

Protection and Intellectual Rights in Over-The-Top (OTT) Services: A Juridical Analysis of HBO Go Inconsistencies Indonesia

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ABSTRACT

The rapid development of information and communication technology has significantly transformed public consumption patterns, particularly in accessing digital entertainment through internet-based services known as Over The Top (OTT) platforms. Services such as HBO Go operate through subscription-based models that provide flexible, on-demand access to audiovisual content; however, in practice, legal issues frequently arise, including inconsistencies between promised and delivered services and widespread violations of intellectual property rights through digital piracy. This article aims to (1) analyze the legal implications of service inconsistencies experienced by HBO Go users from the perspective of Indonesian consumer protection law, (2) examine the relationship between such inconsistencies and copyright protection in digital content distribution, and (3) evaluate the adequacy of Indonesia's current regulatory framework in comprehensively governing OTT services. The study employs a normative legal research method using statutory, conceptual, and case approaches by analyzing relevant legislation, particularly Law Number 8 of 1999 concerning Consumer Protection and Law Number 28 of 2014 concerning Copyright, alongside factual cases involving consumer complaints related to access disruptions, unilateral subscription changes, lack of transparency, and digital content piracy, including the illegal distribution of the television series Game of Thrones. The findings indicate that service inconsistencies such as access disruptions, unilateral modifications of subscription packages, and inadequate information disclosure may constitute violations of consumer rights under Indonesian law, while the high prevalence of piracy reflects weaknesses in digital copyright enforcement, resulting in economic and moral losses for content creators and undermining the credibility of legitimate OTT platforms. The study concludes that Indonesia faces a regulatory gap in comprehensively governing OTT services, thereby necessitating the establishment of a specific and adaptive legal framework to ensure effective consumer protection, strengthen intellectual property enforcement, and promote a fair, transparent, and sustainable digital ecosystem.

Keywords: Over The Top, HBO Go, Consumer Protection, Intellectual Property Rights, Digital Copyright

ABSTRAK

Perkembangan teknologi informasi dan komunikasi telah mendorong pergeseran pola konsumsi masyarakat menuju layanan digital berbasis internet, salah satunya melalui layanan Over The Top (OTT). Kehadiran platform OTT seperti HBO Go menawarkan kemudahan akses konten hiburan secara fleksibel dan legal, namun dalam praktiknya juga menimbulkan berbagai persoalan hukum, khususnya terkait ketidaksesuaian layanan dengan syarat dan ketentuan serta maraknya pelanggaran hak kekayaan intelektual. Penelitian ini bertujuan untuk menganalisis bentuk ketidaksesuaian layanan OTT HBO Go dari perspektif perlindungan



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konsumen serta implikasinya terhadap perlindungan hak cipta di Indonesia. Metode penelitian yang digunakan adalah penelitian hukum normatif dengan pendekatan peraturan perundang-undangan dan studi kasus, dengan menelaah ketentuan hukum yang berlaku serta fenomena pembajakan konten digital seperti serial *Game of Thrones*. Hasil penelitian menunjukkan bahwa ketidaksesuaian layanan HBO Go, seperti gangguan akses, perubahan paket secara sepihak, dan kurangnya transparansi informasi, berpotensi melanggar hak konsumen sebagaimana diatur dalam Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen. Di sisi lain, tingginya tingkat pembajakan konten digital mencerminkan lemahnya penegakan hukum hak cipta di ruang digital, yang berdampak pada kerugian ekonomi dan moral pencipta serta menurunkan kepercayaan terhadap platform OTT resmi. Penelitian ini menyimpulkan bahwa Indonesia masih mengalami kekosongan regulasi yang komprehensif dalam mengatur layanan OTT. Oleh karena itu, diperlukan pembentukan regulasi khusus yang adaptif untuk menjamin perlindungan konsumen, penegakan hak kekayaan intelektual, serta menciptakan ekosistem digital yang adil, transparan, dan berkelanjutan.

