

Legal Protection of Netflix's Digital Content Copyright Against Illegal Account Sharing Practices in Indonesia

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Abstract. *The expansion of digital streaming services has reshaped how Indonesian audiences obtain entertainment, with platforms operating through Over-The-Top (OTT) distribution such as Netflix becoming central to daily media use. Alongside the economic opportunities created for the digital creative sector, this shift has also produced legal complications, especially regarding the protection of works that are made available exclusively in digital formats. A recurring concern involves the circulation of Netflix accounts that are exchanged, sold, or jointly used in ways that exceed the scope of legitimate subscription rights. Such practices allow individuals to enjoy paid content without holding their own access authorization, thereby interfering with the economic rights legally reserved for Netflix as the copyright owner. Although a number of scholars explore copyright enforcement in online environments, discussions focused on the legal treatment of account-sharing within Indonesia remain scarce. To address this issue, the present study examines how the protection of Netflix's digital content is framed under Indonesia's Copyright Law (Law No. 28 of 2014) and identifies doctrinal uncertainties as well as sociological factors that complicate enforcement efforts. The research is conducted through a normative methodology supported by statutory and conceptual approaches, utilizing legislation, academic commentary, and other relevant legal materials. The analysis shows that unauthorized sharing of subscription accounts contradicts the rights to distribute and communicate a work to the public, as provided in Article 9 of the Copyright Law. However, because the law does not explicitly regulate the sharing of paid digital accounts and public understanding of digital copyright obligations remains limited, a regulatory gap persists. The study therefore argues that improving the protection of copyrighted digital works requires clearer legislative direction, cooperation among state institutions, and broader public education on digital copyright norms to ensure that creators' economic interests are adequately safeguarded and that Indonesia's creative economy can continue to grow in a sustainable manner.*

Keywords: Account Sharing; Copyright; Digital; Marketplace; Netflix.

1. Introduction

The increasing dependence on digital networks has transformed the ways in which audiences access and experience creative works, particularly films and television productions. Rather than relying on traditional broadcasting systems, viewers now gravitate toward internet-based platforms that offer flexible, on-demand access to entertainment (Kamila, Ratna Permata, and Wijaya 2024). Within this evolving landscape, Over-The-Top (OTT) streaming services such as Netflix, Disney+, and Amazon Prime Video have become the primary channels for the distribution of subscription-based audiovisual content. According to data published by the Indonesian Internet Service Providers Association, the country reached 221.56 million internet users in 2024, accounting for 79.5% of the population (APJII 2024). This level of connectivity indicates not only extensive engagement with digital technology but also Indonesia's increasing participation in global digital creative markets.

Despite these developments, the expansion of streaming platforms has also introduced new legal challenges, particularly those related to copyright protection. One increasingly widespread issue is the unauthorized sharing or resale of premium subscription accounts, whereby a single paid account contractually intended for personal use is accessed by multiple individuals at significantly reduced prices. Digital marketplaces and social media have accelerated the spread of this practice. For OTT providers such as Netflix, unauthorized account sharing results in the loss of legitimate subscription revenue and interferes with the exercise of exclusive economic rights over digital content (Salsabila et al. 2025).

Indonesia's Copyright Law (Law No. 28 of 2014) grants creators exclusive control over the reproduction, distribution, and public communication of their works, as stipulated in Article 9(1). Unauthorized distribution of subscription access therefore constitutes an infringement of distribution and communication rights. Aside from diminishing the economic value of copyrighted works, such practices undermine legal certainty and fairness for rights holders. Nevertheless, the existing legislation does not expressly regulate the sharing of paid digital accounts, resulting in a normative gap that complicates law-enforcement efforts and creates uncertainty for digital-service providers (Nugroho and Muryanto 2025). Enforcement is further limited by relatively low levels of digital legal literacy. A survey conducted by the Ministry of Communication and Information Technology recorded a digital literacy index of only 3.54 out of 5 in 2022, categorized as moderate (Ministry of Communications and Informatics, Ummah, and We Are Social 2024). Many users thus fail to recognize that acquiring or using shared accounts constitutes a legal violation. For some, the practice is perceived as commonplace, with little awareness of its legal implications. These circumstances suggest that the effectiveness of copyright protection hinges not only on regulatory precision but also on improved public understanding of digital copyright norms.

