

Safeguarding Intellectual Property Rights in the Digital Age: Copyright Infringement of Football Streaming Sites in the Perspective of Islamic Criminal Law

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Keywords:

Copyright, *Ta'zīr*,
Islamic Criminal
Law, Intellectual
Property Rights.

Abstract:

The development of digital technology has changed the consumption patterns of sports broadcasts through *streaming services*, but it has also triggered the rise of illegal football streaming sites that broadcast content without the permission of copyright holders. This practice not only violates intellectual property rights, but also causes economic losses for broadcasting rights holders and disrupts legal certainty in the digital era. This study aims to analyze copyright infringement on football streaming service sites from the perspective of Islamic criminal law and examine the relevance of *ta'zīr* sanctions as a criminal instrument. The research uses normative legal methods with legislative, conceptual, and comparative approaches through literature studies on jurisprudence literature and laws and regulations regarding copyright. The results of the study show that broadcasting football content without permission is an unlawful act that contains elements of taking the rights of others (*i'tidā'*), violation of property rights (*ḥaqq al-māl*), and causing harm so that it can be qualified as *jarimah ta'zīr*. Therefore, the state is authorized to impose proportionate sanctions in the form of imprisonment, fines, closure of site access, confiscation of illegal profits, and administrative sanctions. This approach is in line with the goals of Islamic criminal law in safeguarding property (*hifz al-māl*), upholding justice, and providing protection for intellectual property rights in the digital era.

Kata Kunci: Hak
Cipta, *Ta'zīr*,
Hukum Pidana
Islam, Hak
Kekayaan
Intelektual.

Abstrak:

Perkembangan teknologi digital telah mengubah pola konsumsi siaran olahraga melalui layanan *streaming*, namun juga memicu maraknya situs streaming sepak bola ilegal yang menayangkan konten tanpa izin pemegang hak cipta. Praktik tersebut tidak hanya melanggar hak kekayaan intelektual, tetapi juga menimbulkan kerugian ekonomi bagi pemegang hak siar dan mengganggu kepastian hukum di era digital. Penelitian ini bertujuan menganalisis pelanggaran hak cipta pada situs layanan streaming sepak bola dalam perspektif hukum pidana Islam serta mengkaji relevansi sanksi *ta'zīr* sebagai instrumen pemidanaan. Penelitian menggunakan metode hukum normatif dengan pendekatan perundang-undangan, konseptual, dan komparatif melalui studi kepustakaan terhadap literatur fikih jinayah dan peraturan perundang-undangan mengenai hak cipta. Hasil penelitian menunjukkan bahwa penyiaran konten sepak bola tanpa izin merupakan perbuatan melawan hukum yang mengandung unsur pengambilan hak orang lain (*i'tidā'*), pelanggaran terhadap hak milik (*ḥaqq al-māl*), dan menimbulkan kemudharatan sehingga dapat dikualifikasikan sebagai *jarimah ta'zīr*. Oleh karena itu, negara berwenang menjatuhkan sanksi yang proporsional berupa pidana penjara, denda, penutupan akses situs, penyitaan keuntungan ilegal, dan sanksi administratif. Pendekatan tersebut sejalan dengan tujuan hukum

pidana Islam dalam menjaga harta (*hifz al-māl*), menegakkan keadilan, serta memberikan perlindungan terhadap hak kekayaan intelektual di era digital.

Introduction

Digital transformation has fundamentally changed the way people access information, entertainment, and various internet-based services. One of the sectors that has experienced significant development is the sports broadcasting industry, especially football, which can now be enjoyed through various streaming-based digital platforms. Advances in information technology have made it easy for people to watch matches live without being limited by space and time. On the other hand, these developments also pose new challenges in the form of the rise of illegal *streaming* service sites that broadcast football matches without permission from broadcasting rights holders and copyright holders. This phenomenon has become an increasingly complex legal issue because it is not only related to intellectual property rights violations, but also concerns economic losses, unfair business competition, cybersecurity, and weak public legal awareness of the importance of copyright protection in the digital era.¹

Hak cipta merupakan bagian dari hak kekayaan intelektual yang memberikan hak eksklusif kepada pencipta atau pemegang hak untuk mengumumkan, memperbanyak, mendistribusikan, dan memperoleh manfaat ekonomi dari suatu karya. Dalam konteks penyiaran olahraga, hak siar pertandingan sepak bola merupakan objek hak cipta yang memiliki nilai ekonomi sangat tinggi karena diperoleh melalui mekanisme lisensi dan kontrak komersial yang melibatkan penyelenggara kompetisi, lembaga penyiaran, serta perusahaan media digital. Oleh sebab itu, setiap bentuk penyiaran ulang (*rebroadcasting*), distribusi, atau penyediaan akses terhadap pertandingan tanpa persetujuan pemegang hak merupakan pelanggaran terhadap hak eksklusif yang dilindungi oleh hukum.²

In Indonesia, the protection of copyright is regulated in Law Number 28 of 2014 concerning Copyright which provides protection for the creations, related rights, and economic rights of rights holders. The law also provides for criminal sanctions for any person who knowingly and without rights reproduces, distributes, or announces a protected work for commercial purposes. In addition, the development of digital technology has prompted the birth of various other regulations related to the implementation of electronic systems, electronic transactions, and digital data protection as part of efforts to create a safe and fair cyberspace. However, the practice of copyright infringement through illegal *streaming sites* continues because

¹ Kamaruddin Hasan et al., "Transformasi Komunikasi Massa Era Digital Antara Peluang Dan Tantangan," *JPP Jurnal Politik Dan Pemerintahan* 8, no. 1 (2023): 41-55.