Kata Kunci: Over The Top, HBO Go, Perlindungan Konsumen, Hak Kekayaan Intelektual, Hak Cipta Digital

1. Introduction

The development of information and communication technology has driven significant transformations in people's lives, particularly in communication patterns and access to information. Communication has shifted from conventional face-to-face interaction to electronic media-based communication, enabling faster, more efficient, and wider dissemination of information. In the last five years, digital technology has significantly influenced the global entertainment industry, including in Indonesia. This transformation is closely related to the increasing penetration of internet usage, which has become an essential part of daily life due to its crucial role in supporting social interaction, access to information, online transactions, and professional activities.¹ The internet has evolved beyond basic services such as telephone and SMS and has become the dominant medium for communication and entertainment, accommodating the global community's demand for efficient communication systems and up-to-date information.²

One of the most significant developments in the digital entertainment sector is the emergence of Over-the-Top (OTT) services. OTT services are a form of multimedia service provision that allows users to access content such as audio, video, and electronic messages via the internet without relying on traditional broadcasting or network service providers.³

OTT services operate at the application layer and utilize internet-based telecommunications network infrastructure owned by telecommunications operators without being directly involved in telecommunications infrastructure management⁴. This system enables users to access various copyrighted content such as films, music, written works, and other creative products digitally without requiring physical copies. Platforms such as HBO Go provide access to movies, television series, and documentaries through subscription-based digital services, offering flexibility and convenience for consumers.⁵

The increasing use of OTT services reflects a shift in public entertainment consumption patterns from conventional media such as television and DVDs to internet-based digital platforms. OTT services provide advantages in terms of accessibility, flexibility, and efficiency, allowing users to access content anytime and anywhere. This transformation has encouraged creative industry actors to adopt digital distribution models that are more efficient and commercially sustainable. However, this development also raises challenges related to copyright protection, as digital technology allows content to be copied, distributed, and accessed easily without

¹ Aprilia et al., *Perlindungan Hukum Terhadap Penggunaan Aplikasi*, 2023

² Dina Nurusyifa, "Prinsip Deklaratif Dalam Regulasi Hak Cipta di Indonesia," *Unes Law Review* 6, no. 2 (2023): 6361–6367

³ Nuruzzahrah Diza, *Perlindungan Hukum Terhadap Karya Cipta Pada Layanan Over The Top (OTT)*, Jurnal Hukum dan Pembangunan, 2022

⁴ Ahmad Budi Setiawan, 'Policy Development Towards Application and Contents Service Providers on Digital Ecosystem Through Over the Top', *Jurnal Penelitian Pos Dan Informatika*, 8.2 (2018), 169 <<https://doi.org/10.17933/jppi.2018.080206>>.

⁵ Alfrida Esther Madame Hutapea, Sari Riantika Damayanti, and Zahwa Salsabilla, 'Layanan Over-The-Top (OTT) Dalam Perspektif Social Construction of Technology (SCOT)', *Ganaya : Jurnal Ilmu Sosial Dan Humaniora*, 8.3 (2025), 439–50 <<https://doi.org/10.37329/ganaya.v8i3.4525>>.

authorization. Copyright is an exclusive right that automatically attaches to creators once their work is realized, without requiring a registration process, and legal protection is granted in accordance with applicable laws and regulations⁶.

In the digital environment, enforcing copyright protection presents significant challenges due to the borderless and anonymous nature of the internet. Digital platforms can be misused for unauthorized distribution of copyrighted content, including illegal streaming, piracy, and other forms of copyright infringement. This situation requires cooperation between the government, OTT service providers, telecommunications operators, and the public to ensure compliance with copyright regulations and minimize violations. Preventive measures, including public awareness, technological protection systems, and regulatory enforcement, are essential to ensure effective copyright protection in the digital era⁷.

