JLSCR
Journal of Law and Social Change Review (JLSCR)
Vol. I, no. I (2025), pp. 122-138
Available online https://jurnal.sshpublikasi.com

COPYRIGHT PROTECTION OF NETFLIX SUBSCRIPTION AND ITS RELATION TO SOCIAL CHANGE

Nuresa Divani Amanda

Fakultas Hukum, Universitas Lampung
nuresadivani@gmail.com

Abstract

Copyright infringement is often considered a passing wind by Indonesian society, almost all copyrighted creations can be found in pirated versions, one of which is in the world of film. Copyright is the exclusive right of the creator to his creation which is protected by law, including moral rights and economic rights that allow the copyright holder to obtain rights and benefits (royalties). Netflix is a leader in the world of Over The Top (OTT) streaming services thanks to the quality of its content and user services, although piracy and illegal acts often occur. This study aims to: 1) Find out the regulations related to legal protection of copyright for Netflix subscription streaming sites, 2) Find out what factors encourage and hinder social change, and 3) Find out why regulations related to copyright protection are related to social change. This research is included in normative legal research and statute approach, the object of study is regulations related to copyright and its relationship to social change. From this study it can be concluded that copyright in Indonesia is protected by Law Number 28 of 2014 concerning Copyright and the Electronic Information and Transactions Law (UU ITE). Some factors that drive social change are culture, population, conflict, physical habitat, technology, and social structure. Copyright regulations are enacted in the hope that they can be a social engineering tool to encourage society to respect and comply with copyright laws.

Keywords: *Netflix, Copyright, Social Change.*

A. INTRODUCTION

The development of science and technology supports the increasing use of the internet, the habits of social communities in enjoying film entertainment have also changed. The use of knowledge and information technology creates various products of economic value that have also caused social changes in society in enjoying digital entertainment. With easy internet access, people are now switching from enjoying television and cinema entertainment content to Over The Top (OTT) services including subscription application services such as YouTube, Netflix, Disney+, Amazon Prime, HBO and so on. In this case, Netflix is a streaming service that provides favorite shows from various countries like watching television shows and films without ads and connected to the internet, to enjoy Netflix services customers need to pay a certain subscription fee.

Intellectual Property Rights Violations still often occur in Indonesia, both intentionally and unintentionally, the causes vary from the lack of public awareness of IPR and low public trust in IPR protection. In addition, the lack of public interest in IPR appreciation, the obligation to pay subscription fees is also considered a burden.[1]Copyright protection for this streaming service is regulated in the provisions of Law Number 28 of 2014 concerning Copyright Legal Protection. These provisions do not have a significant impact because people tend to choose other easier alternatives even though they are contrary to applicable laws. This article will discuss further about how legal protection for Over The Top streaming services, as well as the social changes caused and/or desired by the existence of related regulations.

The acceleration of digital transformation has made many countries like Indonesia face complex challenges related to security, privacy, and regulatory compliance. This digital transformation has also changed the way people interact, do business, work, and communicate. This transformation, in addition to being able to adopt

[1] Evelyn Angelita and Pinondang Manurung, "Digital Works and Intellectual Property Rights Protection in the Digital Era" 1, no. 1 (2022), p. 33.

innovative technology and open up opportunities for efficiency, a country's economic growth, and social progress, also has an impact on the emergence of new problems. In this case, there are various copyright violations committed by the community, both consciously and unconsciously.[2]

The method used to support the writing of this article is normative juridical, namely research that focuses on the principles or legal basis that aims to identify the legal principles and applicable positive legal doctrines, thus this research is also known as a dogmatic study also known as doctrinal research, researchers inductively analyze known positive legal norms. The approach used is legislation (statue approach) The object of the study is the copyright of the Netflix online streaming service which is often ignored and misused by the public, this research is also included in library research which relies on books as its main data source.[3]This study aims to describe how copyright regulations can change people's behavior in seeking entertainment sources other than Netflix.