² Jayanti Armida Sari and Bambang Agus Diana, "Dampak Transformasi Digitalisasi Terhadap Perubahan Perilaku Masyarakat Pedesaan," *Jurnal Pemerintahan Dan Politik* 9, no. 2 (2024): 88-96.

perpetrators take advantage of the ease of technology, internet anonymity, and the existence of servers in various jurisdictions that make it difficult to enforce the law.³

The rise of illegal football streaming sites shows that there is a gap between technological developments and the effectiveness of legal protection. Not a few people access illegal services because they are considered cheaper or even free than official paid services. This condition indirectly encourages an increase in demand for illegal services so that perpetrators obtain economic benefits through digital advertising, subscriptions, and other forms of monetization. As a result, broadcasting rights holders suffer significant financial losses, while the creative industry and sports broadcasting ecosystem loses legal certainty and incentives to continue investing in the provision of legal services.⁴

The problem can not only be seen as an administrative violation or a violation of economic rights, but also as a form of taking the property of others without permission that is contrary to the principle of justice. From the perspective of Islamic law, intellectual property rights are seen as part of property (*māl*) that has a beneficial value and obtains sharia protection. The majority of contemporary scholars affirm that the results of intellectual creativity are a legitimate right owned by a person and should not be used by other parties without the consent of the owner. Thus, the dissemination of digital content without permission is a form of violation of property rights that is contrary to the principle of property protection (*ḥifẓ al-māl*) as one of the main objectives (*maqāṣid al-sharī'ah*).⁵

The Qur'an provides a normative basis regarding the prohibition of taking the property of others voidly as affirmed in Surah Al-Baqarah verse 188⁶ and Surah An-Nisā' verse 29.⁷ Both verses emphasize that any form of obtaining economic benefits that is carried out without rights is a prohibited act because it contains elements of tyranny and harms other parties. Although in classical times the concept of copyright as it developed today was not known, sharia values regarding the protection of property rights, honesty, trust, and the prohibition of harming others have strong relevance in answering the problem of copyright infringement in the digital era.

³ Wendelina Ernatudera, Arief Syahrul Alam, and Andy Usmina Wijaya, "Tinjauan Yuridis Perlindungan Hak Moral Pencipta Berdasarkan Undang-Undang No. 28 Tahun 2014," *Jurnal Ilmu Hukum Wijaya Putra* 1, no. 2 (2023): 189–202.

⁴ Dyah Kumalarani Mahakerty et al., "Analisis Faktor Penggunaan Layanan Situs Ilegal Streaming Oleh Mahasiswa ITS Dan Hubungannya Dengan UU ITE," *Jurnal Sosial Teknologi* 3, no. 10 (2023): 844–53.

⁵ Shafa Dinda Putri, Asri Wulandari, and Zikra Aliifah Noval, "Penegakan Hukum Hak Cipta Terhadap Penyelenggaraan Situs Layanan Streaming Sepak Bola Yang Ilegal Di Indonesia," *Padjadjaran Law Review* 9, no. 1 (2021).

⁶ Ismi Wakhidatul Hikmah, "Bribery In QS Al-Baqarah/2: 188:(Ma'na-Cum-Maghza Analysis Study)," *PAPPASANG* 4, no. 1 (2022): 79–92.

⁷ Muhammad Fauzi, "Interpretation Of Qs. An-Nisa [4]: 29-30 Perspective Of Ma'na Cum Maghza" (UIN SUNAN Kalijaga Yogyakarta, 2024).

The concept of *ta'zīr* gives the state the flexibility to establish a criminal type that corresponds to the characteristics of contemporary crimes, including information technology-based crimes and intellectual property rights violations. Through this mechanism, the state can impose prison sentences, fines, confiscation of proceeds of crime, site blocking, revocation of permits, and other forms of sanctions that have preventive, repressive, and educational effects.⁸

The *ta'zīr* approach becomes relevant because copyright infringement on illegal football streaming sites not only harms individuals or corporations as rights holders, but also impacts the public interest, the stability of the digital economy, and the development of the national creative industry. The protection of intellectual property rights in Islam is essentially aimed at maintaining a balance between individual rights and the benefit of society. Therefore, law enforcement against copyright infringers is not only oriented towards punishment, but also directed at preventing damage (*mafsadah*), creating legal certainty, and realizing social justice.⁹

Although various studies have discussed copyright protection from a positive legal perspective as well as the development of intellectual property rights in Islamic law, studies that have specifically linked copyright infringement of illegal football streaming sites to the concept of *jarimah ta'zīr* It is still relatively limited. Most of the research focuses more on the civil, consumer protection, or effectiveness aspects of Copyright Law enforcement, while analysis of the construction of Islamic criminal liability for digital copyright infringement has not been extensively developed. The absence of the study shows the need to present an Islamic criminal law perspective that is able to answer the dynamics of digital crime more comprehensively.¹⁰

