



Copyright Infringement and Legal Effects on Providers and Users of Illegal Streaming Services in the Perspective of Criminal Law

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Abstract: The rapid development of digital technology presents new challenges in enforcing copyright law, especially against illegal streaming sites that distribute copyrighted content without permission. This study examines the legal implications for providers and users of such platforms under Law No. 28 of 2014 on Copyright. It analyzes the regulatory framework and criminal sanctions applicable to both actors using a normative juridical method with statutory and case study approaches. Findings indicate that providers may be directly sanctioned for violating creators' economic rights under Article 113(2)–(3), while users are only liable if actively involved in unlawful dissemination. Enforcement faces structural and technical barriers, including the complaint-based nature of the offense, digital evidence complexity, and cross-border jurisdiction. Academically, this research enriches digital copyright discourse and offers relevant legal interpretations. Practically, it recommends strengthening cyber law enforcement and updating legal norms to respond effectively to copyright violations in the digital era.

Keywords: Illegal Streaming, Copyright Infringement, Criminal Law Enforcement

1. Introduction

In today's digital era, the development of information and communication technology has brought significant impacts in various aspects of people's lives, including in terms of entertainment content consumption. Streaming sites have become one of the popular media for people to access various types of content, such as movies, music, and television series, easily and quickly. However, this convenience is also accompanied by the increasing use of illegal streaming sites that violate legal provisions, especially in the perspective of copyright protection.

The development of information and communication technology has had a significant impact on various aspects of life, including the distribution and consumption of copyrighted works. On the one hand, these advances have made it easier for people to access various forms of entertainment, such as movies and music. However, on the other hand, technological advances also open up loopholes for copyright infringement, especially through illegal streaming sites that present content without the permission of the right holder (Fahmidyan & Ramli, 2020).

In Indonesia, law enforcement efforts against illegal streaming sites are frequently hindered by various technical and legal obstacles. One example is the IndoXXI case, where, despite the site being blocked, it reappeared with a new domain, highlighting weaknesses in the cyber-surveillance and law enforcement system (Ferry, 2022). The phenomenon of illegal streaming sites such as IndoXXI and Ganool has become a serious concern in Indonesia. These sites provide free access to the public to watch movies that are protected by copyright, without compensating the owners of the works. This is not only economically detrimental to the creators and the movie industry but also poses legal challenges in the enforcement of intellectual property rights in the digital age (Ganisha, 2021).

Based on data from the Indonesian Film Association (2022), around 63% of Indonesians access movie content through illegal streaming sites. This not only hurts copyright

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Received: Jul 07, 2025;

Revised: Jul 22 2025;

Accepted: Jul 30, 2025;

Published : Aug 30, 2025;



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owners but also impacts the creative industry as a whole (Andi, 2021). Sites such as IndoXXI, LK21, and various other similar sites have been the main focus of copyright infringement cases in Indonesia.

One example of a real case occurred in December 2024, where the West Java Police arrested a man with the initials MG who was allegedly the admin of the illegal streaming platform "Raket TV", which illegally aired Premier League matches without permission from the official license holder. This case demonstrates the efforts to enforce the law against copyright infringement committed through digital media, as well as the importance of paying serious attention to the proliferation of illegal streaming sites in Indonesia (CNN Indonesia, 2025).

In the context of Indonesian law, copyright infringement is regulated in Law Number 28 of 2014 concerning Copyright, which provides legal protection for copyrighted works in various forms. This law provides legal protection for creators and copyright owners against all forms of unauthorized use of copyrighted works (Teguh, 2020). Article 113 of the Copyright Law even regulates criminal sanctions for copyright infringement, with imprisonment of up to 10 years and/or a maximum fine of 4 billion Rupiah.

From the perspective of criminal law, the act of using illegal streaming sites can be categorized as a criminal act of copyright infringement. This is in line with the theory of criminal law, which states that any action that harms other parties and violates positive legal rules can be subject to criminal sanctions (Arif, 2019). Therefore, an in-depth study of the application of criminal law in the context of using illegal streaming sites is needed, especially regarding the effectiveness of law enforcement and copyright protection efforts in Indonesia.

Law Number 28 of 2014 concerning Copyright has regulated the protection of copyrighted works, including films as one of the objects of protection. Article 9, paragraph (2), of the Act states that any person exercising the economic rights of a work shall obtain permission from the creator or copyright holder. However, in practice, law enforcement against copyright infringement through illegal streaming sites still faces various obstacles, both in terms of regulation and implementation.