From a conceptual perspective, copyright protection requires both preventive strategies through clear regulatory frameworks and repressive mechanisms in the form of legal sanctions. In practice, however, copyright enforcement in Indonesia continues to focus primarily on traditional, physical forms of piracy, while contemporary digital violations such as subscription account distribution remain insufficiently addressed. This gap underscores the need for regulatory updates that align with rapid technological change. On the international level, the protection of digital copyright is guided by the principles outlined in the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement, which emphasizes the safeguarding of economic rights in cross-border digital transactions. OTT providers like Netflix integrate these norms into their licensing frameworks, yet their application within Indonesia ultimately depends on national legal provisions (Asrofi 2024).

Prior research has examined various aspects of copyright infringement within OTT ecosystems. (Setyareni 2024) analyzed the sale of shared Netflix accounts from the perspective of Islamic law and consumer protection, while (Anshari n.d.) explored legal safeguards for copyright holders against unauthorized dissemination of cinematographic works, though without specifically addressing account-sharing schemes. Meanwhile, (Suandi, Jaelani, and Kholid 2022) further highlighted the sale of Netflix premium accounts through online marketplaces and examined the legal responsibilities arising from such activities. Despite these contributions, scholarly work has yet to comprehensively explore the illegitimate sharing of paid Netflix accounts through the lens of digital copyright protection. Addressing this gap, the present study aims to strengthen the normative foundations of copyright protection in the digital sphere and to offer policy recommendations for mitigating unauthorized account-sharing practices in Indonesia.

2. Research Methods

A normative legal research serves as the foundation of this study, viewing law primarily as a system of written norms supported by doctrinal analysis rather than empirical investigation (Pers. 2007). This design is particularly appropriate because the study seeks to clarify how Indonesian positive law regulates the protection of Netflix's digital content and the scope of rights attached to it. The inquiry is guided by two methodological orientations. First, the statutory approach is employed to interpret the governing rules on copyright and the legally recognized forms of infringement, with emphasis on the structure and substance of Law No. 28 of 2014 on Copyright (Marzuki 2011). Second, the conceptual approach is used to explore theoretical foundations and doctrinal perspectives relevant to copyright protection and the allocation of economic rights in digital contexts. To support the analysis, the study utilizes three categories of legal materials. Primary materials consist of binding legal documents such as statutes and regulatory instruments that define rights, obligations, and enforcement mechanisms. Secondary materials include academic works, doctrinal commentaries, and peer-reviewed studies that offer interpretation and critical reflection on the primary sources. Tertiary materials, such as legal reference books and terminology guides, are consulted to clarify concepts and ensure precision in the use of legal language.

By integrating these methods and materials, the research produces a structured and theoretically grounded examination of the legal framework governing Netflix's digital content in Indonesia and offers a normative basis for strengthening copyright protection in the evolving digital landscape.

3. Results and Discussion

3.1. The Legal Liability of Perpetrators of Illegal Netflix Account Sharing

Legal liability in copyright disputes generally emerges when an individual's actions interfere with the exclusive rights granted to creators or copyright holders under Indonesian copyright legislation. These rights including moral and economic interests are codified in Article 9 of Law Number 28 of 2014 on Copyright, which affirms a creator's authority over reproduction, distribution, and communication of their work to the public. Any unauthorized exploitation of economic rights, whether through copying, dissemination, or other forms of public access, may give rise to civil as well as criminal consequences (Copyright 2014). The phenomenon of illegal account sharing on Netflix represents a new form of copyright infringement that has developed alongside advances in digital technology. This practice involves sharing subscription access with third parties outside the account owner's household for economic gain. However, Netflix's Terms of Use explicitly state that an account may only be used within the same household (Netflix 2025). Therefore, sharing an account beyond household boundaries constitutes a breach of contractual obligations between the user and the service provider, as well as a violation of the copyright holder's exclusive rights to the digital content provided on the platform.