Based on this description, this study aims to analyze copyright infringement on football streaming service sites from the perspective of Islamic criminal law by placing *jarimah ta'zīr* as the basis for criminal liability against the perpetrators. This study also examines the relevance of the application of *ta'zīr sanctions* in supporting the protection of intellectual property rights in the digital era and its contribution to strengthening the national legal system. This study is expected not only to enrich the scientific treasures of Islamic criminal law, but also to make a conceptual contribution in formulating a law enforcement model that is adaptive to technological developments, interest-oriented, and in harmony with the goals of *maqāṣid al-sharī'ah*,

⁸ Anita Putri Aningsih et al., "Relevansi Ta'zir Sebagai Alternatif Pemidanaan Dalam Sistem Hukum Pidana Modern," *Jurnal Tahqiq: Jurnal Pemikiran Hukum Islam* 20, no. 1 (2026): 64–81.

⁹ Erha Saufan Hadana, Via Nurjannah, and Muzakkir Zakaria, "Reactualization of Ta'addud Al-Jarā'im as a Framework for Proportionality and Individualization in the Reform of the Criminal Sentencing System under the Indonesian Criminal Code": Reaktualisasi Ta'addud Al-Jarā'im Sebagai Kerangka Proporsionalitas Dan Individualisasi Dalam Pembaruan Sistem Pemidanaan KUHP," *DELICTUM: Jurnal Hukum Pidana Islam* 4, no. 2 (2026): 91–105.

¹⁰ Lina Nur Anisa, "Reformasi Hukum Pidana Islam: Telaah Nalar Arab Muhammad Abed Al-Jabiri," *Journal of Islamic Economic and Law (JIEL)* 2, no. 1 (2025): 1–19.

especially in safeguarding property (*hifz al-māl*), uphold justice, and provide protection for people's economic rights in the era of digital transformation.

Method

This study uses normative legal research methods with a statutory *approach*, a *conceptual approach*, and a comparative approach (*comparative approach*).¹¹ The legislative approach is used to analyze the provisions regarding copyright protection in Law Number 28 of 2014 concerning Copyright and related regulations in the field of information technology.¹² The conceptual approach is used to examine the concepts of intellectual property rights, *jarimah ta'zīr*, and property protection (*hifz al-māl*) in Islamic criminal law, while the comparative approach aims to compare the principles of national criminal law with the provisions of fiqh jinayah.¹³ The research data is in the form of primary, secondary, and tertiary legal materials obtained through literature studies. All data were analyzed qualitatively by descriptive-analytical method to obtain the construction of criminal liability for copyright infringement of illegal football *streaming* sites in the perspective of Islamic criminal law and its relevance to law enforcement in the digital era.¹⁴

Results and Discussion

Copyright Infringement on Football Streaming Sites in the Digital Age

The development of information and communication technology has driven a major transformation in the sports broadcasting industry, especially football. If previously the match could only be accessed through conventional television, now the public can watch it through various streaming-based digital platforms that offer easy access anytime and anywhere. The digitalization has a positive impact on improving the quality of broadcasting services, content distribution efficiency, and expanding the sports industry market. However, behind this progress comes a serious challenge in the form of the rise of illegal *streaming sites* that broadcast football matches without obtaining a license or permission from the broadcasting rights holder. This phenomenon is growing rapidly along with the increasing internet penetration, the use of mobile devices, and the high public interest in international football competitions such as the English League, UEFA Champions League, La Liga, Serie A, Bundesliga, and the FIFA World Cup.¹⁵

¹¹ Nanda Dwi Rizkia and Hardi Fardiansyah, *Metode Penelitian Hukum (Normatif Dan Empiris)* (Penerbit Widina, 2023).

¹² Iman Jalaludin Rifa'i, "Ruang Lingkup Metode Penelitian Hukum," *Metodologi Penelitian Hukum* 6 (2023).

¹³ Ahmad Rosidi, Muhammad Zainuddin, and Ismi Arifiana, "Metode Dalam Penelitian Hukum Normatif Dan Sosiologis (Field Research)," *Journal Law and Government* 2, no. 1 (2024).

¹⁴ Jonaedi Efendi and Prasetijo Rijadi, "Metode Penelitian Hukum Normatif Dan Empiris: Edisi Kedua," 2022.

¹⁵ Atikah Mardhiya Rohmy, Teguh Suratman, and Arini Indah Nihayaty, "UU ITE Dalam Perspektif Perkembangan Teknologi Informasi Dan Komunikasi," *Dakwatuna: Jurnal Dakwah Dan Komunikasi Islam* 7, no. 2 (2021): 309–39.