In addition to copyright protection, the development of OTT services has also created new dynamics in the telecommunications industry ecosystem. OTT services depend on telecommunications operators' network infrastructure to deliver their content, while telecommunications operators bear the costs of infrastructure development and maintenance. This situation has raised concerns regarding fairness, regulatory balance, and economic sustainability between OTT providers and telecommunications operators. Furthermore, consumer protection is an important aspect that must be considered in OTT service governance. Consumers have the right to access secure, transparent, and legally compliant services, including protection of personal data, clarity of subscription systems, and access to complaint mechanisms,

To address these issues, the Indonesian government has established regulatory frameworks, including the Circular Letter of the Minister of Communication and Information Technology No. 3 of 2016 concerning the Provision of Application and/or Content Services via the Internet (Over-the-Top), which regulates OTT service providers operating in Indonesia. OTT services are generally divided into three categories, namely internet-based application services, internet-based digital content services, and OTT services providing applications and digital content accessed via the internet, such as Netflix, Disney+, Viu, and HBO Go. Furthermore, legal protection for copyrighted content in digital platforms is regulated under the Copyright Law, particularly Articles 54-56, which grant the government authority to monitor and restrict access to electronic systems that violate copyright, in accordance with Joint Regulation of the Minister of Law and Human Rights No. 14 of 2015 and the Minister of Communication and Information Technology No. 26 of 2015.

Based on the background described above, several legal issues arise in relation to OTT services in Indonesia. First, the rapid development of OTT services has increased the potential for copyright infringement due to the ease of unauthorized distribution and access to digital content through internet-based platforms. Second, the relationship between OTT service providers and telecommunications operators raises questions regarding the balance of rights, responsibilities, and economic fairness in the utilization of telecommunications network infrastructure. Third, the increasing use of OTT services requires adequate legal protection for consumers, particularly regarding data privacy, service transparency, and legal certainty in accessing digital content.

Therefore, the main problem examined in this study is how legal protection and regulatory frameworks govern OTT services in Indonesia in order to ensure copyright protection, maintain fair relations between OTT providers and telecommunications operators, and protect consumer rights within the digital ecosystem. This writing aims to analyze legal protection mechanisms governing OTT services in Indonesia, particularly in relation to copyright protection and digital content distribution. It also aims to examine the legal relationship between OTT service providers and telecommunications operators and evaluate the effectiveness of regulations governing OTT services. In addition, this writing seeks to understand the role of government regulations in ensuring consumer protection and maintaining a fair, secure, and sustainable digital ecosystem in Indonesia

This writing uses a normative legal research method, which focuses on examining legal norms, principles, and regulations related to OTT services, copyright protection, and telecommunications law. This approach involves analyzing statutory regulations, including copyright law, telecommunications law, and government policies regulating OTT services.

⁶ Hafizh Arkaan Ramadhan, Btari Mariska Purwaamijaya, and Rangga Gelar Guntara, 'Pengaruh User Experience Terhadap Customer Satisfaction Pada Aplikasi Seluler Streaming Vidio', *JTIM: Jurnal Teknologi Informasi Dan Multimedia*, 5.2 (2023), 122–33 <<https://doi.org/10.35746/jtim.v5i2.367>>.

⁷ Nuruzzahrah Diza, Perlindungan Hukum Terhadap Karya Cipta Pada Layanan Over The Top (OTT), *Jurnal Hukum dan Pembangunan*, 2022

This study also uses a conceptual and statutory approach by examining legal doctrines, legal literature, academic journals, and relevant legal documents as secondary legal materials. These materials are analyzed systematically to provide a comprehensive understanding of legal protection mechanisms for OTT services and to evaluate the effectiveness of existing regulatory frameworks in addressing copyright protection and telecommunications regulation in Indonesia.

2. Method

This study uses a normative legal research method that focuses on examining applicable positive legal norms. Normative legal research is conducted by examining legal provisions sourced from legislation, legal principles, and relevant doctrines to understand how the law should regulate and provide protection for a particular legal issue. Through this approach, the research is directed at assessing the consistency, legal certainty, and adequacy of norms in regulating Over The Top (OTT) services in Indonesia.

