
Illegal Downloading and Copyright Infringement: An Ethical Problem in Information Technology

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Abstract

Copyright is an exclusive right automatically granted to creators upon the realization of their work in a tangible form, in accordance with declarative legal principles and within the scope of existing legislation. Copyright infringement causes significant harm to creators, particularly through economic loss. Therefore, legal protection of copyright must be enforced effectively. Cinematographic works, such as films, are among the creative works protected by copyright law. However, in practice, digital piracy is prevalent, with many individuals illegally downloading or reproducing original films. The development of information technology has brought substantial benefits but also harmful effects, including the widespread occurrence of digital piracy. The lack of public awareness and understanding regarding copyright law enforcement contributes to persistent violations, including illegal film downloading. This study examines the legal and ethical implications of digital piracy and explores the enforcement of copyright law to address the issue of illegal downloading in Indonesia.

Keywords

Ethics; Copyright Infringement; Information Technology; Copyright Law; Downloading

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Introduction

Technological advancement in the modern era has profoundly transformed nearly every aspect of human life, from communication and education to commerce and entertainment. The integration of digital technologies into daily activities has redefined how individuals produce, share, and consume information. As technology becomes increasingly sophisticated, it not only enhances productivity and innovation but also reshapes social interactions, business models, and cultural practices. This rapid evolution enables efficiency and broader access to global knowledge networks, thereby fostering a more interconnected and informed society. However, these advancements also introduce complex ethical, social, and legal dilemmas, particularly concerning the misuse of information technology, privacy breaches, and violations of intellectual property rights (Bimantoro et al., 2021). In this context, the need to balance technological innovation with ethical responsibility and legal compliance becomes increasingly critical.

Information technology, as described by Loudon (2004), functions as a strategic tool that empowers individuals and organizations to adapt to dynamic environments, enhance operational efficiency, and facilitate the retrieval, management, and dissemination of information. Bimantoro et al. (2021) further emphasize that information technology serves as both an enabler of development and a potential source of ethical tension, depending on how it is applied. One of the most visibly affected sectors by technological transformation is the creative industry—particularly the film industry. As a form of audiovisual art, cinematographic works serve not only as entertainment but also as instruments for education, cultural preservation, and social communication. The digitalization of film distribution has made cinematic works more accessible to global audiences, yet it has simultaneously created opportunities for unauthorized reproduction and dissemination.

In the digital era, access to films occurs through both legitimate and illegitimate channels. Legal access typically involves paid digital platforms such as subscription-based streaming services that operate under licensing agreements with copyright holders. Conversely, illegal downloading and streaming—commonly referred to as digital piracy—entail the unauthorized copying, sharing, or distribution of films without the creator's consent. Such actions constitute a direct violation of Indonesia's Law No. 28 of 2014 on Copyright (Undang-Undang Hak Cipta), which explicitly protects cinematographic works as intellectual creations deserving of moral and economic rights. The proliferation of high-speed internet and peer-to-peer file-sharing technologies has exacerbated this issue, making illegal film access increasingly easy, anonymous, and widespread.

Copyright, as a fundamental component of Intellectual Property Rights (IPR), provides creators with exclusive authority over the use and dissemination of their intellectual works. It includes both moral rights—which ensure recognition of authorship and integrity of the work—and economic rights, which guarantee that creators can derive financial benefit from their creations. In Indonesia, these rights are automatically protected upon the creation of a work, requiring no formal registration (Adzany, Imaniyati, & Zakiran, 2022). Despite these protections, copyright infringement remains pervasive, often driven by low legal awareness, weak enforcement, and cultural attitudes that underestimate the value of intellectual property. Such infringements not only undermine the rights and livelihoods of creators but also erode the foundations of Indonesia's creative economy, which depends on innovation and respect for intellectual property to thrive.

The economic implications of illegal downloading are substantial. Film piracy results in lost revenue for production houses, distributors, and government institutions due to reduced royalties and tax income. Furthermore, it discourages creative talent by diminishing the perceived value of artistic work, leading to reduced motivation for original content creation. Wangania (2019) notes that the persistence of digital piracy has contributed to a decline in creative output and significant national economic losses, reflecting how ethical lapses in digital behavior can have far-reaching consequences for cultural and economic sustainability.

In light of these issues, it becomes essential to explore not only the legal dimensions of digital piracy but also its ethical implications within the broader framework of digital citizenship. This study, therefore, aims to analyze the ethical and legal aspects of digital piracy, with a particular focus on film downloading activities, and to examine the enforcement of copyright law in Indonesia. By evaluating how legal mechanisms and moral values interact in the context of technological change, this research seeks to contribute to the discourse on strengthening creators' rights, promoting ethical digital conduct, and supporting the sustainable growth of Indonesia's creative industries.