Economically, the broadcasting rights of football matches are one of the most valuable commercial assets in the global sports industry. Clubs, league operators, football federations, and broadcasting companies earn their main income through the sale of broadcasting rights licenses to television and official digital platforms. Therefore, any rebroadcast of the match without permission is a form of violation of the exclusive rights of the copyright holder and related rights holders. Illegal *streaming* sites use *live streaming*, *content mirroring*, *embedded streaming*, and *Content Delivery Network* (CDN) technology to illegally distribute broadcasts to millions of users. Most of these sites gain economic benefits through digital advertising, premium subscriptions, and affiliate marketing, making copyright infringement a highly commercially valuable activity.¹⁶

In Indonesia, the high consumption of digital sports content has also increased the number of users of *streaming services*. However, the relatively high subscription price of official platforms, the ease of accessing illegal sites, and low public awareness of the importance of intellectual property rights protection are factors that encourage the development of digital piracy practices. As a result, broadcasting rights holders suffer significant financial losses due to the loss of potential revenue from authorized customers. In addition to harming broadcasting companies, the practice also impacts football clubs, competition operators, sponsors, and the entire sports industry ecosystem that relies on the commercial value of broadcasting rights.¹⁷

Normatively, copyright protection in Indonesia has a strong legal foundation. Article 1 number 1 of Law Number 28 of 2014 concerning Copyright emphasizes that copyright is an exclusive right that arises automatically based on the declarative principle after a work is realized in real form. This right gives the authority to the creator or right holder to announce, reproduce, distribute, and obtain economic benefits for his creation. The protection also covers cinematographic works, broadcasts, and related rights attached to the broadcasting institution as the holder of the broadcasting rights of sports matches.¹⁸

Furthermore, Article 9 of Law Number 28 of 2014 provides economic rights to creators and copyright holders to publish, reproduce, distribute, announce, and communicate their creations to the public. Anyone who uses these economic rights without the permission of the rights holder is a violation of the law that can be subject to criminal or civil sanctions. This provision is strengthened through Article 113, which regulates the threat of imprisonment and fines for any person who deliberately and

¹⁶ Dadan Kurniawan, *Laliga: Sejarah, Struktur, Dan Perjalanan Liga Sepak Bola Global* (Afdan Rojabi Publisher, 2026).

¹⁷ Orchida Nadia Salsabila, *SkyTV: Revolusi Hiburan Digital Dan Transformasi Konsumsi Media Di Era Streaming Modern* (Afdan Rojabi Publisher, 2026).

¹⁸ Nabila Setya Laksana et al., "Perlindungan Hukum Atas Hak Eksklusif Remake Film Dalam Perspektif Undang-Undang Hak Cipta," *Jurnal Usm Law Review* 8, no. 2 (2025): 938–51.

without rights violates economic rights for commercial purposes. Thus, the broadcasting of football matches through illegal sites that profit from advertising and other forms of monetization meets the criminal elements of copyright infringement.¹⁹

In addition to the Copyright Law, regulations regarding digital activities are also supported by Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Information and Electronic Transactions. The regulation provides a legal basis for the government to supervise the implementation of electronic systems, including enforcement against the misuse of digital space that is detrimental to society. Furthermore, Government Regulation Number 71 of 2019 concerning the Implementation of Electronic Systems and Transactions requires electronic system operators to carry out their activities responsibly, respect intellectual property rights, and comply with the provisions of applicable laws and regulations.²⁰

In practice, the government through the Ministry of Communication and Digital (Komdigi), the Directorate General of Intellectual Property of the Ministry of Law, and law enforcement officials periodically block thousands of sites that violate copyright, including illegal sports streaming sites. This effort is a form of state protection for copyright holders as well as the implementation of the state's obligations in maintaining legal certainty in the digital space. However, the effectiveness of law enforcement still faces various obstacles, such as the repeated use of new domains, the transfer of servers abroad, the use of *Virtual Private Network* (VPN) technology, and the cross-border nature of the internet (*borderless*).²¹

This problem shows that copyright infringement on football *streaming* sites is no longer just a technological problem, but has developed into a *digital economic crime*. The perpetrator profits from the exploitation of the intellectual works of others without compensating the rights holder. From an economic perspective, these actions create unfair business competition, reduce the investment value of the broadcasting industry, and hinder the growth of the national creative economy. Therefore, the protection of intellectual property rights is not only aimed at protecting the interests of individuals, but also maintaining the sustainability of the digital economy ecosystem as a whole.²²

From the perspective of Islamic criminal law, intellectual property rights are part of *ḥaqq al-māl* (the right to property) which is protected by sharia. Although the

¹⁹ Hulman Panjaitan, "Undang Undang Nomor 28 Tahun 2014 Tentang Hak Cipta Dan Perlindungan Hukum Bagi Pencipta Karya Cipta Musik Dan Lagu," *Jurnal Hukum To-Ra* 5, no. 1 (2019): 19–25.

²⁰ Tuti Herningtyas, Lia Fadriani, and Putri Dwi Yulisa, "Penyelesaian Sengketa Kontrak Dagang Secara (E-Commerce) Berdasarkan Undang-Undang Nomor 1 Tahun 2024 Tentang Perubahan Kedua Atas Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik," *Jurnal Kolaboratif Sains* 9, no. 5 (2026): 4038–47.

²¹ S H Budiyo, *Pengantar Cybercrime Dalam Sistem Hukum Pidana Di Indonesia* (Sada Kurnia Pustaka, 2025).