In civil law, liability for an *onrechtmatige daad* arises when a person's conduct deviates from a legal obligation and results in harm to another party. This concept can be identified through several indicators, such as the presence of conduct that contradicts legal norms, an element of intention or negligence, demonstrable losses suffered by another party, and a direct connection between the act and the resulting damage. In the context of paid account sharing, these indicators appear simultaneously: unauthorized access is intentionally provided to third parties, the act is motivated by economic gain through discounted resale practices, and the resulting financial impact is reflected in subscription revenue lost by Netflix and the broader creative ecosystem that depends on lawful digital consumption (Kemenkum 2024). In line with Hans Kelsen's perspective on legal responsibility, an individual is held accountable when their conduct deviates from the established legal order and triggers the imposition of sanctions (Kelsen et al. 1973). On this basis, individuals who engage in illegal account sharing can be deemed responsible for causing economic loss through an unlawful act.

From the standpoint of criminal law, the resale or distribution of shared subscription credentials may be interpreted as conduct falling within the scope of commercial copyright violations under

Article 113 of the Copyright Law. The article provides that the unauthorized use of economic rights for material gain can trigger criminal consequences, including the possibility of imprisonment as well as financial penalties (Copyright 2014). The issue of liability is also linked to doctrines that allow responsibility to be imposed even where a perpetrator claims unawareness of the prohibition. Although many individuals argue that they did not realize account sharing constitutes a copyright violation, the principle *ignorantia legis non excusat* makes clear that a lack of legal awareness does not eliminate accountability. Moreover, Indonesia's current regulatory framework has not yet addressed digital account sharing in a specific or detailed manner. This regulatory gap persists because existing copyright rules have historically focused on traditional forms of infringement such as unauthorized reproduction or physical piracy while newer modes of digital misuse, including subscription-based account distribution, remain insufficiently regulated (Bakhtiyar Mandala Sutra 2023).

This gap reflects a broader disconnect between rapid technological development and the legal framework intended to regulate it. Because Indonesian legislation does not expressly prohibit subscription account sharing, enforcement agencies frequently struggle to address infringements occurring in digital environments. Practical legal challenges also arise due to the borderless nature of the internet and the difficulty of collecting evidence of digital infringements. As a result, more adaptive regulations are needed to address the realities of contemporary digital markets. The situation is compounded by limited public literacy regarding digital legal norms. The Ministry of Communications and Informatics reported a digital literacy index score of only 3.54 out of 5 in 2022 (Ministry of Communications and Informatics et al. 2024), highlighting the public's limited recognition that account sharing is a legal offense. Media reports likewise reveal that many users treat Netflix account sharing as an ordinary and harmless practice (Kompas.com 2021). This pattern underscores that inadequate legal awareness, rather than regulatory shortcomings alone, contributes to the persistence of digital copyright violations.

Sociologically, legal responsibility must be understood not only in repressive terms but also as a preventive mechanism that cultivates legal awareness. Drawing on Satjipto Rahardjo's theory of legal protection, law should serve as a means to guide community behavior toward justice and compliance rather than merely punishing wrongdoing (Rahardjo 2025). Therefore, legal responses to account sharing must be complemented by public education initiatives and digital literacy campaigns. A coordinated approach involving government authorities, OTT service providers, and the public is essential for maintaining a well-regulated digital ecosystem. For instance, the Directorate General of Intellectual Property could collaborate with OTT platforms to implement technology-based detection systems capable of identifying account usage patterns that exceed household boundaries. Netflix, as the content license holder, may also enhance verification mechanisms and refine contractual terms in alignment with international copyright principles embedded in the TRIPS Agreement. At the societal level, users must be informed that unauthorized account distribution undermines the sustainability of Indonesia's creative industries.

In summary, legal liability for illegal Netflix account sharing spans civil, criminal, and social dimensions. Robust copyright protection requires not only clear statutory provisions but also institutional coordination and heightened public awareness. Without these elements, Indonesia will continue to encounter difficulties in addressing digital copyright violations amid the rapid expansion of the digital economy and the persistence of weak compliance in online spaces.