Methodology

2.1 Type of Research

This research employed a normative juridical method, relying on legal analysis through library-based research (Priharsari, 2022). The data sources included:

1. Primary Legal Materials: Legislation, particularly Law No. 28 of 2014 on Copyright.
2. Secondary Legal Materials: Books, journals, and academic works related to copyright and digital ethics.
3. Tertiary Legal Materials: Legal dictionaries and general references to support conceptual understanding.

Data were analyzed using qualitative normative analysis, focusing on the relationship between legal norms and practical applications in cases of copyright infringement.

2.2 Government Authority and Preventive Measures

The government plays a vital role in preventing copyright violations facilitated by digital technology. Preventive efforts include:

1. Supervising the creation and dissemination of copyrighted materials.
2. Establishing partnerships at national and international levels to combat copyright infringement.
3. Regulating and monitoring reproduction activities in public or commercial spaces.

Article 54 of the Copyright Law defines "content" as the material contained in a copyrighted work accessible through any medium (Putu Wahyu Ningrat, Mangku, & Suastika, 2021).

Common forms of infringement involving cinematographic works include: Uploading and distributing films through unauthorized websites. Downloading films without obtaining permission from the copyright owner. Republishing films without proper attribution.

Illegal downloading deprives creators of royalties, which represent compensation for the use of intellectual property, including copyrights, patents, and related rights. Royalties serve as a fundamental economic incentive for creators and contribute to the growth of national creative industries.

Results and Discussion

3.1 Criminal Sanctions under Law No. 28 of 2014

The Copyright Law (Law No. 28 of 2014) establishes clear criminal sanctions for copyright violations, especially those conducted for economic gain:

1. Article 113(2): Unauthorized commercial use of a work is punishable by imprisonment of up to 3 years and/or a fine of up to IDR 500,000,000.
2. Article 113(3): Unauthorized reproduction or distribution of a work may result in 4 years of imprisonment and/or a fine of up to IDR 1,000,000,000.
3. Article 113(4): Acts of piracy are subject to 10 years of imprisonment and/or a fine of up to IDR 4,000,000,000.
4. Article 114: Business entities that allow the distribution or sale of pirated works may be fined up to IDR 100,000,000.

Furthermore, Articles 116–118 extend similar penalties to violations of related rights. These provisions highlight both preventive and repressive mechanisms for ensuring legal compliance.

3.2 Ethical Implications of Digital Piracy

Ethics, as defined by Magnis-Suseno (1987), constitutes the philosophical study of moral values and the principles that guide human conduct, while morality refers to the behavioral norms accepted by a particular society. In the realm of information technology, ethical considerations are especially critical due to the intangible nature of digital goods and the ease with which information can be duplicated, manipulated, or disseminated. According to Anugrah (2023), ethical issues in digital environments encompass privacy, intellectual ownership, accuracy, and accountability. Each of these dimensions is challenged by the advent of unrestricted digital access, where the boundaries between legitimate use and misuse are increasingly blurred.

Illegal downloading, as a manifestation of digital piracy, constitutes a direct ethical transgression. It violates the principles of justice, respect, and integrity by disregarding the intellectual and economic rights of creators. From an ethical standpoint, piracy represents an act of exploitation—benefiting from another’s creativity without consent or compensation. Such behavior diminishes the intrinsic moral value of respecting others’ intellectual labor. When individuals rationalize or tolerate piracy, they contribute to a culture of ethical indifference, wherein convenience and gratification override moral responsibility. This erosion of ethical sensitivity not only harms creators economically but also corrodes collective moral consciousness within society.

Furthermore, the ethical implications of digital piracy extend beyond individual wrongdoing. Liek Wilardjo (1987) emphasized that privacy and intellectual ownership form the foundation of human dignity in an interconnected, technologically mediated society. When digital users disregard these principles, they indirectly participate in a process that dehumanizes creators by treating their work as a mere commodity devoid of personal and moral value. The normalization of piracy thus signifies a deeper moral decay—an erosion of respect for originality, honesty, and creative integrity. In digital culture, where copying and sharing are normalized, moral responsibility must evolve to reflect the ethical consequences of digital participation.

In this regard, ethical literacy becomes an essential component of digital citizenship. Educating individuals to recognize the moral dimensions of online behavior—particularly in

relation to intellectual property—can foster a more conscientious digital ecosystem. Ethical awareness encourages not only compliance with the law but also voluntary respect for creators' rights as an expression of social virtue. Therefore, addressing digital piracy should not rely solely on punitive legal measures but should also involve moral cultivation, value-based education, and the internalization of ethical principles in digital interaction.

