Handiriono et al., 2024).

The rapid development of mass media and information technology has significantly impacted the entertainment industry (Grace, 2024), especially in the broadcasting of sports events. One of them is football matches, which are considered the most popular sport in the world. Currently, football is a spectacle that is very much in demand by young people, young people, even adults and the elderly, with many enthusiasts from all over the world there are copyright infringements due to technological and information developments, one of which is the event of watching football matches together without a license, the owner of the venue and event organizes the act of broadcasting and disseminating live broadcasts without any cooperation or license from the broadcasting rights holder, solely for personal gain. This act violates copyright in some aspects. First, the perpetrator illegally reproduces and rebroadcasts the show to the broader community. Second, they deliberately duplicate, trade, and distribute the broadcast illegally to the public (Pramana, 2024).

Watching together is an activity of gathering together in a location, either with family, friends, community, or the general public, to watch a football match live through a television screen or projector. This phenomenon is a forum for the community to express support with others who have similar preferences. The existence of this nobar is used by various parties, such as the government that provides it in public spaces, the football fan community, or individuals who want to enjoy the spectacle together (Dzikri, 2024). The question is how to protect the economic rights of the licensee owner for nobar activities without a permit.

METHODS

The research method used in this writing is normative juridical by examining Law Number 28 of 2014 concerning Copyright, where the issue studied is the protection of the economic rights of the license owner for viewing activities without permission which requires further discussion on the protection of the economic rights of the licensee owner for nobar activities without permission. This study uses a qualitative method to research the condition of objects where the researcher has as a key instrument, the data collection technique is carried out in a triangulation, and data analysis is inductive (Abdussamad et al., 2021). Data collection in this study uses secondary data collection techniques through literature studies, media analysis, and literature research.

DISCUSSION

Protection of the Economic Rights of License Holders for Watching Together Without Permission

The Copyright Act regulates the legal protection of copyright. Generally, laws and regulations are formed based on urgent needs, especially to prevent potential conflicts. Clear limits in regulations play an important role in creating order and legal certainty in a country.¹ This regulation comes in response to the rampant copyright infringement, including illegal commercialization practices. Legally, a work or creation is automatically protected from the moment it is created. This legal protection can be strengthened by the existence of a registration letter of the work owned by the creator or copyright holder, which serves as valid evidence in resolving potential disputes in the future.

Based on the definition of cinematographic works in Article 40 paragraph (1) letter m of the Copyright Law No. 28 of 2014, football broadcasts, as moving images that are recorded in video format and can be shown in various media, are also included in the category of cinematographic works. Therefore, football broadcasts are also protected by the Copyright Law No. 28 of 2014.²

Illegal watching activities violate Copyright Law Number 28 of 2014:

(1) Declare that the Creator or Copyright Holder has exclusive rights to economic activities related to his creation:

- a. Publishing
- b. Duplication
- c. Translation
- d. Adaptation
- e. Distribution
- f. Show
- g. Announcement
- h. Communication
- i. Rental.

(2) Any use of such economic rights by other parties must obtain permission from the Creator or Copyright Holder.

(3) Prohibit the reproduction and/or commercial use of the work without permission from the right party.

Economic rights in IPR are the right of the creator or copyright holder to obtain financial benefits from their creations. This right is closely attached to the creator and needs to be protected to prevent others from taking economic advantage without permission.

Article 113 of the Copyright Law Number 28 of 2014 regulates criminal sanctions for violations of economic rights. Violation of economic rights related to the rental of works for commercial purposes can be punished with a maximum of 1 year in prison and/or a maximum fine of IDR 100 million (paragraph 1). Violations of economic rights related to translation, adaptation, performance, and/or communication of works for commercial purposes are punishable by a maximum of 3 years in prison and/or a maximum fine of IDR 500 million (paragraph 2). Violations of economic rights related to the publication, reproduction, distribution, and/or announcement of works for commercial purposes are punishable by a maximum of 4 years in prison and/or a maximum fine of IDR 1 billion (paragraph 3). If the violation in paragraph (3) is committed in the form of piracy, the penalty can reach a maximum of 10 years in prison and/or a maximum fine of IDR 4 billion (paragraph 4).

In Article 118 paragraph (1) which is connected to Article 25 paragraph (2), Law Number 28 of 2014 concerning Copyright, parties who are proven to broadcast content illegally can be sentenced to a maximum of 4 years in prison and/or a fine of up to Rp 1 billion. This regulation also applies to violations of no-bar activities without the license owner's permission, which can harm the economic rights of broadcasting institutions. Article 25 itself explains that broadcasting institutions have the economic right to:

- a. Control rebroadcasting
- b. Broadcast communication
- c. Broadcast fixation
- d. Broadcast fixation duplication.