3.2. The Legal Protection of Netflix's Copyright

Legal protection of copyright serves as an essential instrument in ensuring legal certainty and providing recognition for the intellectual creations of individuals and legal entities. In the digital era, copyright protection no longer pertains solely to works in physical form but also extends to digital creations such as films, television series, and documentaries distributed through online platforms. Netflix, as one of the world's largest *Over-The-Top* (OTT) service providers, offers digital content protected under both national and international legal frameworks. All content available on Netflix's platform results from production, licensing, and distribution activities that require substantial financial investment and involve numerous stakeholders within the global creative industry. Under Law Number 28 of 2014 on Copyright, any intellectual work produced in the fields of science, art, and literature automatically receives legal protection from the moment it is expressed in tangible form. This copyright comprises two types of rights: moral rights and economic rights. Moral rights protect the creator's personal and reputational interests, while economic rights grant the creator or copyright holder exclusive control over the economic use of their work (Copyright 2014). Consequently, any individual who uses, reproduces, or distributes a copyrighted work without authorization is deemed to have committed a copyright infringement.

Netflix holds exclusive rights over all works available on its platform, including those produced internally (*Netflix Originals*) and those licensed from third parties. In Indonesia, Netflix has been officially registered as a trademark holder at the Directorate General of Intellectual Property (DJKI) under registration number IDM000596557 for class 41, covering entertainment services via electronic media and the internet (Kemenkum n.d.). This registration grants legal protection for Netflix's trademark and logo and serves as the legal basis for safeguarding its economic rights over all distributed content. Legal protection of Netflix's copyright can be classified into two main forms: preventive protection and repressive protection. Preventive protection involves measures taken prior to any infringement, such as clear legal regulations, public dissemination of copyright awareness, and the application of digital rights management (DRM) technologies. Netflix has implemented algorithm-based security and device authentication systems to limit the number of users per account, as well as encryption technologies to prevent illegal duplication and distribution of its digital content.

In contrast, repressive protection refers to measures applied after an infringement occurs, involving both civil and criminal law enforcement (Ajeng Setianingrum and Faslah 2025). In civil law, copyright holders are entitled to seek compensation for violations of their rights as stipulated in Article 99 of the Copyright Law (Purnomo and Iman 2024). Meanwhile, criminal

sanctions for copyright infringement are governed by Article 113 paragraph (3), which provides penalties of up to four years of imprisonment and/or fines up to one billion rupiah. However, the effectiveness of these protective measures remains challenged in the digital era. One of the most prevalent forms of infringement is illegal account sharing, where multiple users share paid subscription access beyond the limits permitted by Netflix. In practice, perpetrators often resell premium account access at low prices via social media or online marketplaces without authorization from Netflix. This activity not only causes economic loss but also undermines fairness toward legitimate subscribers who pay the full subscription fee.

Low public awareness of intellectual property rights is among the primary factors behind the prevalence of such violations. According to (Kompas.com 2021), the level of digital legal literacy in Indonesia remains low, with many users unaware that sharing paid accounts constitutes a legal violation. In fact, Article 9 paragraph (1)(b) of the Copyright Law explicitly states that only copyright holders have the exclusive right to reproduce and authorize others to use their creations. Therefore, sharing Netflix accounts with unauthorized parties constitutes a copyright infringement, as it violates the economic rights of the copyright holder. At the international level, copyright protection for Netflix's content is also guaranteed under the Berne Convention for the Protection of Literary and Artistic Works of 1886, which Indonesia ratified through Presidential Decree Number 18 of 1997. The convention mandates that member states provide the same level of protection to foreign works as they do to domestic ones. This means that Netflix's content originating from the United States or other countries enjoys the same legal protection in Indonesia. In addition, the principles of international copyright protection are reinforced under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), which forms part of the World Trade Organization (WTO) framework. As a WTO member, Indonesia is obligated to ensure effective protection and enforcement of copyright, including for Netflix's digital content.