This study uses a case study approach to analyze in depth the application of legal norms to concrete events related to the non-compliance of OTT services, particularly on the HBO Go platform. The case study approach allows researchers to link abstract legal norms with legal facts that occur in society, so that the extent to which these legal provisions have been effectively implemented can be determined. Thus, this study is not only theoretical but also provides a realistic picture of the practice of providing OTT services.

To support this analysis, this study uses primary, secondary, and tertiary legal materials as data sources. Primary legal materials include laws and regulations related to consumer protection, broadcasting, and digital services, while secondary legal materials include legal literature, scientific journals, and expert opinions. Tertiary legal materials are used as a supplement to clarify legal terms and concepts. Through the processing and analysis of these legal materials, this study is expected to produce comprehensive conclusions and normative recommendations for strengthening the legal protection of OTT service consumers in Indonesia.

3. Results and Discussion

The Inappropriateness of HBO Go *Over-The-Top* Services Implies Potential Intellectual Property Rights Violations

Over The Top is one of the most popular forms of digital services among the public today. Its popularity is driven by the fact that the public's digital technology habits are increasingly dependent on mobile devices and service *platforms* supported by the internet and multimedia technology to support their daily activities. OTT provides software and/or material that is accessed through a software connection and can be used on various devices, as long as they are connected to the internet⁸.

However, despite the convenience and flexibility offered, not all OTT services meet consumer protection standards. One example is HBO Go, which shows a discrepancy between the services provided and the terms and conditions promised to users⁹. This discrepancy can be classified as a form of non-compliance with consumer protection principles, particularly in the context of fulfilling service promises.

As an example, consumer complaints have been found on the Twitter app, now known as the X app:

1. Integration Issues Between IndiHome Services and the HBO Go Platform

A customer, Gina Rizki Putri, reported that after re-registering for the *IndiHome Movie Pack 2* package, she was unable to access HBO Go even though she used the same email and *password*. After contacting customer service by phone, *Twitter*, and *Instagram*, she was only given a ticket number without any follow-up. She is hoping for assistance in resolving this issue. "I, Gina Rizki Putri, would like to submit a complaint regarding *Indihome's* service. Two months ago, I subscribed to *the IndiHome Movie Pack 2*, which includes access to HBO Go, and used the same email for the entire process. However, the package was only active for one month. Two weeks ago, I re-registered for the same package, but to date, I still cannot access HBO Go even though I am using the same email and *password*¹⁰.

⁹ Rully Burhan Amali, Ahmad Tossin Alamsyah, and Sutiyo Sutiyo, 'Comparative Study of IPTV & OTT Video From Technical and Business Aspects', *Syntax Literate ; Jurnal Ilmiah Indonesia*, 10.7 (2025), 1115–25 <<https://doi.org/10.36418/syntax-literate.v10i7.60973>>.

¹⁰ Gina Rizki Putri, 'Tidak Bisa Menyambungkan Indihome Ke HBO Go', *Media Konsumen*.



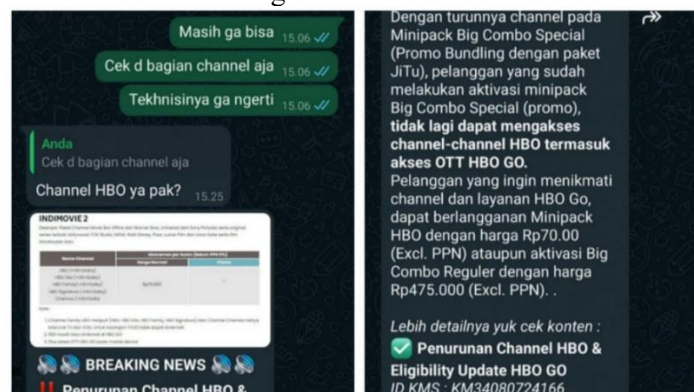
2. IndiHome's Unilateral Action in Increasing Existing Customer Rates without Transparency

A customer who had subscribed to HBO Go for 5 years complained about a subscription price increase and administrative fees of more than 10% without prior notice. In addition, the HBO Go service that was previously available has now been discontinued, and customers are required to resubscribe to the Max service at an additional cost. The customer feels disappointed because they were promised not to worry, but in reality, they have to pay again for the same service (Syahril, 2024).