²² Abdul Mukhsin, "Sanksi Pidana Terhadap Pelanggaran Hak Cipta Situs Layanan Streaming Sepak Bola Dalam Perspektif Hukum Pidana Islam," *UNES Law Review* 6, no. 2 (2023): 4226–34.

concept of copyright was not explicitly known in classical times, the majority of contemporary scholars recognize that the results of thought, creativity, innovation, and intellectual works have legitimate economic value and are therefore objects of ownership that must be respected. The principle is based on the words of Allah SWT. in Q.S. Al-Baqarah [2]:188 which prohibits eating the property of others in an unlawful manner, and Q.S. An-Nisā' [4]:29 which emphasizes the prohibition of acquiring property through means that are not permissible by the Shari'ah. These two verses are the normative basis that any form of taking economic benefits from the work of others without permission is an act that is contrary to the principle of justice.²³

From the point of view of *maqāṣid al-sharī'ah*, the protection of copyright is the implementation of the purpose of sharia in protecting property (*ḥifẓ al-māl*). Illegally broadcasting football matches not only deprives licensees of economic rights, but also inflicts wider harm on the broadcasting industry, creative workers, sponsors, and society. Therefore, the violation fulfills the characteristics of acts that contain elements of *ẓulm* (tyranny), *i'tidā'* (violation of rights), and *akl al-māl bi al-bāṭil* (unlawful acquisition of property). Since there are no specific provisions regarding the type or extent of punishment in the Qur'an and Sunnah, digital copyright infringement is qualified as *jarīmah ta'zīr*, i.e. a criminal act whose form of sanction is determined by the government based on the public interest.²⁴

Thus, copyright infringement on football *streaming* sites in the digital era is a multidimensional crime that has an impact on legal, economic, technological, and moral aspects. Effective law enforcement requires integration between national regulations, digital technology supervision, public awareness raising, and an Islamic criminal law approach that places the protection of intellectual property rights as part of efforts to protect property, realize justice, and create benefits for all people.

Protection of Intellectual Property Rights in the Perspective of Positive Law and Islamic Law

Intellectual property rights (IPR) are a form of material rights that are born from the results of human intellectual ability and have economic, moral, and social value. The development of science, technology, and the digital economy makes intellectual property rights a strategic asset that determines the competitiveness of individuals, corporations, and countries. In the digital era, intellectual works are no longer limited to books, works of art, or technological inventions, but also include digital content, sports broadcasts, software, databases, and various works distributed via the internet. Therefore, the protection of intellectual property rights is a fundamental need to

²³ Ahmad Nahrowi, "Tinjauan Hukum Pembajakan Kitab Kuning Di Website Perspektif Hukum Positif Dan Hukum Islam," *J-CEKI: Jurnal Cendekia Ilmiah* 5, no. 2 (2026): 2440–54.

²⁴ Rahmat Danni, "Maqāṣid Al-Sharī 'Ah And Copyright Protection: A Critical Examination Of Copyright Regulation In Indonesia," *Asy Syar'iyah: Jurnal Ilmu Syari'ah Dan Perbankan Islam* 10, no. 2 (2025): 110–34.

ensure legal certainty, encourage innovation, and create a healthy creative economy climate.²⁵

In Indonesia's positive legal system, copyright protection is comprehensively regulated through Law Number 28 of 2014 concerning Copyright. Article 1 number 1 defines copyright as an exclusive right that arises automatically based on the declarative principle after a work is realized in a tangible form without reducing restrictions in accordance with the provisions of laws and regulations. This concept shows that copyright protection does not depend on the registration process, but is born automatically from the moment a work is realized. Copyright registration only serves as a means of proof in the event of a legal dispute.²⁶

Copyright provides two forms of protection, namely moral *rights* and economic rights. Moral rights are permanently attached to the creator, including the right to keep their name as the creator, maintain the integrity of the creation, and reject changes to the work that can harm its honor or reputation. On the other hand, economic rights give the authority to creators or rights holders to obtain financial benefits through publishing, copying, distributing, performing, communicating to the public, leasing, or licensing to other parties.²⁷

In the context of sports broadcasting, the right to broadcast football matches is part of related *rights* that obtain legal protection. Broadcasting institutions or companies that obtain official licenses have the exclusive right to broadcast, distribute, and derive economic benefits from such broadcasts. Therefore, any form of *rebroadcasting*, *restreaming*, or providing access through *an unauthorized streaming* site constitutes a violation of the copyright holder's economic rights. Such acts not only cause financial losses, but also damage the broadcasting industry ecosystem, hinder investment, and reduce incentives for creators and licensees to continue producing quality works.²⁸

As a form of repressive protection, Law Number 28 of 2014 provides a criminal threat against anyone who deliberately and without rights violates the economic rights of creators for commercial purposes. In addition to imprisonment and fines, Indonesia's positive law also recognizes the mechanism of civil lawsuits, payment of

²⁵ Ismail Koto et al., "Perlindungan Hukum Atas Kekayaan Intelektual Perspektif Hukum Islam," *Jurnal Yuridis* 10, no. 2 (2023): 66–73.

²⁶ Karlina Rahayu, "Analisis Pertanggungjawaban Negara Atas Karya Dengan Pencipta Tidak Diketahui Berdasarkan Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta," *Arus Jurnal Sosial Dan Humaniora* 4, no. 2 (2024): 554–61.

²⁷ Azni Isnaeni Fitriadina, Kanti Rahayu, and Erwin Aditya Pratama, "Pelanggaran Hak Ekonomi Dan Hak Moral Terhadap Cuplikan Film Yang Diunggah Di Media Sosial," *Pancasakti Law Journal (PLJ)* 1, no. 1 (2023): 13–22.