B. RESULTS AND DISCUSSION

Copyright protection of netflix subscription streaming sites

Article 1 of Law Number 28 of 2014 explains that Copyright is the exclusive right of the creator that arises automatically based on the declarative principle after a creation is manifested in a tangible form without reducing restrictions in accordance with statutory provisions. Copyright consists of two components, namely the creator and the creation, the creator is a person or several people who individually or together produce a creation that is unique or personal. Related to creation, namely every result of creative work in the fields of science, literature, and art that is produced based on the inspiration of ability,

[2] Khairul Anwar et al., *Digital Transformation in Human Resource Management: Impact and Challenges* (Purbalingga: Eureka Media Aksara, 2023), p. 47.
[3] Bambang Sunggono, Legal Research Methodology (Jakarta: PT Raja Grafindo Persada, 2020), p. 120.

thought, imagination, dexterity, skill, or expertise expressed in tangible form.[4]

Copyright is a stand-alone right while related rights exist depending on the copyright. Thus, if there is no copyright that precedes it, then related rights will not exist either. These two rights protect and complement each other, creators and copyright holders, both are exclusive rights that allow copyright holders to monopolize and gain economic benefits and integrity of a work they produce.[5]

The copyright holder is the creator as the owner of the copyright, the legal recipient of the rights from the creator, or another party who receives the rights from the party who legally receives the rights. The copyright holder has exclusive rights which include moral rights and economic rights. Moral rights are special and eternal rights owned by the creator over his creations and these rights are inseparable from the creator. Meanwhile, what is meant by economic rights is the right to obtain economic benefits from someone's work or creation, to obtain this right, the copyright of the work must be registered with the Directorate General of Intellectual Property Rights (HKI).[6]

The economic rights of broadcasting institutions are explained in Article 25 of Law Number 28 of 2014 concerning Copyright, which states that:[7]Broadcasting Institutions have the economic right to carry out themselves, grant permission, or prohibit other parties from carrying out: a) Rebroadcasting of broadcasts, b) Broadcast communication c) Broadcast fixation and/or, d) Duplication of broadcast fixations. Thus, everyone is not allowed to carry out unauthorized distribution for commercial purposes of the content of broadcasting works of Broadcasting Institutions.

[4]Government of Indonesia, 2014, State Institution Law Number 28 of 2014 Concerning Copyright
[5] Insan Budi Maulana et al., *Intellectual Property Rights (Theory and Problems)* (Depok: PT Rajawali Buana Pustaka, 2024), p. 252.
[6] Muhamad Irpan, "Legal Analysis of Copyright Infringement in a Digital Context," Jurnal Jejak Hukum Indonesia 1, no. 1 (2024), p. 20.
[7]Government of Indonesia, 2014, State Institution Law Number 28 of 2014 Concerning Copyright

Then, those who violate these provisions are threatened with Article 118 of the Copyright Law as follows:

a. Any person who intentionally and without right commits a violation of economic rights as referred to in Article 25 paragraph (2) letters a, b, c, and/or d for Commercial Use, shall be punished with imprisonment for a maximum of 4 (four) years and/or a maximum fine of IDR 1,000,000,000.00 (one billion rupiah).
b. Any person who fulfills the elements as referred to in Article 25 paragraph (2) letter d which is carried out with the intention of piracy shall be punished with a maximum imprisonment of 10 (ten) years and/or a maximum fine of Rp. 4,000,000,000.00? (four billion rupiah).

Law Number 11 of 2008 concerning Information and Electronic Transactions (UU ITE) is one of the government's efforts to overcome copyright infringement in the field of film piracy on illegal streaming sites. In it there are two forms of protection, including preventive legal protection and repressive legal protection. Preventive legal protection is carried out by registering cinematographic works with the Directorate General of Intellectual Property Rights under the auspices of the Ministry of Law and Human Rights as an institution that manages intellectual property results and supports protection of intellectual property in Indonesia.[8]

To prevent disputes in film piracy, the government regulates this in Chapter VI Article 25 of the ITE Law which reads "Electronic information and/or electronic documents compiled into intellectual works, internet sites, and intellectual works contained therein are protected as Intellectual Property Rights based on statutory provisions. Thus, everything registered as intellectual work including