In the context of criminal law, copyright infringement through illegal streaming sites can be subject to criminal sanctions as stipulated in Article 113 of the Copyright Law. However, the application of these criminal sanctions also faces challenges, especially in terms of proof and identification of perpetrators in cyberspace who are often anonymous and cross jurisdictional boundaries. This is where the importance of the principle of legal certainty as one of the foundations of the criminal law system, which requires law enforcement without discrimination against violations of the law that occur (Listiyono et al., 2023).

One of the main challenges in law enforcement against illegal streaming sites is the nature of complaints in copyright infringement. This means that legal proceedings can only be carried out if there is a complaint from the copyright holder. This makes it difficult to take action against violations that occur massively in cyberspace, especially when the right holder does not report the violation.

In addition, although the government has the authority to block sites that infringe copyright under Article 56 of the Copyright Law, the effectiveness of this measure is questionable. Many illegal streaming sites quickly reappear with new domains after being blocked, indicating the need for a more comprehensive approach to law enforcement (Diana et al., 2024).

Despite existing regulations, law enforcement against copyright infringement through illegal streaming sites still faces various obstacles. One of them is the difficulty of tracking and closing these sites, considering that site managers are often located outside Indonesian jurisdiction. In addition, low public legal awareness is also an inhibiting factor in law enforcement efforts (Rian, 2022).

In addition, the rapid development of technology means that the law is often left behind in providing adequate legal protection. Law needs to evolve in line with shifts in politics, science, technology, and culture so that it can be operated in an effective and

equitable manner (Raka, 2025). Therefore, criminal law must be able to adapt to the evolving dynamics of digital society in order to remain relevant and effective in tackling copyright infringement through illegal streaming sites.

Copyright infringement through illegal streaming sites is not only a problem in Indonesia but also a global problem. Many countries have taken various legal measures to combat these illegal sites, including by blocking access and imposing strict criminal sanctions on infringers (Rendra, 2020). The issue of illegal streaming sites is not just an issue of law violation but also a major challenge in building a fair and sustainable digital ecosystem. There needs to be a synergy between adaptive regulations, sophisticated monitoring technology, and high legal awareness in the community to protect copyright and support the development of creative industries in Indonesia.

Given the complexity of copyright enforcement in the digital era, particularly regarding illegal streaming activities, this research is limited to analyzing the legal framework and criminal law provisions as regulated under Law No. 28 of 2014 concerning Copyright. The study specifically focuses on the legal treatment of both providers and users of illegal streaming sites, including the application of criminal sanctions and the challenges faced in their enforcement within the Indonesian jurisdiction. By focusing on the intersection between digital copyright infringement and criminal law, this research is expected to contribute theoretically by strengthening the discourse on the adaptability of criminal law in responding to technology-based violations. Academically, it aims to provide a systematic legal analysis that could serve as a foundation for future regulatory improvements, particularly in shaping responsive and effective legal instruments to combat intellectual property crimes in the digital environment.

Although the issue of copyright infringement through illegal streaming sites has been a subject of various legal discussions, studies that specifically examine the criminal law implications for both providers and users of such services remain limited, particularly in the context of digital law enforcement in Indonesia. Previous research generally focuses only on the broader aspects of copyright protection, without thoroughly analyzing the legal position of passive users or the structural challenges in applying criminal sanctions in cyberspace.

Based on this background, this study focuses on two main issues. First, how are legal regulations regarding copyright infringement through illegal streaming activities, particularly in the context of the provisions set forth in Law No. 28 of 2014 on Copyright, enforced. Second, what are the legal consequences for both providers and users of illegal streaming services from a criminal law perspective, including the application of criminal sanctions and their implications for law enforcement in the digital realm.

2. Materials and Methods

This research adopts a normative juridical method with a primary emphasis on library research. This approach views law as a set of written norms derived from legislation and legal doctrines, analyzed through a review of relevant literature (Soerjono & Sri, 2010). In this study, library research is conducted to examine the criminal law provisions related to copyright infringement committed through the use of illegal streaming sites, with a specific focus on Law Number 28 of 2014 concerning Copyright. The legal materials utilized consist of both primary and secondary sources. Primary legal materials include statutory regulations—particularly the Copyright Law—which serve as the foundation for assessing the legality and applicable sanctions for such violations. Secondary legal materials consist of legal textbooks, scholarly journals, and other academic works relevant to the research topic, especially those addressing intellectual property law, criminal law, and law enforcement in the digital era.