Checkout		Checkout	
Internet & TV Kabel		Internet & TV Kabel	
Nama	AHSIN IHSANAN	Nama	
Nomor Pelanggan	122219242256	Nomor Pelanggan	122121214930
Total Bayar	Rp319.350	Total Bayar	Rp263.850
Detail Tagihan		Detail Tagihan	
Biaya Admin	Rp3.000	Biaya Admin	Rp3.000
Tagihan	Rp316.350	Tagihan	Rp260.850
Periode Bayar	Desember 2024	Periode Bayar	Desember 2024
Tagihan 1		Tagihan 1	
Nilai	Rp316.350	Nilai	Rp260.850

3. IndiHome Changes Packages Without Notice

A customer reported that in July 2024, the HBO service that was previously added to the IndiHome package suddenly became inaccessible. After contacting technicians and *customer service*, it was discovered that there had been a downgrade in HBO service, and customers had to pay extra to access it again. Customers were disappointed because there was no prior notification about this change, even though the contract stated that service changes must be notified to customers in advance.



The phenomenon of *Over The Top* services such as HBO Go not complying with the promised terms and conditions shows the importance of enforcing consumer protection principles in the digital ecosystem. Although *Over The Top* services offer convenience and flexibility, service providers are still obliged to fulfill the rights of consumers as agreed. Therefore, more intensive oversight and strict regulations are needed to ensure that every OTT provider is accountable for service quality and information transparency, in order to create a fair and trustworthy digital ecosystem for consumers.

Game of Thrones Piracy as an Intellectual Property Rights Violation and Its Impact on the Official HBO Go Over-the-Top Platform

The integration of information technology has brought changes to how society interacts with creative works, one of which is through *Over the Top platforms*. OTT enables access to digital content such as text, sound, images, videos, and games through streaming or internet-based downloads. The presence of OTT facilitates legal access to content, thereby reducing the risk of piracy and the circulation of illegal content¹¹.

The advancement of intellectual works that have developed through digital media does not always have a positive impact on the sustainability of intellectual property. One example is the *Game of Thrones* film by David Benioff and D. B., which was pirated by irresponsible parties, with the seventh season being watched illegally around 1 billion times¹². This piracy is often carried out by viewers who do not have access to official streaming platforms or who want to watch before the official episode is released. According to itworks.id, India is recorded as the country with the highest piracy rate for this series. It is difficult for the Indian public to watch it officially, and the latest season of the HBO television series *Game of Thrones* is recorded as one of the most frequently pirated shows.

According to data from analytics firm MUSO, the premiere of the eighth season of *Game of Thrones* was pirated 55 million times. Of that number, approximately 76.66% occurred through illegal streaming sites, through site downloads, through public torrents, and through private torrents. India is the country with the highest piracy rate due to limited legal access to the series, followed by China (5 million pirated copies) and the United States (4 million pirated copies). *Game of Thrones* consistently dominates the list of most pirated series, although in 2018 its position was briefly overtaken by *The Walking Dead* due to the absence of new episodes and improved digital security systems by HBO.¹³

The actions of the perpetrators who violated these provisions clearly caused moral and economic harm to David Benioff and D. B. Such behavior can be classified as piracy that violates copyright protection in the media in the following aspects:

