

Reviewing Criminal Law on Illegal Broadcasting of Paid Football Shows: Mola TV Case Study

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Abstract

This study aims to analyse the criminal law regulations regarding the handling of illegal broadcasting actions in paid football shows and to assess the legal status of providers of illegal broadcasting services based on criminal law provisions. The research employs a normative legal method by examining the application of positive legal norms. It consists of normative legal research that utilizes secondary data collection and analysis, as well as empirical legal research that involves obtaining and analysing primary data through interviews with relevant sources. The findings are then analysed qualitatively and systematically organized. The results of the study indicate that (1) the criminal law regulations for addressing illegal broadcasting actions in paid football shows are established in various legislative provisions, including Law No. 28 of 2014 on Copyright, Law No. 19 of 2016 on Amendments to Law No. 11 of 2008 on Information and Electronic Transactions, and the principles found in Law No. 32 of 2002 on Broadcasting. Despite these regulations, numerous violations still occur. (2) The legal status of organizers of illegal broadcasts who engage in watching/providing/distributing illegal broadcasts violates the applicable regulations. This situation arises because subscription fees charged by Mola TV, the license holder, are still considered expensive, even though the public is generally aware of the relevant legal provisions concerning activities related to watching/providing/distributing illegal broadcasts.

Keywords: criminal law, illegal broadcast, legislative provisions, mola tv, paid football shows

Introduction

Football is a sport in team game forms that have been existing for centuries and is currently the most popular sport on earth. Without cause and just like that, football's appearance as number one sport in the world comes through a story and long process. Football was developed by the oldest football parent in the world, namely the Football Association (hereinafter referred to as the FA), which was officially established in 1863 in England and had begun merely as a traditional game. After the founding of the FA in England, football developed until, in 1904, the city of Paris, France was also attended by representatives from countries in the world and officially a parent organization called the Federation International de Football Association (hereinafter referred to as FIFA) was held which until today it still oversees the development and progress of football. The founding of FIFA was initially only as the main organization that accommodated and coordinated all forms of regulations in the game of football. This means that FIFA as a world football federation is very important because FIFA is the parent of every football federation in the world, and it has the authority to give rules

related to football. This shows that there are laws that need to be obeyed and contained in the formulation of the rules in football.

This further shows that FIFA is involved in campaigns and outreach for matters concerning football, on rules of football, techniques on football games, and outside the football game itself, but which impact the growth and development of football. Developed aspects of football can be reflected through football shows. Football broadcasts first appeared in the 1936/1937 season in the opening match of the First Division Championship between Arsenal versus Everton at the Highbury stadium, but only in the form of footage of the match with a score of 3-2 for Arsenal's victory. Highlights of this match were watched by approximately 1000 spectators via the BBC channel, which was the only television station at that time. It was a year after this historic event that matches of football can be watched as they are today via live broadcast of television. The match between Arsenal and its reserves took place at Highbury stadium although at that time this match could only be watched by homes living in the vicinity of Highbury stadium (Kardi, 2016).

While cited by the Guardian on the commercial side is Rupert Murdoch, a media tycoon who filed £47 million for exclusive broadcasting rights from a match sale and purchase in 1988. Advances in time and technology allow a team promote itself not only to supporters who are in the area where they play but also to get a place in the hearts of fans that are far to the team living even though there are differences on distance and time. News overseas first came through the print media to the fans overseas, then gradually they watched the match directly on television so that with any device at any time they may follow their favorite team's progress. Everything is easy to see with just a television or a cell phone and internet quota to access it for free and without exception in Indonesia.

However, for some years now in Indonesia, live match viewing has forced fans to pay big. This is because of the fact that currently, the service is owned by the streaming industry that spends a lot of money to get broadcast rights to matches in European football competitions, more specifically the English Premier League and German League competitions. An institution in Indonesia which provides football-viewing services is Mola TV. Mola TV was granted the license and broadcasting right for football matches belonging to the Premier League and German League starting from 2019. The appointment of Mola TV as an exclusive licensee for broadcasts belonging to the Premier League and German League is not limited to live broadcasts, rebroadcasts, and other programs in audiovisual form in the form of excerpts, compilations/summaries, news, magazines, or documentaries.

