

NORMATIVE REVIEW OF IPR ENFORCEMENT EFFORTS ON ILLEGAL IPTV AND ITS IMPACT ON INDONESIA'S POSITION ON THE PRIORITY WATCH LIST

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Abstract. The development of digital technology has driven significant transformation in the broadcasting industry through the use of Internet Protocol Television (IPTV). However, the growth of illegal IPTV services that distribute content without authorization has generated serious challenges for the protection of Intellectual Property Rights (IPR), particularly copyright. In Indonesia, illegal IPTV practices constitute one of the contributing factors to the weak enforcement of IPR and have influenced Indonesia's continued placement on the Priority Watch List (PWL) issued by the Office of the United States Trade Representative (USTR). This condition reflects ongoing tensions between national legal frameworks and international standards in addressing digital-based IPR violations. This study aims to analyze the legal basis and scope of regulations that qualify illegal IPTV services as violations of IPR within the Indonesian legal system, as well as to examine the construction of legal protection against illegal IPTV services from the perspective of the PWL. The research employs a normative juridical method, utilizing statutory and conceptual approaches. The analysis focuses on national legal provisions governing IPR protection, particularly copyright, as well as international legal instruments and non-binding policies, such as the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and PWL reports issued by the USTR. The findings indicate that illegal IPTV services legally fulfill the elements of IPR infringement, as they involve unauthorized reproduction, distribution, and communication of copyrighted works to the public. Although Indonesia has established a national legal framework for IPR protection, the existing legal construction faces significant challenges in responding to the complexities of technology-based infringements and evolving international standards. Therefore, strengthening and updating legal policies that are more adaptive to digital technological developments is necessary to enhance the effectiveness of IPR protection and to improve Indonesia's position within the international IPR protection regime.

Keywords: Intellectual Property Rights, Illegal IPTV, Digital Copyright, Priority Watch List, Indonesia

I. INTRODUCTION

The protection of Intellectual Property Rights (IPR) has become a central element in the development of a knowledge-based economy, particularly in the context of digital innovation, creative industries, and cross-border trade. In contemporary legal and economic discourse, IPR is no longer understood merely as a private legal entitlement granted to creators or right holders, but also as a strategic regulatory instrument that supports innovation, investment certainty, market competitiveness, and the sustainability of creative production [1], [2]. The rapid expansion of digital technologies has further intensified the importance of IPR protection because copyrighted works can now be reproduced, distributed, transmitted, and monetized through digital platforms with unprecedented speed and scale [3]. Consequently, states are increasingly required to develop legal frameworks that are not only normatively clear, but also institutionally capable of responding to technology-based infringements.

One of the most significant challenges in the current digital copyright landscape is the proliferation of unauthorized audiovisual distribution through Internet Protocol Television (IPTV). IPTV technology enables the delivery of television channels, films, sports broadcasts, and other audiovisual content through internet-based networks. While legal IPTV services contribute to media convergence and digital market development, illegal IPTV services operate by retransmitting protected content without authorization from copyright holders or broadcasting license owners. Such practices create substantial legal and economic problems because they involve unauthorized reproduction, redistribution, communication to the public, and commercial exploitation of protected works [4], [5]. In this regard, illegal IPTV cannot be treated merely as a technological phenomenon, but must be legally examined as a form of digital copyright infringement and IPR violation.

The complexity of illegal IPTV is heightened by its transnational and technologically adaptive character. Unlike conventional piracy, illegal IPTV services often operate

through encrypted applications, modified set-top boxes, shifting domain names, reseller networks, and cross-border server infrastructures. These characteristics make enforcement more difficult, particularly when perpetrators, servers, users, and payment systems are located in different jurisdictions [5], [6]. This situation demonstrates that digital copyright infringement requires more than conventional criminal enforcement. It requires an integrated legal response involving copyright law, cyber enforcement, administrative blocking mechanisms, international cooperation, and institutional coordination among national and transnational actors [7], [8].