²⁸ Luqyana Agny Anisataqiyya, "Perlindungan Hak Kekayaan Intelektual Dalam Pertandingan Olahraga Sepak Bola Di Indonesia: Studi Tentang Penyiarannya Melalui Broadcasting Serta Webcasting Ditinjau Dari Hak Cipta Dan Hak Terkait Dalam Kaitannya Dengan Hak Siar," *Technology and Economics Law Journal* 3, no. 1 (2024): 4.

compensation, confiscation of infringing goods, stopping the distribution of illegal content, and blocking access to copyright-infringing sites. The regulation shows that the state views copyright as a material right that must obtain effective legal protection to ensure legal certainty and justice for rights holders.²⁹

In addition to protection based on positive law, the concept of intellectual property rights has also gained legitimacy in Islamic law. Although the term *intellectual property rights* was not known in classical times, the substance of its protection can be found in the principles of shari'a regarding ownership (*milk*), the right to property (*ḥaqq al-māl*), the prohibition of taking the property of others illegally, and the purpose of sharia (*maqāṣid al-sharī'ah*). The majority of contemporary scholars are of the opinion that the results of thought, scientific works, technological inventions, works of art, computer programs, and digital works are forms of property (*māl*) that have a beneficial value (*manfa'ah*) and economic value so that they deserve legal protection.³⁰

The concept of *milk* in fiqh contains the meaning of a legal relationship that gives authority to a person to control, utilize, develop, and maintain a property legally. Such ownership is not only limited to tangible objects (*al-māl al-māddī*), but can also include rights that have economic value (*al-ḥ uqūq al-māliyyah*). Along with the development of modern transactions, contemporary scholars have expanded the definition of property to include intellectual property as an object of legal ownership. Thus, intellectual works, including the broadcasting rights of football matches, are part of property rights that may not be used or exploited without the permission of the owner.

This concept is closely related to *ḥaqq al-māl*, which is a person's right to the lawful possession and use of property. In Islamic law, any form of violation of property rights is seen as an act of tyranny because it deprives the owner of the economic benefits that should be the right. Broadcasting football matches through illegal sites that profit from advertising, subscriptions, or other forms of monetization includes acts that take economic benefits from the work of others without consent. Therefore, such actions can be categorized as forms of *i'tidā'* (violation of rights) and *akl al-māl bi al-bāṭil* (acquiring property in a wrong way).

This principle has a strong normative foundation in the Qur'an. Allah Swt. said in Q.S. Al-Baqarah [2]:188:³¹

²⁹ Roy Amri, "Analisis Ekonomi Politik Komunikasi Pada Hak Siar Pertandingan Sepakbola: Studi Deskriptif Praktik Spasialisasi Dalam Siaran Langsung Sepakbola Liga Eropa Di Indonesia," *Jurnal Ekonomi, Sosial & Humaniora* 2, no. 11 (2021): 1-12.

³⁰ Mieke Yustia Ayu Ratna Sari and Riza Yudha Patria, "Tantangan Pemanfaatan Hak Kekayaan Intelektual Sebagai Solusi Permodalan [The Challenges of Utilizing Intellectual Property Rights as a Capital Solution]," *Law Review*, 2020, 111-37.

³¹ Reno Hidayat et al., "Qs. Al-Baqarah: 188 Dalam Hermeneutika Fazlur Rahman: Etika Anti-Korupsi Dalam Perspektif Qur'ani," *Media Hukum Indonesia (MHI)* 4, no. 1 (2026): 847-54.

وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ وَتُدْخِلُوا بِهَا إِلَى الْحُكَّامِ لِيَأْكُلُوا فَرِيقًا مِّنْ أَمْوَالِ النَّاسِ بِالْإِثْمِ وَأَنْتُمْ تَعْلَمُونَ □

Meaning: Do not eat the wealth among you in a wrong way, and do not bring it to the judges with the intention that you may eat some of the wealth of others in the way of sin, even though you know it.

The verse prohibits any form of economic benefit that is not based on legitimate rights. A similar prohibition is affirmed in Q.S. An-Nisā' [4]:29³² which commands that economic transactions be carried out on the basis of the will of the parties (*'an tarāḍin minkum*) and prohibits practices that contain elements of tyranny. Although the two verses do not explicitly address copyright, the universal value contained in them is the basis for the protection of all forms of property rights, including intellectual property rights.

The protection of intellectual property rights is also in line with one of the main objectives of the sharia (*maqāṣid al-sharī'ah*), which is *ḥifẓ al-māl* (protection of property). According to Imam al-Ghazali, the protection of property is one of the five basic needs (*al-ḍ arūriyyāt al-khams*) that must be maintained in order to realize the benefits of humans. Jasser Auda then developed the concept through a *systems approach*, which views the protection of property not only limited to physical assets, but also includes all economic resources that support the welfare of the community, including the results of innovation and intellectual works. In the context of the digital economy, copyright is part of an economic asset that must be maintained in order to encourage innovation, creativity, and sustainable development.³³

Using the perspective of *maqāṣid al-sharī'ah*, copyright infringement on illegal football *streaming* sites not only harms the licensee, but also hinders the achievement of the public good. This practice reduces incentives for creative industry players to continue to innovate, reduces state revenue from the digital economy sector, and creates unfair business competition. Therefore, the protection of intellectual property rights is not only aimed at protecting the interests of individuals, but also maintaining the sustainability of a fair and productive economic system.³⁴