Apart from being a service provider for broadcasting English Premier League and German League football matches in Indonesia, Mola TV also holds the broadcasting rights for some of the world's most famous football competitions. The Premier League, which pays great attention to the broadcasting rights side, proves that the income of the participating clubs is evenly distributed. The Premier League always sells their broadcasting rights collectively thus giving away the fact that the Premier League is the most watched League in the world. The market value in Indonesia alone for the Premier League is predicted to reach 160 trillion Rupiah through its licensee, Mola TV, within the 2019 to 2022 season. The high interest of the Indonesian people for quality football broadcasts, especially the English Premier League and the German League, can be seen from the massive number of people looking for other access to watching broadcasts of English Premier League and German League football matches apart from access from Mola TV as the official broadcast rights holder in Indonesia. This is very different from the previous situation where watching English Premier League and German League matches was included with the internet network and even included watching other programs.

Viewers in Indonesia are not yet aware of the fact that watching illegal broadcasts can lead to legal problems, especially if criminal sanctions are violated. Starting from Law Number

28 of 2014 concerning Copyright, Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions, Law Number 32 of 2002 concerning Broadcasting, Law Number 8 of 1999 concerning Consumer Protection, Law Number 1 of 1946 concerning Regulations on Criminal Law all threaten to be criminally charged. Massive illegal streaming through several circulating media can be accessed by people easily, it can even be said that it doesn't cost much apart from just buying an internet package. This once again shows that the behavior of the Indonesian people often ignores something that already has an applicable law. Indonesia is a country of laws. So that with the existence of laws and regulations in a country it is expected to be able to solve all forms of problems that exist through rules made by the State through the government and its instruments as an instrument for running the State in accordance with the legal system that exists, including the issue of broadcasting rights. That is included in intellectual property rights under the sections where every person or institution has the right to obtain the rights and obligations inherent in it, part of the provisions of the Electronic Information and Transaction Law. Generally speaking, Intellectual Property Rights come from European civilization after the dark age. At first, science was dominated by the Church where knowledge was connected with theological beliefs. After the Enlightenment century, many scientists gave birth to scientific ideas which separated theology from science and were subject to the principles of logic. It was recorded that in 1470 the scientific community in Europe questioned the major discoveries made by Galileo, Caxton, Archimedes and a series of other European scientists who discovered various expertise in the fields of physics, mathematics, biology, and others. The results of such findings had brought major changes in the development of human civilization. This is the chronicle of how Intellectual Property Rights evolved (Saidin, 2010).

Furthermore, within the scope of Intellectual Property Rights, the two major legal systems in the world, namely the European Continental legal system (civil law) and the Anglo Saxon legal system (common law), are both growing closer to each other. So that in Intellectual Property Rights it is almost invisible that there is a difference in the legal system adopted by each country that grows based on the influence of the two legal systems. However, the differences seen in the practice of law enforcement are regulated in the procedural law of each country (Saidin, 2010). Within the scope of the legal system that applies in Indonesia itself, Intellectual Property Rights law certainly cannot leave the Indonesian legal system. Because the law of Intellectual Property Rights is very closely related to civil law, commercial law and many other legal systems that are still interrelated, including information law and electronic transactions. Technological advances also affect the intellectual property rights sector, the progress of the times has brought changes to the role of telecommunications which is increasingly important because of the demands of the fast-paced and global activities of the modern world. One of the manifestations of changes and advances in information technology is the presence of internet technology. Armed with all the conveniences and advantages it has in the form of a network that can reach all corners of the world, the internet has successfully entered all sectors of human life, from the trade, health, education, advertising, to the entertainment sector without exception (Saidin, 2010).

In terms of technology, the term convergence is known, which means that the main technologies that converge are generally qualified as telecommunication or communication technology, computerization or computing, and content. This convergence raises new issues that need legal regulation, including security, privacy, protection of Intellectual Property Rights, licensing, and consumer protection. This convergence has many dimensions and culminates in trade and proceeds at varying speeds to achieve goals (Budhijanto, 2014). Convergence includes efforts to integrate telecommunication arrangements with broadcasting media. As networks have been digitized and broadband capacity has been built, telecommunication services can be provided through improved information infrastructure and via the internet.