In Indonesia, the issue of illegal IPTV is particularly relevant because it intersects with broader concerns regarding the effectiveness of national IPR protection. Indonesia has established a copyright protection framework through national legislation and has also committed itself to international IPR standards under global trade and intellectual property regimes. However, the persistence of digital piracy, including illegal IPTV and unauthorized live streaming, indicates that the existence of legal norms does not automatically guarantee effective enforcement. The gap between legal regulation and enforcement capacity remains a crucial concern, especially in cases involving digital evidence, platform-based distribution, cross-border infringement, and rapid technological changes [9], [10].

This issue has also affected Indonesia's position in the international IPR protection regime. The Office of the United States Trade Representative (USTR), through its Special 301 Report, has repeatedly placed Indonesia on the Priority Watch List due to concerns over the adequacy and effectiveness of IPR protection and enforcement [6]. Although the Priority Watch List is not a binding international legal instrument, it functions as a form of external evaluation and reputational pressure. It reflects how Indonesia's domestic IPR enforcement is assessed by external actors, particularly in relation to copyright piracy, digital infringement, market access, and enforcement consistency [6], [7]. Therefore, Indonesia's placement on the Priority Watch List should be understood not only as a trade-related issue, but also as an indicator of the perceived gap between national legal commitments and practical enforcement outcomes.

From a normative legal perspective, illegal IPTV raises fundamental questions concerning the scope of copyright protection, the qualification of digital retransmission as infringement, and the construction of legal protection in response to international standards. The legal issue is not limited to whether illegal IPTV violates copyright law, but extends to how the state constructs an effective protection model for digital IPR infringement. This includes the relationship between preventive and repressive measures, the role of administrative blocking, the use of criminal sanctions, the evidentiary challenges in digital cases, and the influence of international pressure on domestic legal policy [8], [11]. Thus, illegal IPTV provides a relevant entry point for examining the adaptability of Indonesia's IPR enforcement system in the digital era.

Previous studies have generally discussed digital piracy, copyright infringement, or IPR protection in broad terms.

However, more specific legal analysis on illegal IPTV in connection with Indonesia's Priority Watch List status remains limited. Existing discussions often focus either on the normative prohibition of copyright infringement or on the economic losses caused by piracy, while insufficient attention has been given to the interaction between domestic copyright enforcement, technology-based infringement, and international evaluative mechanisms such as the Priority Watch List [7], [12], [13]. This creates a research gap that needs to be addressed through a normative juridical analysis focusing on the legal qualification of illegal IPTV and the construction of IPR protection in Indonesia under international scrutiny.

The novelty of this study lies in its attempt to position illegal IPTV as a specific form of digital IPR infringement that must be analyzed simultaneously within national copyright law and the international IPR monitoring framework. Rather than treating the Priority Watch List merely as an external political or trade instrument, this study examines it as a legal-policy pressure mechanism that influences the direction of domestic IPR enforcement. In doing so, the study contributes to the development of legal scholarship on digital copyright enforcement by linking three analytical dimensions: the juridical qualification of illegal IPTV, the effectiveness of national legal protection, and the implications of international standards for Indonesia's IPR enforcement policy [6], [8], [14].

Based on the above background, this study aims to analyze the legal basis and regulatory scope that qualify illegal IPTV services as violations of Intellectual Property Rights within the Indonesian legal system. It also seeks to examine how legal protection against illegal IPTV is constructed in Indonesia by considering the influence of international standards and pressures reflected in the Priority Watch List. Accordingly, this research is expected to provide both theoretical and practical contributions to the development of a more adaptive, coherent, and effective IPR protection framework in Indonesia's digital economy [14], [15].