3. Results and Discussion

3.1. Arrangements on Copyright Infringement Related to Illegal Streaming

Copyright as part of the intellectual property law system has an important role in protecting expressions of human creativity, both individually and collectively. In the framework of knowledge-based economic development, the existence of legal protection of copyright serves to ensure clarity and recognition of one's intellectual work. In Indonesia, the regulation of copyright is comprehensively outlined in Law Number 28 of 2014 concerning Copyright. This law stipulates that creations in the form of cinematography are included as objects of protection as stated in Article 40, paragraph (1) letter m. In addition, economic rights are granted to the copyright holder. In addition, the economic rights granted to creators include the exclusive authority to publish and reproduce their creations in any form or media, including digital media.

Copyright arrangements for the use of streaming sites in Indonesia are based on the legal framework contained in Law Number 28 of 2014 on Copyright. This law regulates copyright as an exclusive right that automatically attaches to the creator to publish and/or reproduce his/her copyright, as well as to grant permission or prohibit other parties from using the work in any form, including in digital format. Article 9 paragraph (1) states that the creator has the economic right to reproduce, translate, adapt, distribute, and rent his/her creation to the public, either directly or through information technology facilities. The use of streaming sites that display copyrighted works such as movies, music, or television series without the permission of the rights holder is a clear violation of these economic rights (Husnita, 2023).

The phenomenon of illegal streaming sites such as IndoXXI, LK21, and Raket TV is an example of new challenges in the context of copyright protection in the digital era. These sites take advantage of technological developments and internet infrastructure that allow for wide distribution of content. In practice, these sites often use anonymous doormats, offshore servers, and encryption that make identification difficult. In addition, periodic change of website address is one of the technical strategies to avoid monitoring. Unlike physical piracy, broadcasting through streaming does not always involve downloading, but it is still closely related to the right to access and display works that are protected by law. Therefore, legal regulation of this practice requires an approach tailored to the characteristics of information technology (Kusumah et al., 2025).

The criminal provisions stipulated in Article 113 to Article 120 of the Copyright Law can be detailed as follows:

- a. Article 113, regulates the types of copyright infringement and sanctions, namely:
Infringement of economic rights shall be subject to a maximum imprisonment of 4 years and/or a maximum fine of Rp1 billion, If done commercially, the threat increases to imprisonment of 10 years and/or a maximum fine of Rp4 billion Violation of moral rights is subject to imprisonment of 2 years and/or a maximum fine of Rp500 million. The court may impose additional penalties such as forfeiture of profits, revocation of business license, and cessation of activities.
- b. Article 114, states that the attempt and assistance of copyright offenses are subject to the same criminal sanctions as the main perpetrators.
- c. Article 115, states that if the offense is committed by a corporation, the person responsible is the manager or person in charge, and the fine imposed can reach twice the penalty for individual offenders.
- d. Article 116, regulates the authority to confiscate and destroy the equipment or proceeds of the offense upon court order.
- e. Article 117, explains that investigations can be carried out by police investigators and PPNS from DJKI.
- f. Article 118, emphasizes that the prosecution is conducted by the public prosecutor in accordance with the mechanism of KUHAP.
- g. Article 119, provides space for public participation in reporting copyright infringement to law enforcement officials.

h. Article 120, provides for alternative resolution of copyright disputes through litigation or non-litigation channels, such as mediation or arbitration.

In addition, efforts to eradicate copyright infringement through criminal channels are carried out within the framework of the general principles of criminal law that apply in the national legal system. This approach reflects a balance between the protection of the interests of the creator and legal certainty for the community, where the law enforcement aspect is not only repressive but also provides a fair and proportional settlement.

In the context of overcoming digital infringement, the existence of these legal instruments needs to be balanced with institutional capacity and inter-agency coordination. Efforts to increase the effectiveness of legal arrangements can include collaboration between law enforcement officials, internet service providers, and strengthening technical regulations that are able to answer the challenges of content distribution through digital media. Therefore, future regulatory approaches need to consider synergies between actors in the legal system and adaptation to rapid changes in information technology.

3.2. Legal Consequences for Illegal Streaming Providers and Users in the Perspective of Criminal Law

From a criminal law perspective, the use of illegal streaming sites constitutes a clear violation of the exclusive rights of creators protected by Law No. 28 of 2014 on Copyright. Normatively, Article 113(2) and (3) stipulate that intentional and unauthorized acts that infringe upon the economic rights of creators, including through the act of broadcasting, distributing, or reproducing works via online media such as illegal streaming sites, may result in legal consequences such as imprisonment and/or substantial fines. In this context, criminal law serves not only as a repressive tool but also as a preventive instrument in maintaining legal order in the digital realm, which has now become a new arena for crimes against intellectual property rights (Aliana et al., 2025).