There is a potential for integration of telecommunications network carriers and broadcast content (Budhijanto, 2014). It is this convergence that creates many problems that must be resolved by regulations and policies in many countries, including Indonesia. Meanwhile, in relation to broadcasting rights and criminal law in Indonesia, all regulations in the field of Intellectual Property Rights, Electronic Information and Transactions, and Broadcasting also contain criminal sanctions. Of course, it is enforced without referring to material criminal law provisions in determining whether or not a criminal incident occurred in cases as stipulated in the laws and regulations concerning Intellectual Property Rights.

The measure for the existence of a criminal event, must be referred to the fulfillment of two conditions, namely: subjective conditions and objective conditions. With the link between Intellectual Property Rights, Information Systems and Electronic Transactions, as well as Broadcasting with criminal law it should have a significant impact, more specifically for the owners or creators of an Intellectual Property Right to feel calm and not afraid to try and work because they have an umbrella law to protect what is his property or creation. However, all will be in vain if the government as the party that implements, supervises and enforces the rules does not work optimally with rampant cases of piracy of Intellectual Property Rights, in this case enforcing the rules for pirates and viewers of illegal streaming. According to Bagir Manan, the success of a statutory regulation depends on its application and enforcement. If law enforcement is not going well, the laws and regulations, however perfect, do not or lack meaning according to their purpose. Law enforcement is the dynamics of laws and regulations (Muthiah, 2018).

Because watching illegal broadcasts not only causes losses for companies that provide legal broadcasts or for clubs to lose their income, but from the other side it also has a negative impact on hampering the rate of investment in a country, more specifically in Indonesia. This can happen, because countries that have created and have advanced technology and resources will feel afraid and insecure about investing in Indonesia because of weak rules and enforcement of Intellectual Property Rights law. The issue of broadcasting rights often invites debate, Mola TV as the owner of the English Premier League and German League broadcasting licenses is trying to make it easier for football fans by working with Net TV to broadcast the match for free but limited to the number of matches and team categories broadcast The limited number of matches is a strategy to make football broadcasting an industry that provides interesting viewing by generating money and fans as consumers who enjoy these viewing products pay a certain amount of money. However, what often happens is choosing to watch illegal broadcasts through a number of websites or social media. This criminal threat is real, not only for viewers, but also for those who deliberately share links or who consciously record without permission from Mola TV (Idris et al, 2019). From the explanation above, the authors will be eager to conduct research with a formulation of the problem: "How does criminal law regulate illegal broadcasts of paid football broadcasts?"

Research Methods

This research is categorized as normative legal research, discussing the implementation of positive legal norms through a legal positivist approach. In conducting the research, it adopts two methods: normative legal research through secondary data analysis and empirical legal research through primary data collection by way of interviews with relevant sources. The research is conducted at the Library of Hasanuddin University and the Faculty of Law Library, with a greater emphasis on library research, supported by empirical data collection techniques in the form of interviews with stakeholders, such as Mola TV, which holds the broadcasting license for paid football broadcasts, local viewing venues, the Communication and Information Office, and the police, to monitor illegal broadcasts in Makassar.

The data type used in this paper consists of primary data, which were gained by document study and direct interview, and secondary data, which were gained from legal literature. Legal literature consists of primary legal materials in the form of laws, secondary materials in the form of books and academic journals, and tertiary sources in the form of legal dictionaries (Irwansyah, 2020). Data collection techniques include literature research to analyze legal documents and interviews to obtain valid information from respondents. Data collected would be analyzed qualitatively and organized in a systematic manner to answer the research objectives and yield a descriptive account of the legal framework that exists in relation to illegal broadcasting of paid football broadcasts and the legal status of customers involved in such illegal broadcasts.