[8] Maria Oktaviani Kartika Tua, Aksi Sunurat, and Adrianus Djara Dima, "Legal Protection for Creators of Cinematographic Works in Film Piracy on Illegal Streaming Sites (Viewed from the Electronic Information and Transactions Law)," Jembatan Hukum: Study of Legal, Social and State Administration Sciences 1, no. 4 (2024), p. 43.

cinematographic copyright (films) must be protected by statutory regulations.[9]

Then for repressive protection which is a form of final protection that can be in the form of prison sentences, fines, and additional penalties given to perpetrators of violations, this protection aims to resolve a dispute. Perpetrators of piracy that are distributed through illegal streaming sites have violated Article 32 paragraph (1) and paragraph (2) of the ITE Law because this distribution includes the process of adding films via transmission or sending and transferring electronic documents to other people who do not have the rights to them.

Netflix is a paid streaming service provider that provides TV series, documentaries, and film viewing services that require users to comply with the terms and conditions set by the application provider. Users are given the freedom to access all broadcast programs provided without using personal accounts for commercial purposes such as duplicating, distributing, and selling content provided by Netflix. Netflix data analytics helps the system understand viewer preferences and optimize operations that include demand predictions to server capacity management. Netflix also provides diverse and efficient content quality with the use of cloud storage technology. This combination of technologies supports Netflix to expand globally in more than 190 countries and it is recorded that in 2023 Netflix's regular customers have exceeded 250 million users.[10]

Netflix users will be required to pay a subscription fee and will be automatically renewed every month with the same package as the one selected at the beginning of the payment. There are several payment options that can be selected including using a credit or debit card with the Visa, Mastercard logo, via internet banking, to other digital wallets, here are various subscription packages provided by Netflix such as the Netflix Mobile Package starting at IDR 54,000/month, Basic Package of IDR 120,000/month, Standard Package is priced at

[9]Government of Indonesia, 2008, State Institutions Law Number 11 of 2008, Concerning Electronic Information and Transactions.
[10] Eryc et al., "Analysis of Information Management Technology Implementation at Netflix Global: Optimizing User Experience and Operational Efficiency," Amanah Mengabdi 1, no. 1 (2024), p. 108-109.

IDR 153,000/month, and Premium Package, the subscription fee for this package is IDR 186,000/month.[11]

From the description of the Netflix subscription price list above, we can see that the costs that must be incurred to enjoy the content provided are still relatively expensive for lower-middle class people and students so that they tend to look for other alternatives that are easier and cost less. Information about this will be discussed further in the following description.

With the rampant cases of intellectual property piracy occurring in the country, other problems have also emerged related to copyright infringement. For example, local artists have stopped working on the grounds of rampant piracy even though the government has made maximum efforts to eradicate piracy which is detrimental because the perpetrators do not pay taxes. Several foreign investors have also canceled investing in a country because they are worried that the technology they produce will be stolen and pirated by business competitors or other irresponsible parties.[12]

Social change

Social change is described as a change that occurs related to the social system, the basic concept of social change includes the study of differences, studies must be conducted at different times, and observations of the same social system. The occurrence of social change must see changes or differences in the conditions of the object that is the focus of the study. Studies related to social change involve dimensions of space and time. The spatial dimension is related to the area where social change occurs including the historical context in the area, while the time dimension is related to the context of the past, the context of the present, and the context of the future.[13]

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[11] Bagas Trias Purnomo and Muh Iman, "Legal Analysis of Illegal Netflix Account Sales Through Social Media," Indonesian Journal of Law and Justice 1, no. 3 (2024), p. 3.
[12] Tomi Suryo Utomo, *Intellectual Property Rights (IPR) in the Global Era (A Contemporary Study)* (Yogyakarta: Graha Ilmu, 2010), p. 25.
[13] *Irwan et al., Introduction to General Sociology: Exploring Sociological Studies* (Yogyakarta: Deepublish Publisher, 2021), p. 126.