In terms of law enforcement in Indonesia, the Directorate General of Intellectual Property (DJKI) plays a central role in overseeing implementation and prosecuting digital copyright violations. Nevertheless, monitoring online infringements remains limited due to resource constraints and the transnational nature of cyberspace. Therefore, collaboration among the government, law enforcement agencies, and digital service providers is necessary to enhance monitoring systems and expedite legal responses to digital copyright violations. Beyond formal legal aspects, copyright protection also carries social and moral dimensions. As a global company, Netflix emphasizes the importance of digital ethics in encouraging lawful subscription behavior. This ethical framework reflects values of honesty, accountability, and respect for others' creative works. Legal education and digital literacy should be strengthened from an early stage to foster understanding of the legal consequences associated with digital piracy and illegal account sharing. (Murfianti 2020)

Legal protection of Netflix's copyright not only safeguards corporate interests but also contributes to the development of the national creative industry. When copyright infringement becomes widespread, local creators lose motivation to innovate due to fears of economic

exploitation without proper recognition. Hence, firm enforcement against digital copyright violations forms an integral part of efforts to create a sustainable and competitive creative economy in Indonesia. Considering these various aspects, it can be concluded that the legal protection of Netflix's copyright in Indonesia still requires reinforcement in terms of regulation, enforcement mechanisms, and public awareness. The government must update policies that are adaptive to technological developments. for example, by revising the Copyright Law to include provisions specifically addressing streaming-based violations and account sharing. Meanwhile, the public must be encouraged to respect copyright as part of their moral responsibility in using digital services ethically and lawfully.

The primary challenge in protecting Netflix's copyright in Indonesia lies in the weak enforcement mechanisms within the digital sphere. Although the Copyright Law provides an adequate legal foundation, its implementation remains ineffective due to limited inter-agency coordination and insufficient capacity to trace cyber violations. Therefore, a multidisciplinary approach that integrates legal instruments, digital technologies, and public education is required. The government may consider developing derivative regulations explicitly categorizing paid account sharing as an infringement of economic rights, while Netflix can collaborate with the Indonesian government through content monitoring and cyber law enforcement mechanisms. Strengthening this collaboration is essential to ensure that digital copyright protection operates more effectively, fairly, and sustainably supporting the advancement of Indonesia's creative economy.

4. Conclusion

The rapid advancement of information technology has transformed how society accesses digital entertainment, with Over-The-Top (OTT) services such as Netflix becoming a dominant platform for audiovisual content distribution. However, this progress has also given rise to new forms of copyright infringement, notably the illegal practice of account sharing. Based on the foregoing analysis, illegal Netflix account sharing constitutes a violation of copyright under Law Number 28 of 2014 on Copyright, particularly of the author's economic rights as stated in Article 9 paragraph (1). Such actions are legally accountable both in civil and criminal contexts fulfilling the elements of *perbuatan melawan hukum* (unlawful act) under Article 1365 of the Civil Code, and subject to criminal sanctions under Article 113 paragraphs (2) and (3) of the Copyright Act. Legal responsibility for illegal account sharing must be viewed through both repressive and preventive dimensions. Repressive measures involve law enforcement and the imposition of sanctions, while preventive measures focus on strengthening digital legal literacy, public awareness, and ethical digital practices. In Indonesia, weak enforcement mechanisms, low public legal awareness, and limited institutional coordination remain major obstacles to effective copyright protection. To address these challenges, it is crucial to strengthen technology-based law enforcement and establish clear implementing regulations specifically governing the misuse of OTT services. Collaboration among the Ministry of Communication and Information, the Directorate General of Intellectual Property (DJKI), law enforcement bodies, and OTT providers like Netflix is essential to ensure effective monitoring and prosecution of

digital copyright violations. Ultimately, compliance with digital copyright law should be seen not merely as a legal duty but as a shared moral and civic responsibility. The success of copyright protection in Indonesia depends on the synergy between adaptive regulation, firm enforcement, and active public participation. With greater awareness and collective commitment to respect intellectual property rights, illegal account sharing can be minimized allowing the creative industry to grow within a fair, sustainable, and progressive digital legal framework.

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