Results and Discussions

Criminal law can be briefly defined as a set of legal regulations that contain prohibitions and orders or requirements which can be punished with legal sanctions against any perpetrator who commits the violation. Whereas based on the Broadcasting Law, the definition of broadcasting is the activity of transmitting broadcast area through broadcasting facilities and/or transmission facilities on land, at sea or in space by using a radio frequency spectrum by air, cable, and/or other media to be received simultaneously. and simultaneously by the public with broadcast receivers. However, there is not much literature that examines broadcasting law specifically, especially in Indonesia. Because actually broadcasting law is the smallest part (genre) of the study of telecommunications law. Telecommunications law itself is a special legal priority or *lex specialist* which examines and regulates matters relating to telecommunications. Telecommunications law rests on conventions, international agreements, and international policies that have been maintained since the birth of telecommunications and continue to develop to this day.

The territory of Indonesia itself, the development of the world of broadcasting has developed rapidly and almost uncontrollably, so that with the existence of regulations governing broadcasting it is hoped that they will not only become rules, but can become guidelines in shaping the awareness of the legal culture of society. Because in the midst of its development, there are often irresponsible individuals who imitate, destroy, and/or pirate works of creation to the public, without exception in the city of Makassar. It is located on the southern part of Sulawesi Island. It is the capital of the province and was previously titled "Ujung Pandang." It has an area of approximately 175.77 square kilometers and is included in the borders of Maros Regency to the north and east, Gowa Regency to the south, and Makassar Strait to the west (PemKot Makassar, n.d). The contribution is 40.23% to the economy of South Sulawesi, amounting to approximately Rp 160.21 trillion. The distributive shares of this economic output are given to different sectors: wholesale and retail trade and car and motorcycle repair contribute 20%, while manufacturing and construction industries each contribute 18% (BPS, 2021). These figures show that Makassar City plays an important role in the contribution to the total economy of South Sulawesi Province. Besides, Makassar also holds a position as the fourth biggest metropolitan city in Indonesia today.

In addition, the strategic location of Makassar City makes this city a service center and entry point for trade, education, health, industry and various other things for eastern Indonesia. With all the diversity in the metropolitan city, of course Makassar City does not only have positive things from various aspects, it also without exception has several problems ranging from congestion problems, environmental issues such as erratic weather to cause flooding, security and one of the problems that cannot be separated is economic problems. The economic problems in the city of Makassar itself are quite complex and have various models, one of the factors that influence this is due to the pressure of population flows which not only come from other cities/regencies in the South Sulawesi region to Makassar city, but also become a

destination for people in the Indonesian region. other east which every year increases. The higher the number of population growth that comes to the city of Makassar is not proportional to the number of jobs available. Providing employment opportunities is actually not only a chore for the Makassar city government but also a job for the community, it is necessary to pay attention to each individual to have educational readiness and ability. Because by getting an education and also having adequate skills so that they can encourage and improve their destiny in this era of globalization. In this era of globalization, many things that did not exist before have become available, with the presence of technology. The existence of technology changes the way people think, think, and behave. Which in its use gives a choice to the community whether in a good direction or in a bad direction. So that in the application of technology it is like holding a knife, can it be utilized in a better direction or vice versa. One part that is also influenced by technology is the world of entertainment. The world of entertainment is experiencing very rapid development nowadays because more and more of the best talents are emerging and also supported by the presence of electronic media and increasingly sophisticated technological developments so that it can fulfill the desires of program programs from its audience. What also greatly influenced the progress of the entertainment world was the emergence of the internet and cable TV. With the presence of these two things, the dimensions of distance and time are no longer a problem, because viewers in this country can also watch any entertainment shows, wherever and whenever they are in other parts of the world. Technological developments have contributed to creating a streaming platform industry, one of which is Mola TV.

As a broadcasting company that holds licenses for broadcasting rights to football matches in the English Premier League, German League and other football competitions by providing quality broadcasts and the best service in their field. Furthermore, the presence of Mola TV in the world of entertainment in the country does not only provide entertainment services but also aims to provide intelligent and educated shows by providing content that educates the audience in a new and fun way not only for adults but also for all age groups. Watching video content online is indeed a very busy trend nowadays. Because on this streaming platform users can enjoy so many videos that are not available on local TV channels. This is also again influenced by the development of the internet and the increasingly widespread use of sophisticated feature devices that increasingly indulge their users. However, in the midst of current developments, there are problems that are no less widespread, namely piracy of video content and illegal broadcasts. This is happening because there is still a lack of awareness of legal culture from the community with many people looking for, accessing and even becoming distributors and/or providers of illegal broadcasts.