Based on the perspective of positive law and Islamic law, there is a strong common ground regarding the importance of protecting intellectual property rights. Positive law provides certainty through the recognition of exclusive rights, licensing mechanisms, and criminal and civil sanctions for copyright infringement. Meanwhile, Islamic law provides normative legitimacy through the concepts of *milkiyyah*, *ḥaq al-māl*, and *ḥifẓ al-māl* which place intellectual works as part of property that must be

³² Syauqi Musfirah Daud Pisba et al., "Leadership and Gender Justice in the Household: Rasyid Ridha's Interpretation of QS. An-Nisa'34," *Journal of Islamic Education Students (JIES)* 5, no. 2 (2025): 369–87.

³³ Siti Walida Mustamin, "Konsep Penggunaan Dan Perlindungan Merek Dagang Dalam Perspektif Fiqh Kontemporer Dan Maqāṣid Al-Syari'ah," *Al-Qanun: Kajian Syari'ah Dan Hukum* 1, no. 1 (2025): 46–54.

³⁴ Adhi Nurwanto Yulvan, "Tinjauan Hukum Praktik Streaming Sepak Bola Tanpa Lisensi," 2025.

respected and protected. The similarity of values shows that copyright protection is not only a national lawsuit, but also part of the implementation of the principles of justice, trust, and benefit which are the main goals of Islamic law. Thus, law enforcement efforts against copyright infringement of illegal football *streaming* sites have a strong basis both in Indonesia's positive legal system and in the framework of Islamic criminal law.

Football Streaming Site Copyright Infringement Qualification as *Jarimah Ta'zīr*

The development of digital technology has given birth to new forms of crime unknown in classical times, including copyright infringement through illegal football streaming sites. The act of broadcasting, distributing, or providing access to a football match without the permission of the broadcast rights holder is not only a violation of intellectual property rights in positive law, but also has a moral and legal dimension in the perspective of Islamic criminal law. Although the Qur'an and Sunnah do not explicitly regulate copyright or digital crimes, the general principles of sharia provide a solid basis for qualifying such acts as criminal acts (*jarimah*) that are punishable *ta'zīr*.³⁵

In *jiha'wah fiqh*, *jarimah* is any act that is prohibited by the shari'a and is threatened with legal sanctions because it causes harm to individuals and society. The scholars divide *jarimah* into three categories, namely *jarimah hudūd*, *jarimah qisās wa diyāt*, and *jarimah ta'zīr*. *Jarimah hudūd* is a criminal offense whose type and punishment have been expressly determined by the Qur'an and Sunnah, such as adultery, theft (*sariqah*), robbery (*hirābah*), qazaf, and drinking khamar. *Jarimah qisās wa diyāt* is related to criminal acts against the soul and limbs whose settlement is through the mechanism of retribution or payment of diyat. As for *jarimah ta'zīr* is a criminal act that is not specifically determined in its form or level of punishment so that the determination of the sanctions is left to the government (*ulī al-amr*) or judges based on consideration of the benefits.³⁶

Copyright infringement through football *streaming* sites does not meet the elements of *jarimah hudūd* or *qisās wa diyāt* because the object violated is not the soul, body, or criminal act that has been definitively determined in the nash. On the contrary, it is more appropriate to place it as *jarimah ta'zīr* because it is a form of violation of property rights that develops with the changing times. The flexible nature of *ta'zīr* allows Islamic criminal law to respond to various forms of contemporary crime, including *cybercrime* and intellectual property rights infringement.³⁷

³⁵ Audrey Adeline Novia, Dwi Ayu Rahmadani, and Maslihati Nur Hidayati, "Pelanggaran Hak Cipta Melalui Situs Streaming Ilegal," 2022.

³⁶ Fatahuddin Aziz Siregar et al., "Fikih Jinayah Kontemporer: Telaah Historis, Perkembangan Dan Penerapan Qanun" (Semesta Aksara, 2024).

³⁷ Novia, Rahmadani, and Hidayati, "Pelanggaran Hak Cipta Melalui Situs Streaming Ilegal."

Substantively, copyright infringement of illegal *streaming* sites meets the elements of criminal acts according to fiqh jinayah. First, there is a prohibited act (*al-rukṇ al-shar'ī*), which is to use and disseminate the economic rights of others without permission. In Islam, intellectual property rights are seen as part of *the ḥaqq al-māl* that must be respected. Therefore, any form of exploitation of intellectual works without the consent of the rights holder is a violation of the principle of ownership (*milik*) protected by sharia.³⁸

Second, there are perpetrators who can be held accountable (*al-rukṇ al-adabī*). Illegal streaming site operators knowingly build platforms, upload or broadcast matches without a license, and gain economic benefits through advertising, premium services, and other forms of monetization. The element of intentionality (*qaṣd*) can be seen from the knowledge that the content is an object that is protected by law, but is still used for personal gain.

Third, there are material acts (*al-rukṇ al-māddī*) that cause real losses. In this context, losses are experienced not only by broadcasting rights holders, but also by league operators, football clubs, sponsors, official broadcasting institutions, and even countries that lose potential tax revenues from the broadcasting industry. Thus, digital copyright infringement has a much broader impact than just a civil relationship between rights holders and perpetrators.