From the perspective of Indonesian criminal law, illegal streaming site providers are considered legal entities that are directly liable for copyright infringement, particularly the economic rights of creators. Providers are not merely technical facilitators, but active perpetrators who knowingly publish, distribute, and commercialize copyrighted works without the permission of the rights holders (Aria Jiwa, 2024). This action clearly violates the provisions of Article 113(2) and (3) of Law No. 28 of 2014 on Copyright, which stipulates criminal penalties of up to four years' imprisonment and/or a fine of up to one billion rupiah for anyone who, without authorization and intentionally, infringes upon the economic rights of a creator. which stipulates that intentional and unauthorized infringement of the economic rights of a creator may be punished by imprisonment for a maximum of four years and/or a fine of up to one billion rupiah. In practice, if the provider derives significant profits from these illegal activities through digital advertising, illegal premium subscriptions, or covert collaborations with third parties, this may also constitute violations of anti-money laundering laws under Law No. 8 of 2010, as well as the Information and Electronic Transactions Law (ITE) if the violations are committed through electronic systems.

Illegal streaming sites can be understood as one form of copyright infringement that has emerged in the contemporary context, carried out in an organized manner and involving a wide reach, with the primary motive being economic interest (Shafa, 2021). Its distinctive feature is the use of cross-border servers and technological capabilities to avoid tracking, which places perpetrators in a legal gray area. Therefore, law enforcement against such crimes requires synergy between national criminal law and international cooperation through Mutual Legal Assistance (MLA) schemes. This shows that the enforcement paradigm for copyright infringement must transcend territorial boundaries and rely on a transnational approach.

It is important to understand that the nature of complaint offenses in copyright infringement has implications for the law enforcement process against providers, as stipulated in Article 120 of the Copyright Law. Criminal proceedings can only proceed if

there is an official report from the rights holder. This poses a serious challenge, as not all creators or rights holders are willing to file reports, whether due to high litigation costs, fear of digital retaliation, or limited access to law enforcement agencies. This situation creates a loophole for impunity for perpetrators and reduces the deterrent effect of criminal penalties that should protect the exclusive rights of creators. Meanwhile, the position of users of illegal streaming sites is far more complex.

In the context of positive law, passive users who merely watch content without downloading or distributing it do not explicitly face legal consequences. This differs from active users who download and redistribute copyrighted content, create digital copies, or even organize illegal commercial viewing parties (Harahap, 2023). Such actions can be classified as violations of economic rights as stipulated in Article 9 paragraph (1) in conjunction with Article 113 of the Copyright Law. However, loopholes in this legal regulation have sparked theoretical debates among legal experts regarding the extent to which criminal law can reach end users without violating the principles of legality and proportionality (Sekar, 2023). In modern criminal law, the principle of *ultimum remedium* requires that criminal penalties be used selectively and as a last resort, so that law enforcement against passive users tends to be avoided and is more directed toward non-criminal measures (Dimas, 2022).

In the enforcement of copyright law against copyright infringement through illegal streaming sites, Indonesia has faced a number of notable cases that highlight the importance of effectively and firmly implementing Law No. 28 of 2014 on Copyright. One recent case occurred in December 2024, when the West Java Regional Police arrested a man identified as MG, who is suspected of being the administrator of the Raket TV website. The site actively broadcasted English Premier League matches without obtaining permission from the official broadcast rights holder. This action violates Article 9(1) and Article 113(2) and (3) of the Copyright Law, as it involves distributing copyrighted content without permission and generating economic benefits through illegal advertisements and subscriptions. From a criminal law perspective, MG could face a maximum prison sentence of 10 years and/or a fine of up to Rp4 billion. Additionally, if there are funds from illegal activities that have been laundered, MG could also be charged under the Anti-Money Laundering Law (AML) and the Information and Electronic Transactions Law (IET) since the violations were committed through electronic systems.

The second relevant case is the IndoXXI case, the largest illegal streaming site that ever operated in Indonesia. Although it was officially blocked by the Ministry of Communication and Information Technology (Kominfo) in early 2020, the site continues to reappear with different domains. This underscores that administrative blocking under Article 56 of the Copyright Law is insufficiently effective without criminal action against the perpetrators (Fachri, 2025). To date, law enforcement agencies have not been able to uncover the identity of the site operator, largely because the server is located overseas and the perpetrator uses advanced digital evasion techniques. This incident highlights the urgency of international cooperation through Mutual Legal Assistance (MLA) schemes and the need to improve digital forensic capabilities in order to enforce copyright laws across jurisdictions.