Even though within the country itself, there are laws that govern broadcasting, even those interconnected with other laws and regulations, clearly stating criminal threats that will entangle them in cases of disobedience to matters contained within the law. It is this that becomes the focus of criminal law regulation in handling illegal broadcasting of paid football broadcasts in Indonesia. Mola TV has to pay royalties to the related parties for using the broadcasting license. Besides that, Mola TV is also a service provider for broadcasting other famous football competitions in the world, such as Carabao Cup, an English League Cup competition, Eredivisie (Dutch League), Portuguese Bwin League, Uefa Euro 2020 to Uefa Nations League which is an international football competition among countries in Europe. Which means that although they are paying so much money, consumers can still enjoy other broadcasts. Therefore, Mola TV as the sole licensee to broadcast matches, both direct and indirect, as well as other audio-visual productions in the form of cuttings, compilations/summaries, news, magazines or documentaries, receives automatic protection under the provision of Law Number 28 Year 2014: Article 1 paragraph (1) of Law Number 28 of 2014 concerning Copyright: "Copyright is the exclusive right of the creator that

automatically arises based on the declarative principle after a creation is realized in a concrete form without reducing restrictions according to statutory provisions." Article 1 paragraph (4) of Law Number 28 of 2014 concerning Copyright: "Copyright owners are creators as copyright holders, parties who legally acquire these rights from creators or other parties who acquire additional rights from parties who lawfully acquire these rights." Furthermore, Mola TV as the copyright owner, and as a private institution for broadcasting is also found in Law Number 28 of 2014 concerning Copyright, namely: Article 1 paragraph (5) of Law Number 28 of 2014 concerning Copyright: "Related Rights are rights related to Copyright that are exclusive rights for performers, phonogram producers or broadcasting institutions." Article 1 paragraph (8) of Law Number 28 of 2014 concerning Copyright: "Broadcasting Institution is a Broadcasting operator, both public Broadcasting institution, private Broadcasting institution, community Broadcasting institution, as well as subscription Broadcasting institution, which in carrying out its duties, functions, and responsibilities is in accordance with the provisions of laws and regulations." Mola TV in its activities, of disseminating broadcast contents and distribution is also provided in Law Number 28 of 2014 concerning Copyright: Article 1 paragraph (15) of Law Number 28 of 2014 concerning Copyright: "Broadcasting is the transmission of a work or related rights product without wires so that it can be received by everyone in a location far from where the transmission originates."

Article 1, paragraph 17 of Law Number 28 of 2014 on Copyright explains that the meaning of "distribution" is the sale, distribution, and/or dissemination of works and/or objects of rights. From this definition, copyright and broadcasting issues are related to each other. Besides, Mola TV has economic rights governed under this law. According to Article 8, the definition of economic rights is that every creator or owner of copyright is entitled exclusively to obtain economic benefit from his work. Article 9 of the Law further elaborates that among these economic rights, the author or holder of copyright has rights to various activities comprising publishing, reproduction in all forms, translation, adaptation, arrangement, and transformation of works, distribution of works or copies, creation shows, announcements of creation, communication of creation, and hiring of creation. It is also said that any of these economic rights exercised by a person have to be with permissions from the creator or copyright holder. Further, Article 9 stresses that no person shall reproduce and/or commercially utilize a work without permission from the author or copyright owner.