Social transformation is generally understood as the process of changing social structures, including mindsets, attitudes, and social changes to improve a person's life. Experts provide explanations regarding social change, including:[14]

a. Kingsley Davis explains that social change is a change in the composition, structure, and function of society. Social transformation, for example, the formation of labor unions in capitalist and industrial countries, also influences the interaction between employers and employees.
b. Selo Soemarjan and Soelaiman Soemardi stated that social change is a change in institutions in society that influences its social structure, including changes in values, attitudes, and behavior in social groups.
c. Soedjono Dirdjosisworo considers social change as a fundamental change in social structure, social system, and social organization.

Thus it can be concluded that social change is a change in culture, behavior, social structure, population growth, social systems, and functions in society that occur at a certain time and under certain conditions. Changes that occur in one group of people will also affect other groups of people.

Satjipto Rahardjo explains that change has a more specific meaning than renewal. Renewal is not only a change towards maturity or a state called modernity and can be observed from the outside, including urbanization, secularization, democratization, openness to the mass media, educational progress, individualization, and so on. Social change causes such social consequences, including shifts in patterns of relationships between individuals, or between groups. Social problems as a result of social change are described as a mismatch between the standards accepted by social society and the social reality that occurs.[15]

[14] Manotar Tampubolon et al., *Sociology of Law* (Padang: PT Global Executive Technology, 2023), p. 43.
[15] Abdul Haq Syawqi, *Sociology of Islamic Law* (Pamekasan: Duta Media Publishing, 2020), p. 66.

There are several factors that cause social change, the following are some of the main factors causing social change:

a. Cultural Accumulation and New Discoveries, culture experiences accumulation when new cultures emerge that are increasingly diverse and accumulate as a result of new discoveries from members of society. Koentjaraningrat explains the factors that encourage new discoveries, including: a) Awareness of deficiencies in their culture, b) Quality of cultural experts, c) Stimulants of community activities. Urban communities experience rapid cultural changes because they easily accept new discoveries compared to rural communities who tend to hold on to old cultures.
b. Population Changes, the increase in the population of a region causes changes in the structure of society, while other regions will experience a population vacuum due to the movement of the population. Population growth, for example, due to transmigration, which in addition to having the potential to increase creative human resources ready to work, also allows for cultural acculturation.
c. Conflict, which occurs due to rapid changes in society. Heterogeneous societies are more likely to cause conflict due to the closeness between individuals, in addition, competition can occur due to limited fulfillment of needs such as lack of job availability.[16]
d. Physical Habitat, is a factor that limits the possibility of human works that play a passive role but play a big role in social change. For example, the increasingly narrow agricultural land affects the way humans use it. This change is slow and beyond human observation, but can be accelerated so that it causes social change as well.
e. Technology, including factors that play an important and real role in social change. Technology influences social change massively and rapidly. For example, advances in transportation, advances in health technology, communication technology, and

[16] Abdul Syani, *Sociology: Schematics, Theory, and Application* (Jakarta: PT Bumi Aksara, 2021), pp. 164-166.

> so on. The most highlighted in this article is communication technology and social media, including the change from enjoying movies through television to OTT streaming services.[17]

In addition to several supporting factors mentioned above, there are also inhibiting factors for social change, including: 1) Lack of socialization with other community groups, 2) Slow development of science, 3) The attitude of society that tends to be traditionalist and old-fashioned, 4) Reasons of interest, 5) Fear of cultural disintegration, new prejudices, and ideology. Although there are inhibiting factors for change, it does not rule out the possibility of social change not occurring.[18]

Social change does not always occur simultaneously with legal changes, in a condition the law may lag behind a rapidly changing social society, but the opposite can also happen. Changes that occur due to technological developments encourage modernization not only to urban communities, but also penetrate traditional rural communities. Achmad Ali identified two main points related to legal and social change, namely: 1) Law should accommodate and adapt to social change, 2) Law helps society to move towards the desired change as a means of social engineering or community engineering.[19]

Social changes in society of netflix subscription streaming site customers

Discussing again the cost of subscribing to Netflix which is still relatively expensive for the middle class and students, people have found other alternatives to still be able to enjoy the service at a more affordable cost. This method is more popularly called the "sharing" system, namely when several users use the same account to watch simultaneously, users of the "sharing" system generally do not buy directly on the Netflix application directly. Users buy services through marketplaces or other social media that offer more affordable and more tempting prices than illegal sellers.