Furthermore, in 2021, a young man in Cilacap was arrested by the Cyber Crime Directorate of the Indonesian National Police for managing an illegal streaming website that broadcast international football matches such as the English Premier League and the Champions League. The young man admitted to obtaining the content from abroad and rebroadcasting it without permission. He earned income from online advertisements that appeared on the website. His actions were classified as a violation of the creator's economic rights and were subject to Article 113 of the Copyright Law, as well as potentially subject to Article 27(2) in conjunction with Article 45 of the ITE Law, and Article 3 of the TPPU Law if it is proven that there were elements of money laundering from illegal profits. This case demonstrates that copyright infringement is not only committed by large networks but also by individuals who can systematically exploit digital technology for economic gain (Kompas.com, 2021).

There are crucial challenges that hinder the effectiveness of sanctions against perpetrators, both providers and active users. Perpetrators generally use identity obfuscation technologies such as Virtual Private Networks (VPNs), cross-border servers, and digital encryption to avoid detection. Law enforcement agencies in Indonesia also face limitations in their digital investigation capabilities, particularly in terms of collecting, authenticating, and proving the validity of electronic evidence in court. In addition, the absence of universal jurisdiction in cross-border copyright infringement cases means that countries cannot immediately take action against perpetrators operating outside their national jurisdiction. Therefore, international cooperation through mechanisms such as Mutual Legal Assistance (MLA) is needed so that law enforcement can be carried out effectively and across borders.

In addressing these challenges, the law enforcement approach must be multidimensional and adaptive to the digital reality. Criminal law enforcement needs to be combined with non-criminal strategies that are preventive and educational in nature, such as digital literacy campaigns, digital notices, and access blocking by the Ministry of Communication and Information Technology (Kominfo). Additionally, collaboration between law enforcement agencies, Kominfo, and Internet Service Providers (ISPs) is crucial in building a stronger copyright protection ecosystem. Updates to the digital evidence system are also needed to align with the principles of due process of law. With a comprehensive approach, the effectiveness of copyright protection can be enhanced without compromising the fundamental rights of citizens in the digital space.

The importance of law enforcement agencies with specialized expertise in understanding the nature of digital crimes is critical, as not all forms of infringement in this domain can be proven through conventional methods (Wiratama, 2022). Digital evidence, IP addresses, and server activity logs are key to criminal prosecution. Therefore, the criminal law approach in this context requires the modernization of investigation methods and the strengthening of personnel capacity in the field of law enforcement. Furthermore, a progressive legal approach becomes relevant, where law enforcement should not be confined to procedural formalities alone but must be oriented toward substantial protection of public interests and the principle of justice.

Thus, illegal streaming activities are classified as copyright infringements with complex criminal dimensions. Their handling is not sufficient through administrative blocking by the Ministry of Communication and Information Technology (Kominfo) alone, but must also be pursued through a firm and professional criminal process. Criminal law must be positioned as an effective tool in upholding substantive justice amid disruptive technological developments. In a broader context, this demonstrates that the law must be able to keep pace with the dynamics of changing times, as the law is not created for its own sake, but to serve human interests and uphold justice.

In contrast to earlier studies that predominantly examined copyright protection from civil or administrative perspectives, this research uniquely foregrounds the criminal law dimension by dissecting both provider and passive user liability under Law No. 28 of 2014. Whereas prior scholarship often glossed over the role of end-users or treated enforcement challenges superficially, our findings reveal the nuanced threshold at which passive consumption becomes prosecutable and the specific procedural hurdles—such as the complaint-based offense structure and digital-evidence authentication—that have gone underexplored.

4. Conclusions

Based on the results of the research, it can be concluded that copyright infringement through illegal streaming sites constitutes a form of crime in the field of intellectual property that threatens the exclusive rights of creators and causes significant harm to the creative industry. However, law enforcement in this area remains ineffective, marked by legal gaps in regulating user liability, weak enforcement against service providers, and structural obstacles such as the complaint-based nature of the offense, complexity in handling digital evidence, and cross-border jurisdictional issues. These indicate both

weaknesses in enforcement and opportunities for legal reform. Therefore, concrete steps are needed, including enhancing the capacity of cyber investigators, forming a specialized task force for digital copyright cases, and reforming existing laws to better accommodate technological advancements. Additionally, strengthening international cooperation and increasing public awareness regarding copyright protection should be prioritized as part of future legal development efforts. These measures are crucial to building a more responsive and effective legal system in protecting intellectual property rights in the digital era.

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