Even though copyright can arise automatically, registering it is very important to anticipate disputes or losses related to copyright infringement in the future. By registering the copyright, it can be authentic evidence in court as well as being considered by the judge when making a decision. Mola TV in order to maintain its exclusive rights has registered its business activities with the Directorate General of Intellectual Property Rights (Dirjen HKI) with a certificate on behalf of PT. Global Media Visual and has a registration number IDM000925480 which is valid for 10 years. With an explanation regarding the types of goods/services registered are video streaming services, cellular media services in the form of electronic transmission, broadcasting and delivery of audio, video and multimedia entertainment content, including text, data, images, audio, video and audiovisual files via internet, wireless communications, electronic communications networks, and computer networks, broadcasting and streaming of live and prerecorded audio-visual, multimedia, and digital content for others via wireless, internet, cable, satellite, and global, regional and computer networks local media, in the fields of news, entertainment, sports, comedy, drama, music and music videos, transmission of multimedia content via the internet.

Further, on this registration, PT Global Media Visual also registers the use of the logo from Mola TV in such a way that it would not appear haphazardly on other items like clothes, scarves, wallets, bags, hats, jackets, and other similar objects that have the potential to use the Mola TV logo unilaterally without asking for prior approval. Besides, such registration might

increase Mola TV's treasury, with regard to royalty payments, provided the logo and brand from Mola TV are used for certain purposes carried out by other parties. Moreover, it has been proven that one takes an act of watching/providing/spreading access to illegal broadcasts, and/or conduct activities using the logo and brand from Mola TV without the knowledge and permission of PT. Global Media Visual, can be sentenced according to the provisions in applicable regulations. From the result of the research conducted by the author, most of the people who became the informants have subscribed to the packages of Mola TV and fundamentally understand the meaning of illegal broadcasts, knowing that there is a threat of punishment that can be imposed on the perpetrators. This indicates that, generally, the public acceptance and knowledge of the streaming service industry and the rules which relate to it are pretty good. As acknowledgement from several sources that we can quote: "Currently, I still subscribe to the six-month package from Mola TV, which I got through a Mola TV voucher." "Yes, currently I subscribe to the entertainment & sport single stream package type." However, the source further added that it is necessary to keep socializing and raising awareness about the dangers brought by illegal broadcasts, both from the industry provider of streaming service and from the government itself. They are even expected to cooperate with each other because they are considered less active, and the socialization that has been carried out so far has not been on target, as evidenced by the general practice of providing, receiving, and disseminating access to illegal broadcasts. Even though in practice, enforcement of these rules, those who have the authority to conduct investigations related to the protection of copyright and/or related rights in it are officials of the Indonesian National Police, Officials of Civil Servants within Ministries who carry out Government Affairs in the Field of Law or those who have a relation with the Crime of Watching, Providing, or Distributing Illegal Broadcasts The offense is classified as a complaint offense. That classification will make police agencies take the case forward only with a formal complaint from the affected party, in this case being PT. Global Media Visuals, the owner of the rights of the broadcasts.

The criminal offenses may involve the unauthorized access of copyrighted material, a violation of copyright laws and broadcasting regulations while conducting illegal viewing of soccer broadcasts. Such actions not only infringe on the intellectual property rights of the content owners but also undermine the economic interests of legitimate broadcasters. To be actionable, PT. Global Media Visuals would need to provide evidence of such illegal activity, which may include documentation of unauthorized broadcasts, details of the service providers involved in such unauthorized broadcasting, and any relevant data showing the extent of the infringement. Once such a complaint is filed, an investigation into the matter by the authorities may further lead to any litigation against persons or entities indulging in these illegal activities. Some of the legal implications are having to pay fines or penalties and, where the offense is considered more serious by law, being put in prison. This shows how closely regulators watch broadcasts, just as respect for copyright issues can help one avoid prosecution in the courts.