From the perspective of Islamic law, these acts also contain several elements of acts that are prohibited by sharia. First, there is an element of *ẓulm* (tyranny), because the perpetrator takes economic benefits from the results of the work and investment of other parties without rights. Second, there is an element of *i'tidā'* (infringement of the rights of others), because the exclusive rights of the licensee are ignored for the economic interests of the perpetrator. Third, these acts include *akl al-māl bi al-bāṭil*, i.e. obtaining property through means that are not justified by the Shari'ah as prohibited in Q.S. Al-Baqarah [2]:188 and Q.S. An-Nisā' [4]:29. Fourth, this practice causes *ḍarar* (harm) to individuals and society so that it is contrary to the rules of fiqh *lā ḍarar wa lā ḍirār* which prohibits all forms of acts that cause harm.

The majority of contemporary scholars recognize that intellectual property rights are part of property rights that obtain sharia protection. The decisions of various international jurisprudence institutions also affirm that copyrights, patents, and trademarks have legitimate economic value and should not be infringed. Thus, the dissemination of football matches through illegal *streaming* sites is not just an administrative offense, but a violation of property rights that has criminal consequences within the framework of *ta'zīr*.

³⁸ H Farhan Indra, *Etika Penyiaran Islam: Tatanan Nilai, Regulasi, Dan Tanggung Jawab Moral Di Era Digital* (PT. Revormasi Jangkar Philosophia, 2026).

The concept of *ta'zīr* gives the state the authority to determine the form and level of punishment according to the level of danger (*mafsadah*) caused. This principle shows that Islamic criminal law is adaptive to the development of society. When a new form of crime arises as a result of technological developments, the state can impose effective sanctions as long as it aims to protect the public interest (*al-maṣlaḥah al-'āmmah*). Therefore, digital copyright infringement can be subject to various forms of *sanctions ta'zīr*, such as imprisonment, fines, confiscation of the proceeds of crime, closure or blocking of the site, revocation of business licenses, payment of compensation (*restitution*), to prohibition of carrying out certain activities related to the violation.

Criminal liability in Islamic law is also based on the principle of individual liability (*al-mas'ūliyyah al-jinā'iyyah al-fardiyyah*). Everyone is responsible for their own actions and cannot impose the blame on others. Therefore, site managers, service providers, and parties who actively profit from the illegal distribution of football content can be held accountable according to their level of involvement. This principle is in line with the principle of error (*geen straf zonder schuld*) in modern criminal law which requires the existence of an element of intentionality or negligence as the basis for punishment.

In addition to being retaliation-oriented, criminalization in the concept of *ta'zīr* also has preventive, repressive, educational, and restorative functions. Sanctions are not only intended to punish the perpetrators, but also prevent the public from committing similar offenses, recover victims' losses, and maintain public order. In the context of digital copyright infringement, this approach is important because these crimes are transnational, are carried out through information technology, and have the potential to grow massively if not responded to with effective legal policies.³⁹

Viewed from the perspective of *maqāṣid al-sharī'ah*, the qualification of copyright infringement as *jarimah ta'zīr* is a form of protection against ḥifẓ al-māl (protection of property). This protection is not only aimed at copyright holders, but also at the wider community in order to create legal certainty, a healthy investment climate, and the sustainability of the creative industry. Thus, the application of *ta'zīr* not only has normative legitimacy in Islamic law, but is also relevant to the needs of law enforcement against modern digital crime.

Based on this analysis, copyright infringement on football *streaming* sites meets the elements of *jarimah ta'zīr* because it contains elements of intentionality, infringement of property rights, unlawful acquisition of profits, and causes harm to individuals and society. Therefore, the state has the legitimacy of sharia to impose proportionate criminal sanctions as an instrument for the protection of intellectual property rights while realizing justice and benefits in the digital era.

³⁹ Mahfudz Junaedi, "Peran Dan Fungsi Hukuman," *Hukum Pidana: Sejarah, Teori, Dan Dinamika Kontemporer*, 2025, 78.

Conclusion

The development of digital technology has provided easy access to sports broadcasts, but on the other hand it has also given rise to the practice of copyright infringement through illegal football streaming sites that harm broadcast rights holders, organizers, and the creative industry at large. The practice is not only a violation of the positive legal provisions regarding intellectual property rights, but also contrary to the principles of Islamic criminal law which uphold the protection of property (*ḥifẓ al-māl*), justice, honesty, and respect for the property rights of others. In the perspective of Islamic criminal law, digital copyright infringement can be qualified as *jarīmah ta'zīr* because it does not have sanctions explicitly stipulated in the Qur'an or the Sunnah, so the form and severity of the sanctions are left to *ulil amri* in order to create benefits. The application of sanctions in the form of fines, confiscation of illegal profits, blocking of sites, revocation of digital access, restitution to rights holders, and proportionate imprisonment is a form of policy *that is* relevant to the challenges of the digital era. Therefore, the protection of intellectual property rights requires synergy between law enforcement, digital literacy, community ethical awareness, and the internalization of the values of *maqāṣid al-sharī'ah* in order to create a digital ecosystem that is fair, responsible, and respects the economic rights of every individual.

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