Because broadcasting rights piracy is global, collaboration between countries is crucial for effective cross-border law enforcement. Harmonization of legal frameworks and enforcement mechanisms at the international level is needed to deter piracy from taking advantage of jurisdictional differences. International cooperation also facilitates the exchange of information and joint law enforcement actions, which ultimately increases the effectiveness of piracy eradication efforts.

Legal protection of private property rights is an important foundation for the development of capitalism and a free market economy. Since ancient times, society has recognized the right of individuals to own goods, and the government protects these possessions. Technological developments have influenced the understanding of wealth. The modern legal system classifies wealth into three categories: private ownership rights over intangible things, ownership of

tangible things such as land and buildings, and intellectual property. All countries recognize intellectual property rights, which include product ideas such as copyrights, patents, trademarks, and trade secrets.

Copyright protection in cinematography aims to deter other parties from illegally exploiting copyrighted works for commercial purposes. This act, which damages Intellectual Property Rights, is known as copyright piracy.

Law Number 28 of 2014 concerning Copyright protects every copyrighted work that is realized, including live broadcasts of football matches as cinematographic works. Infringement often occurs in the form of organizing commercial viewing in business places such as hotels, restaurants, and cafes without permission from the owner of the copyright or broadcasting rights. Article 9 Paragraph (3) of the Copyright Law No. 28/2014 expressly prohibits the reproduction and/or commercial use of a work without permission from the creator or copyright holder.

Copyright protection of cinematographic works aims to prevent unauthorized commercial exploitation by other parties. These illegal acts damage Intellectual Property Rights and are known as copyright piracy. In Indonesia, piracy of broadcasting rights, whether consciously or unconsciously, is still a habit among the public.

Broadcasting rights are important assets that generate economic rights for broadcasters and content creators. Piracy threatens the economic stability of the broadcasting industry because it reduces viewership and advertising revenue. Therefore, legal certainty through strong copyright laws and effective law enforcement is indispensable to protect the economic interests of rights owners and create a fair and competitive broadcasting market.

Rights protection aims to secure rights or their owners, including rights transferred under contractual or licensing agreements to other parties ("Licensee") who have a special relationship with the copyright owner. Referring to Law Number 28 of 2014 concerning Copyright, licenses must be registered with the Directorate General of Intellectual Property Rights to be legally valid.³

CONCLUSION

Copyright Law No. 28 of 2014 clearly protects the economic rights of creators and copyright holders, including in football broadcasts as cinematographic works. This right gives exclusive power to derive financial benefits from commercial uses, such as rebroadcasting. Illegal watching together without a permit is a direct violation of this economic right, which can lead to criminal sanctions in the form of large fines and/or imprisonment. For broadcasters, the economic rights to broadcasting are a crucial asset, and piracy threatens the industry's revenue and sustainability. Effective law enforcement is essential to protect investments and promote healthy markets. The transfer of

economic rights through licensing provides commercial opportunities, but registration is mandatory to be legal. The protection of economic rights is in line with the principle of the protection of private property, recognizing intellectual property as a valuable asset that must be protected from illegal exploitation.

SUGGESTION

To protect economic rights related to football broadcasting and eradicate illegal broadcasting practices, several strategic measures can be implemented. First, broadcasting rights owners need to increase public awareness and business actors about the importance of respecting copyright and the potential for economic losses due to infringement. Effective socialization of the restrictions on the use of copyrighted content, including live sports broadcasts, needs to be intensified through various information channels. Second, firm and consistent law enforcement against illegal nobar perpetrators must be optimized. This includes identification, enforcement, and the imposition of sanctions in accordance with the provisions of Article 113 and Article 118 of the Copyright Law. Cooperation between rights owners, law enforcement officials, and local governments is crucial in eradicating this practice. Third, broadcasting rights owners can offer alternative solutions that are legal and affordable for the public and business actors who want to hold a formal broadcast, for example through a clear and transparent commercial licensing scheme. Thus, the potential revenue from broadcasting rights can be optimized while providing legal certainty for event organizers. Finally, given the cross-border nature of broadcasting piracy, it is important to strengthen international cooperation in terms of information exchange, mutual law enforcement, and regulatory harmonization to eradicate piracy more effectively.

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