This is contained in the laws regarding copyright, trademark rights, and/or other rights contained therein, namely: Article 120 of Law No. 28 of 2014 concerning Copyright: "Criminal acts as referred to in this Law constitute complaint offenses." Article 95 of Law No. 15 of 2001 concerning Trademark Rights: "Criminal acts as referred to in Article 90, Article 91, Article 92, Article 93, and Article 94 are complaint offenses." The meaning of the complaint offense itself is an offense that can only be processed if there is a report or complaint from a person who is a victim of a crime. Where also the prosecution of the offense depends on the agreement of the party who feels aggrieved and the report can be revoked if peace is reached between the victim and the defendant. This is what distinguishes between ordinary offenses and complaint offenses, because complaint offenses are used in criminal acts that can be resolved amicably or until an agreement is reached between the defendant and the victim. Under the Law No. 28 of 2014 regarding Copyright, those who view, supply, or broadcast illegal transmissions may

be subject to serious criminal penalties. Article 113, Paragraph 3 prescribes that violation of economic rights by means of publishing, duplicating, and/or distributing a work without the permission of the creator or copyright holder can be punished with at most imprisonment of four years and/or a fine of a maximum of IDR 1,000,000,000. Article 113, Paragraph (4), further provides a higher punishment for piracy offenders with imprisonment up to ten years and/or a fine up to IDR 4.000.000.000 (four billion rupiah) if the acts in the previous paragraph involve elements of offense. Further, Article 114 provides that in the responsibility of the owner of a place of trade, any person who knowingly permits the sale or making of copies of goods that constitute an infringement of copyright shall be subject to a maximum fine of IDR 100,000,000. Law Number 19 of 2016 regarding Information and Electronic Transactions stipulates severe punishments against several violations. According to Article 50, violators can face imprisonment for up to ten years or/and a maximum fine amounting to IDR 10,000,000,000. Article 34, paragraph 1 therefore considers the illegal production, sale, procurement, importation, distribution, provision, or possession of computer hardware or software designed to enable a crime or offense under Articles 27 to 33, inclusive of an unlawful act under an unauthorized use of a password, access code, or similar data that could enable access to an electronic system for the purpose of committing any such crime or offense. Moreover, Article 51, paragraph (1) punishes any person who, with the intent to make it appear as if electronic information or documents were authentic data, alters, creates, deletes, or destroys electronic information or documents, with imprisonment at most twelve years and/or at most IDR 12,000,000,000 in fines. Article 51, paragraph 2 further states that there is imprisonment of twelve years and a fine for those who intentionally and unlawfully commit any act in Articles 27 to 34 that causes injury to others. According to Article 36, one will find the unlawful acts that are committed resulting in damage caused to other persons, and such has to be taken seriously by the law.

The reason is because copyright is an exclusive right as well as a private right, which is closely attached to the self that creates either a person, a group of people, a public legal entity, or a private legal entity. Which is where copyright is born on the basis of the creator's creations that arise from human creativity, not from things outside the results of human creativity or those that already exist outside of human activity. Besides, human creativity is not born out of nowhere, and so many sacrifices are required to produce it, it is only natural that copyright is obligatory and its existence is protected. It can also be attained under the quality of goods through complying with provisions about Intellectual Property Rights. Protection of consumers is not explicitly stated in the TRIPS Agreement; however, there is a statement regarding the imposition of certain sanctions to attain or reduce the risk of further violations and to make the interests of third parties the basis for consideration in imposing the said sanctions. Sufficiently detailed criminal threats within the Copyright Law and the Information and Electronic Transactions Law have reminded that whoever conducts the act of accessing, providing, and disseminating illegal broadcasts shall be punished accordingly with a rather heavy sanction.

It is, therefore, expected that the criminal threat in the form of fine or imprisonment or internment will deter it further and discourage the people of Indonesia from doing what has been prohibited in laws and regulations. Ali (2014) said each law had a particular purpose. This goal can be optimally realized only if it is supported by the entire protection sub-system prescribed within the law and never at the expense of the supporting facilities and conditions of the community. In this respect, the proper implementation of consumer protection law and Consumer Protection Law greatly relies on, and is supported by, the government and active participation from society. Besides this, another possible loss that is looming is the disadvantaged pace of economic development and investment in Indonesia. This is because developing countries that already have technology and more qualified human resources will think of Indonesia as a weak country in terms of supervision and law enforcement, especially

in the field of intellectual property rights. This is actual, though it is deemed trivial, since only from the point of view of access/providing/dissemination does the illegal broadcast have the potential to impede the economic development of the Republic of Indonesia.