[17] Syawqi, p. 69.
[18] Syawqi, p. 70.
[19] Tampubolon et al., *Sociology of Law*, p. 64.

In this system, buyers will choose the desired service and then be asked to complete the payment, then the seller will send an email and password for a special account, buyers are also asked to comply with several provisions, for example: a) prohibited from changing account details (such as email, password, package type, profile, and so on), b) buyers are prohibited from changing the name, PIN, and profile display picture, c) prohibited from logging in using more than one device or gadget.

Purchasing with this system does not mean that it will not cause problems, the problem that often arises is the incompatibility of the account purchased by without the buyer's knowledge, this usually occurs after the purchase process is complete. The problems that usually arise are mismatched passwords, screen limits, to usernames owned by more than one user, to overcome this problem, responsible sellers will provide a guarantee, but many are also negligent and use it as a mere sweetener so that prospective buyers are tempted by prices that are much cheaper than those provided by Netflix.[20]

Netflix's violation of the law by reselling content to other buyers is one of the acts of violation of the Creator's Economic Rights. In response to people's behavior in purchasing streaming service packages not from official service providers, marketplace providers and management should pay attention to copyrighted products sold on their sales platforms. As explained in Article 10 of Law Number 28 of 2014 concerning Copyright, managers or managers of trading places (marketplaces) are not permitted to allow the sale and/or duplication of goods resulting from violations of Copyright and/or Related Rights in the trading places they manage.[21]

In addition to purchasing illegal Netflix services through social media, people often also choose to enjoy pirated films that are distributed via the internet as illegal streaming sites that provide various films that can be enjoyed directly without being charged. This action certainly reduces the creativity and enthusiasm of film

[20] Purnomo and Iman, p. 4.
[21]Government of Indonesia, 2014, State Institution Law Number 28 of 2014 Concerning Copyright

producers and creators because the related streaming services do not ask for permission in advance from the copyright holders, the films can be watched directly without having to pay for watching movies or subscription fees for legal streaming applications. Film piracy is carried out on various types/genres of films, even films that are still being shown in theaters. People tend to choose this shortcut because of its convenience, all they have to do is type the title of the film they want to watch in the Google search column (search engine), and various illegal sites that provide it will appear.

The activity of accessing and enjoying films on illegal streaming sites certainly violates Law Number 28 of 2014 concerning Copyright, Law Number 11 of 2008, as amended by, Law 19 of 2016, and the second amendment with Law Number 1 of 2024 concerning Information and Electronic Transactions. Then the Joint Regulation of the Minister of Law and Human Rights with the Minister of Communication and Information Number 14 of 2015 and Number 26 of 2015 concerning the Implementation of Content Closure and/or User Access Rights for Copyright Violations and/or Related Rights in Electronic Systems.

The habit of watching movies through illegal sites or methods will result in consumer behavior in society. As the Copyright Law states that the creator holds the exclusive right to gain economic benefits (royalty) for his/her creations. Royalties that should be a form of appreciation for creators have instead become a source of income for pirates and sellers of illegal accounts on social media. Sadly, most Indonesians still think that enjoying movies illegally is commonplace and is not taken seriously even though many parties are harmed by this action. In addition to creators, the government will also be harmed because the films in circulation are not taxed, this happens because films are not just entertainment but also one aspect of the driving force of the economy and a source of state income.[22]

[22] Maria Oktaviani Kartika Tua, Aksi Sunurat, and Adrianus Djara Dima, "Legal Protection for Creators of Cinematographic Works in Film Piracy on Illegal Streaming Sites (Viewed from the Electronic Information and Transactions Law)," Jembatan Hukum: Study of Legal, Social and State Administration Sciences 1, no. 4 (2024), p. 41.