II. RESEARCH METHODS

This study employs a normative juridical research method, which is appropriate for examining legal norms, principles, doctrines, and statutory provisions governing the protection of Intellectual Property Rights (IPR) against illegal Internet Protocol Television (IPTV) services. The normative juridical method positions law as a system of written norms and legal principles that can be analyzed through legislation, legal doctrines, court decisions, and relevant legal-policy documents. This approach is consistent with the focus of the study, namely to determine the legal basis and regulatory scope that qualify illegal IPTV as a form of IPR infringement within the Indonesian legal system, as well as to assess the construction of legal protection in relation to international standards reflected in the Priority Watch List. The research applies a statutory approach by examining Indonesian copyright law and related regulations, and a conceptual approach by analyzing key legal concepts such as copyright protection, digital piracy, communication to the public, enforcement effectiveness, and international legal pressure. In

normative legal research, statutory and conceptual approaches are essential because they enable researchers to interpret legal norms systematically and to build legal arguments based on coherence between rules, doctrines, and legal objectives [16]. This methodological orientation is also aligned with the manuscript's original design, which emphasizes library-based legal analysis of national copyright provisions, TRIPS-related standards, and USTR Priority Watch List reports.

The legal materials used in this study consist of primary, secondary, and tertiary legal materials. Primary legal materials include Indonesian copyright legislation, relevant regulatory instruments, international intellectual property agreements, and official policy documents concerning IPR enforcement. Secondary legal materials include academic books, journal articles, institutional reports, and scholarly works discussing digital copyright infringement, illegal IPTV, online piracy, and international IPR enforcement. Tertiary legal materials, such as legal dictionaries and encyclopedias, are used to clarify relevant terminology where necessary. The data collection technique is conducted through library research, while the analysis is carried out using qualitative normative analysis. This means that the collected legal materials are interpreted systematically, conceptually, and prescriptively to identify the legal qualification of illegal IPTV and to evaluate whether Indonesia's current protection model is sufficiently adaptive to digital infringement. Normative analysis is particularly relevant in legal research because it does not merely describe legal provisions, but also assesses the consistency, adequacy, and direction of legal norms in solving concrete legal problems [17]. Therefore, this methodology provides a rigorous foundation for the subsequent Results and Discussion section, especially in analyzing the relationship between illegal IPTV, digital copyright enforcement, and Indonesia's position in the Priority Watch List.

III. RESULT AND DISCUSSION

A. Legal Qualification of Illegal IPTV as an Intellectual Property Rights Infringement

The results of this normative juridical analysis indicate that illegal Internet Protocol Television (IPTV) services can be legally qualified as a form of Intellectual Property Rights (IPR) infringement, particularly copyright infringement, within the Indonesian legal system. IPTV services become illegal when they retransmit, distribute, communicate, or commercialize protected audiovisual works without authorization from the copyright holder, broadcasting institution, or legitimate license owner. Under Indonesian copyright law, creators and right holders possess exclusive economic rights over the use, reproduction, distribution, public performance, communication, and commercialization of their works [18]. Therefore, when an IPTV operator provides access to films, sports broadcasts, television channels, or other audiovisual content without lawful permission, such activity constitutes unauthorized exploitation of protected works. This confirms the main premise of the study that illegal IPTV is not merely a digital technology issue, but a legal issue involving the violation of exclusive economic rights.

The scope of infringement becomes more evident when illegal IPTV services are analyzed through the concept of "communication to the public." In the digital environment, copyright infringement does not always occur through physical copying or conventional distribution. It may also occur through streaming, retransmission, embedding, digital access provision, and subscription-based unauthorized broadcasting. Illegal IPTV services generally operate by collecting protected content from legitimate sources and redistributing it to users through applications, websites, modified devices, or private server networks. This practice fulfills the elements of copyright infringement because it enables public access to protected works without the consent of the right holder. In this context, the legal protection of copyright must be interpreted broadly enough to cover digital transmission and online retransmission, as the economic value of audiovisual works is increasingly generated through digital access and subscription-based distribution models [19].