One of the efforts Mola TV does to protect its exclusive rights is by inviting and socializing the negative impacts and criminal threats able to be charged to those who watch/provide/spread this illegal broadcast. However, after conducting an interview with several sources, the majority of them mentioned that they never saw or heard the concrete efforts being made by Mola TV. In the case of Mola TV, promotion was also quite active, with promotional media being done via print media to online media. The socialization and promotion materials created are interesting and quite clear in information because there is a criminal threat that will threaten the perpetrators of watching/providing/spreading illegal broadcasts. In addition, there is a contact number that can be contacted and the procedure for if one desires to be a partner with Mola tv. While most informants as consumers of football broadcasts feel that they have never seen and heard the effort of Mola TV to eradicate this illegal broadcasting industry, they admit that they already know enough about the provisions that apply to this illegal broadcast, including the existence of criminal threats inside it.

What happened to Mola TV shows that the law is in doubt. Whereas, in principle, something has to be legally certain when regulations are applied. Because of the presence of the legal certainty concept, it would cover an aspect that would be mutually binding to one another, thereby providing protection for individuals against the discretionary acts of other individuals or police or judges or government administration. Because legal certainty is a legal promise contained in the formulation of the existing rules, and as such, it should be a certain thing to be realized. It was further explained that Law No. 28 of 2014 regarding Copyright is a general regulation that the public knows in every activity about intellectual property rights, what is allowed and what is forbidden by the existing rules.

For example, the case in hand already has rules over watching/providing/spreading illegal broadcasts, but actually, many of them did this, which means in practice it does not work effectively. In line with the existence of this Copyright Law, it can be seen that it aims to protect the exclusive rights, economic rights, and related rights attached to a creation not to protect its misuse and development. The government has appealed to register every work created by humans, and even though this registration has been carried out, in reality, there are currently so many violations and losses occurring to copyright holders. All these should create harmony between government programs and public awareness not to harm other individuals. It is not only detrimental to other people but also to the state because, after all, copyright is the most important basis in the national creative economy. This is Indonesia's mainstay sector that is due to the rapid development of information and communication technology, hence optimally hoped to boost the national economy by the contribution of this industry.

Conclusion

The legal settings related to the handling of illegal broadcasting in paid football shows are regulated by various laws, including Law No. 28 of 2014 on Copyright; Law No. 19 of 2016 on Amendments to Law No. 11 of 2008 on Information and Electronic Transactions; and the principles stated in Law No. 32 of 2002 on Broadcasting. None of these has been a barrier to the various violations. Because of high subscription fees dictated by MOL TV, which is the licensed broadcaster, illegal broadcasters' legal status becomes the main cause through which watching, providing, or disseminating illegal broadcasts contravenes existing laws. This situation still exists, although generally, it is known by the public what the legal provisions are on this matter.

In order to overcome such problems, it is advisable for the government to enhance its activities concerning the information campaign on the laws and work actively with Mola TV.

In this case, all critical points can be reflected and the public will be informed on the existence of such legislation. Apart from the acceptance of repressive measures, it is also required to maximize preventive measures for the purpose of protecting holders of copyright in general and Mola TV against illegal broadcasting activities. Moreover, law enforcement authorities should fight actively against illegal broadcasting providers and viewers because these activities damage many parties. While theoretically, the legal framework seems so well-established, in the practical implementation, there are gaps. Authorities do not have to wait for complaints from copyright owners or the public, but they have to take proactive action upon recognition of any signs of violations. This proactive approach will entail the desired deterrent impact, thereby encouraging official broadcasting and subscription of purchased legitimate subscriptions. It would be better if the government increased its effort to socialize the existing regulations and worked closely with Mola TV. The latter should be pursued in a manner that optimizes preventive measures hand in hand with the existing repressive actions in protecting copyright holders in general and specifically Mola TV from illegal broadcasting. In addition, law enforcement agencies should take an active legal position against providers and consumers of illegal broadcasts as these activities harm many stakeholders. Although the legal framework is at hand, practical implementation shows loopholes. Authorities should not wait for complaints from copyright owners or the public alone but, in any sign of violation, take initiative to prevent illegal activities that would foster official broadcasting and subscription purchases.

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