Based on research on students of the Surabaya Institute of Technology (ITS), students who are one of the groups of film entertainment enthusiasts explained several reasons behind users using illegal sites. The first reason, the majority of students complained about the "cost" that must be spent to watch on OTT (Over The Top) services. The second reason is practicality, the process of entering the streaming application is considered less practical than accessing illegal websites which only require a click and can immediately watch. The next reason is the limited content provided by each OTT, for example not all films or dramas are available on one platform so that users are required to subscribe to more than one streaming service, this is considered ineffective because users cannot freely watch the content they want.

In addition to the reasons above, students also question the uncertain intensity of watching because the majority of users only enjoy entertainment in their spare time in between their busy college schedules. OTT subscription services have a certain broadcast duration, for example one month, if users only have time to watch once a week, then the costs incurred are not worth it. The reasons above encourage people to prefer watching through illegal sites or subscribing to Netflix with a "sharing" system which is considered more affordable.[23]

There are several reasons why Copyright enforcement in Indonesia is still difficult to do even though there are special regulations governing it, including:[24]

a. Different views on the concept of Intellectual Property Rights which causes low respect and appreciation for IPR and causes poor enforcement of IPR law.
b. Copyright law only provides general protection without other adequate regulations being followed.

[23] Dyah Kumalarani Mahakerty et al., "Analysis of Factors in the Use of Illegal Streaming Site Services by ITS Students and Its Relationship with the ITE Law," Social and Technology Journal (SOSTECH) 3, no. 10 (2023), p. 849.
[24] Irpan, "Legal Analysis of Copyright Infringement in a Digital Context", p. 29.

c. Legislation has not been able to keep up with and accommodate rapid advances in technology and communication, especially social media.
d. There are no clear regulations regarding the principles of reasonable conduct and conduct that violates copyright.
e. The performance of the enforcement agency responsible for copyright is considered less than optimal.

Netflix makes it easy for its users by providing various payment alternatives for subscriptions. However, many still choose to subscribe through illegal third parties or even worse, choose to use pirated sites that are spread across the internet for various reasons. The majority of people are concerned about the burden of the costs that must be paid not being in accordance with the viewing time they have in the midst of their busy lives, to the consideration of the limited content provided. All of this happens because of technological developments that have also changed people's behavior in enjoying entertainment.

What is even more sad is that people are less aware that the content provided by Netflix is copyrighted. Netflix will also suffer economic losses from piracy because it must first create a profit-sharing contract with the producers of films shown on Netflix. Although laws and regulations on copyright protection have long been enacted, the level of public compliance is still very low because its implementation is considered less than strict.

Legislation is basically a law that aims to be a tool of social engineering (Law as a tool of social engineering) which is expected to change human behavior to comply with it. For example, with the enactment of the Copyright Law and the ITE Law, one of the goals of which is to make society more aware of the importance of respecting copyright and Intellectual Property Rights. In the future, it is hoped that the law should (das sollen) be able to cause changes in society to better respect the copyright owned by creators of intellectual works.

C. CONCLUSION

The structure and behavior of society are changing rapidly as a result of the development of science and technology, especially the ease of internet access that changes people's behavior and habits to enjoy entertainment. In the midst of the ease of enjoying quality shows through the Over The Top application, people still choose illegal methods even though they are aware that there are copyrights that are violated by these habits.

Several factors that drive social change in society such as population, culture, physical habitat (environment), technology, and social structure. This article has explained that technology in the fields of science and communication has resulted in massive and rapid changes in society. The law, which should be able to accommodate changes in society, is actually lagging far behind, and half-hearted enforcement of legal regulations is worsening this condition.

Regulations made such as the Copyright Law and the ITE Law expect the public to respect the existence of moral and economic copyright. The public does not seem to be affected by it even though the government has set sanctions for those who violate the provisions of this law. Therefore, in the future, the law is expected to accommodate social change and be balanced with maximum law enforcement so that harmony is created between social and legal communities.

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