In the Indonesian context, illegal IPTV also reflects a structural enforcement problem. Although copyright law provides a normative basis for sanctions, the enforcement process faces practical obstacles, including the anonymity of digital operators, rapid domain migration, the use of foreign servers, encrypted applications, and difficulties in proving ownership or licensing chains. These obstacles show that the challenge is not the absence of legal norms, but the gap between normative protection and technological enforcement capacity. This finding supports the argument that Indonesia's copyright protection framework requires stronger integration between copyright law, electronic information regulation, cyber enforcement, administrative blocking, and international cooperation. Without such integration, legal protection may remain reactive and fragmented.

B. Construction of Legal Protection against Illegal IPTV in Indonesian Law

The construction of legal protection against illegal IPTV in Indonesia is built through two main approaches: preventive protection and repressive protection. Preventive protection is reflected in regulatory mechanisms intended to prevent the circulation of illegal digital content before wider harm occurs. These include administrative supervision, electronic system regulation, content access restrictions, public education, and institutional coordination among government agencies. Repressive protection, on the other hand, is implemented through civil claims, criminal prosecution, seizure of infringing devices, domain blocking, and sanctions against parties who unlawfully distribute copyrighted content. These two approaches are complementary because illegal IPTV cannot be effectively addressed only through criminal sanctions after infringement occurs; it also requires early detection and disruption of illegal distribution channels.

From a normative perspective, the Indonesian legal framework already provides a basis for both preventive and repressive measures. Copyright law protects the economic interests of creators and broadcasting institutions, while electronic information regulations provide a legal basis for dealing with unlawful digital content and electronic system misuse [20]. However, the effectiveness of this construction

depends on the consistency of enforcement. In many cases, illegal IPTV services can quickly reappear under different domains, applications, or distribution channels after being blocked. This indicates that administrative blocking alone is insufficient unless followed by investigation, prosecution, financial tracing, and disruption of the commercial networks supporting illegal IPTV services.

The findings also show that illegal IPTV should be treated as a commercial-scale digital infringement rather than an isolated individual violation. Many illegal IPTV operators generate profit through subscription fees, reseller systems, advertising, device sales, or bundled digital services. This commercial dimension aggravates the legal nature of the infringement because it directly competes with legitimate broadcasting services and undermines the licensing economy of the creative industry. Therefore, legal protection must not only focus on removing illegal content, but also on dismantling the economic infrastructure of piracy. A more effective enforcement model should include cooperation among copyright holders, internet service providers, payment platforms, digital marketplaces, law enforcement agencies, and international partners.

C. Priority Watch List and International Pressure on Indonesia's IPR Enforcement

Indonesia's continued placement on the Priority Watch List demonstrates that IPR protection is evaluated not only from the existence of legislation, but also from the effectiveness of enforcement. The Priority Watch List issued through the Special 301 mechanism functions as an external assessment of how countries protect and enforce intellectual property rights. Although it is not a binding international legal instrument, it produces reputational and policy pressure. In this respect, the Priority Watch List operates as a form of soft pressure that encourages states to reform domestic laws, strengthen enforcement institutions, and improve compliance with international expectations [21].

The relationship between illegal IPTV and Indonesia's Priority Watch List position is significant because digital piracy has become one of the indicators used to assess enforcement effectiveness. Unauthorized streaming, illegal IPTV applications, illicit streaming devices, and online piracy networks are increasingly viewed as serious threats to copyright-based industries. Indonesia's legal response to illegal IPTV therefore has implications beyond domestic copyright protection. It also affects the country's image in international trade relations, investor confidence, and its credibility in implementing IPR commitments. This finding indicates that enforcement against illegal IPTV is not only a matter of protecting private right holders, but also part of Indonesia's broader legal and economic diplomacy.

However, reliance on international pressure also creates a normative dilemma. On the one hand, external evaluation can encourage regulatory improvement and institutional reform. On the other hand, domestic legal policy should not be shaped solely by the interests of foreign industries or external trade assessments. Indonesia must construct an IPR enforcement model that balances international standards with national legal needs, public access

considerations, technological realities, and the development of domestic creative industries. Therefore, the Priority Watch List should be used as a reference for improving enforcement quality, not as the sole determinant of national legal policy.