3.3 Challenges in Enforcement

Although Indonesia possesses a comprehensive legal framework governing copyright—primarily through Law No. 28 of 2014 on Copyright—its enforcement remains a persistent challenge. The gap between regulatory formulation and practical implementation arises from multiple structural and socio-cultural factors. Public awareness of intellectual property rights remains low, with many individuals perceiving digital piracy as a harmless act rather than a legal or moral violation. This perception is compounded by the accessibility of pirated content and the lack of immediate visible consequences for offenders, leading to the normalization of unethical consumption habits.

Technological and institutional limitations further hinder enforcement. The government's primary strategies, such as domain blocking and the suspension of infringing websites, often yield only temporary results. Pirated sites rapidly re-emerge under new domain names or operate through mirror servers, proxy networks, and virtual private networks (VPNs) that bypass regulatory filters. This digital cat-and-mouse dynamic illustrates the inadequacy of purely reactive enforcement measures in an ever-evolving cyber environment. Without advanced digital surveillance tools and coordinated law enforcement, the deterrent effect of such policies remains minimal.

Moreover, enforcement efforts tend to focus disproportionately on the protection of economic rights—such as reproduction and distribution—while moral rights, including attribution and the preservation of creative integrity, receive less practical attention. This imbalance reflects a legal orientation toward tangible economic harm rather than holistic protection of creators' dignity and intellectual contribution. Strengthening the enforcement of moral rights is essential to align legal practice with the ethical foundations of copyright law, ensuring that creators are recognized not merely as economic actors but as moral agents whose work embodies personal and cultural identity.

To overcome these challenges, a multi-stakeholder approach is imperative. Effective copyright enforcement requires synergistic collaboration among government agencies, internet service providers, digital platforms, and the creative industry. Public education campaigns should complement legal sanctions by fostering awareness about the ethical and economic consequences of piracy. Additionally, integrating copyright literacy into educational curricula can promote a new generation of responsible digital citizens who value creativity and fairness. Finally, technological innovation—such as digital watermarking, blockchain-based content tracking, and automated infringement detection—can support more proactive and sustainable enforcement mechanisms.

In conclusion, addressing digital piracy in Indonesia demands a dual strategy: strengthening the legal infrastructure and cultivating ethical awareness. Laws alone cannot sustain respect for intellectual property without corresponding moral consciousness. Therefore, enforcement must be understood not merely as a juridical process but as part of a broader cultural transformation toward integrity, accountability, and ethical participation in the digital age.

Conclusion and Recommendations

Legal protection of copyright holders' moral and economic rights must be reinforced to address the growing issue of film piracy and illegal downloading. Many individuals remain unaware of or indifferent to the legal implications of accessing pirated content. Although government measures such as website blocking have been introduced, these actions are insufficient without consistent enforcement and public education.

Future improvements in copyright protection should emphasize not only economic rights but also moral rights, ensuring that creators receive proper acknowledgment and that their works are protected from distortion or misuse. Strengthening both preventive and punitive legal frameworks will contribute to fostering ethical behavior in Indonesia's digital ecosystem and sustaining the nation's creative economy.

Disclosure Statement

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References

- Adzany, R., Imaniyati, N. S., & Zakiran, A. H. (2022). Legal protection against unauthorized use of portrait works in advertising under Law No. 28 of 2014 on Copyright. *Bandung Conference Series: Law Studies*, 2(1), 351–359.
- Anugrah, M. (2023). Legal protection for film copyright holders against illegal downloading and streaming on the internet. *Jurnal Hukum*, 3(2), 172–183.
- Bimantoro, A., et al. (2021). The paradox of information technology ethics in the era of 5.0. *Jurnal Teknologi Informasi*, 7(1), 58–68.
- Magnis-Suseno, F. (1987). *Ethics: The Study of What Is Good and Bad*. Jakarta: Gramedia.
- Priharsari, D. (2022). Systematic literature review in information systems and computer science. *Jurnal Teknologi Informasi dan Ilmu Komputer*, 9(2), 263–272.
- Putu Wahyu Ningrat, R. A., Mangku, D. G. S., & Suastika, I. N. (2021). Legal consequences for song copyright infringement under Law No. 28 of 2014 and the Copyright Act (Chapter 63, Revised Edition 2006). *Ganesha Law Review*, 2(2), 180–192.
- Wangania, N. T. V. (2019). Criminal acts of film piracy under Law No. 28 of 2014 on Copyright. *Jurnal Elektronik Hukum Keperdataan*, 7(7), 87–95.
- Wilardjo, L. (1987). Information and communication society. *Jurnal Teknologi dan Masyarakat*, 1(2), 19–36.
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Biographical Notes

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