D. Normative Implications for Reforming Digital Copyright Protection

The results of this study indicate that reforming digital copyright protection in Indonesia requires a more adaptive and integrated legal construction. First, copyright enforcement must be strengthened by clarifying the legal treatment of digital retransmission, streaming piracy, and illegal IPTV services. Although existing copyright law already provides a general basis for protection, more specific enforcement guidelines are needed to ensure consistent interpretation by investigators, prosecutors, judges, regulators, and right holders. Second, enforcement must shift from content-based blocking alone to network-based and profit-based enforcement. This means that authorities should not only block infringing domains, but also investigate the financial, technological, and commercial networks that sustain illegal IPTV operations.

Third, Indonesia needs stronger institutional coordination in handling digital IPR infringement. Illegal IPTV cases involve multiple legal domains, including copyright law, broadcasting regulation, electronic information law, consumer protection, cybercrime, and international cooperation. A fragmented institutional approach may weaken enforcement because each agency may only address part of the problem. A coordinated enforcement mechanism involving copyright authorities, cyber police, communication and information regulators, broadcasting institutions, customs authorities, and international enforcement partners is necessary to respond to the transnational nature of illegal IPTV [22].

Fourth, public legal awareness must be improved. Illegal IPTV often survives because consumers are attracted by low-cost access to premium content and may not fully understand that such services violate copyright law. Legal enforcement should therefore be accompanied by public education regarding the risks of illegal IPTV, including legal liability, cybersecurity threats, data misuse, malware exposure, and harm to the creative economy. A sustainable copyright protection model requires not only stronger state enforcement, but also a culture of legal consumption among digital users.

Overall, the discussion shows that illegal IPTV is a concrete manifestation of the tension between technological development and legal enforcement. Indonesia already possesses a normative foundation to classify illegal IPTV as copyright infringement, but the effectiveness of protection depends on the capacity of legal institutions to respond to digital, commercial, and transnational forms of piracy. The Priority Watch List reinforces the urgency of reform, but Indonesia's legal policy should move beyond external pressure toward a more autonomous, adaptive, and nationally grounded system of digital IPR protection. Thus, the construction of legal protection against illegal IPTV should be directed toward three objectives: ensuring justice for right holders, strengthening legal certainty in the digital economy, and improving Indonesia's credibility within the international IPR protection regime.

IV. CONCLUSION

Based on the results and discussion, it can be concluded that illegal *Internet Protocol Television* (IPTV) services juridically qualify as a violation of *Intellectual Property Rights* (IPR) in the Indonesian legal system. National legal arrangements, particularly through the Copyright Act and broadcasting regulations, have provided a clear normative basis for protecting the economic rights of creators and broadcasting institutions from the practice of unlicensed distribution and communication of works. The practice of law enforcement through the prosecution of illegal IPTV cases, both domestic and cross-country, shows that the state normatively recognizes the seriousness of IPR violations based on digital technology. Nevertheless, the construction of legal protection against illegal IPTV cannot be separated from the influence of international standards and pressures, especially as reflected in the *Priority Watch List* published by the *Office of the United States Trade Representative*. Indonesia's placement on the list encourages countries to strengthen enforcement policies, international cooperation, and administrative approaches in dealing with digital piracy. Despite these measures demonstrating adaptation of legal policies, the effectiveness of IPR protection at the domestic level still faces challenges, particularly related to the consistency of criminal enforcement, the limitations of evidence in digital violations, and the dominance of reactive administrative approaches. Therefore, the renewal of IPR protection in Indonesia needs to be directed at strengthening legal constructions that are not only responsive to external pressures, but also oriented to national legal needs and the sustainability of law enforcement. The handling of illegal IPTV can be used as a strategic entry point to strengthen the digital copyright protection system comprehensively, through increasing the capacity of law enforcement, improving regulations that are adaptive to technology, and strengthening public legal awareness. With this approach, IPR protection in Indonesia is expected to no longer be symbolic, but can function effectively in ensuring justice, legal certainty, and national competitiveness in the digital economy era.

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