1. Violation of the creator's moral rights
2. The creator's right to receive recognition for their creation and prevent unauthorized counterfeiting or modification of the work.
3. Piracy eliminates recognition of the creator (writer, director, actor, etc.) and copyright holder (HBO).
4. It can damage the reputation of the work due to poor quality or misuse.
5. It can damage the integrity of the work by allowing piracy and unauthorized distribution, thereby making the work "public property" without recognition of the creator.
6. Violation of economic rights
7. Copyright owners have the right to profit from their creative works, including the exclusive right to reproduce and distribute them.
8. Causes loss of income for creators and copyright owners by reducing legitimate purchases (e.g., HBO subscriptions, DVD purchases, etc.).
9. Allows the unauthorized use of copyrighted works, which should provide benefits to copyright holders.
10. Reduces investment in future creative works due to the lack of profits from legitimate sales, which causes creators to receive minimal royalties.

In response to such incidents, there needs to be legal enforcement or sanctions to reduce piracy. In the case of *Game of Thrones* movie piracy, according to Indonesian law, it violates Law No. 28 of 2014 on Copyright, and can be subject to criminal sanctions and fines, which can include imprisonment for up to 4 years and fines of up to Rp 1 billion.

However, from a global perspective, the Berne Convention is the oldest convention on copyright, which was recognized through Presidential Decree No. 18 of 1997. Protection is provided for works of art and literature with the main objective of protecting the rights of creators over their works. After the ratification of the *Berne Convention*, its provisions became part of the applicable law in Indonesia. One of its principles states that translations, adaptations, and modifications of literary or artistic works are recognized as original creations that are fully protected, without reducing the copyright protection of the original work. In accordance with

¹¹ Ahsin, 'IndiHome Menaikkan Harga Langganan Dan Administrasi 10% Lebih Secara Sepihak Tanpa Pemberitahuan Kepada Pelanggan Lama', *Media Konsumen*.

¹² Tasya Safiranita Ramli Gabrielle Bening Kalbu, Ahmad M. Ramli, 'Perlindungan Hak Ekonmi Melalui Optimalisasi Royalti Pada Konten Perfilman Dalam Platform Digital', *Reformasi Hukum*, 28.2 (2024), 126–41.

¹³ Humza Aamir, 'Debut Game of Thrones Musim Ke-8 Dibajak 55 Juta Kali Dalam Satu Hari', *TECHSPOT*.

Article 2 paragraph (2) of the *Berne Convention*, which emphasizes that a work must be presented in a form that allows for legal protection.

Then the HBO Go platform, or what is now HBO Max, was also affected. The piracy of the *Game of Thrones* series had a significant impact on HBO Go, especially in terms of finance and operations. As an official *Over The Top* platform with an exclusive license to broadcast the series, HBO Go experienced a decline in the number of legitimate subscribers due to rampant illegal access, which had a direct impact on the reduction in subscription revenue¹⁴. Data shows that at the peak of *Game of Thrones'* popularity, certain episodes became the most pirated content in the world with millions of illegal downloads per episode, causing economic losses estimated at tens of millions of dollars for HBO. In addition, this piracy poses a serious challenge in terms of intellectual property rights protection, forcing HBO Go to allocate additional resources to the development of anti-piracy technology and law enforcement, which in turn increases operating costs. Other negative impacts include the potential decline in consumer image and trust in HBO Go as a legal content provider, as well as a reduction in HBO's incentive to invest in high-quality original content production.

The piracy of the *Game of Thrones* series shows that advances in digital technology do not always go hand in hand with increased public awareness of intellectual property rights protection¹⁵. Although *Over The Top* platforms such as HBO Go are available as legal means of accessing copyrighted works, the reality on the ground shows that affordability, limited regional access, and the desire for instant content still drive people to choose illegal channels. This phenomenon underscores that piracy is not merely a legal issue, but is also closely linked to social, economic, and equitable digital service availability factors¹⁶.

From a copyright law perspective, the piracy of *Game of Thrones* constitutes a serious violation of the moral and economic rights of the creator and copyright holder. Such infringement not only causes financial damage, but also undermines the system of rewarding creativity and innovation¹⁷. When creative works can be easily copied and distributed without permission, the value of exclusivity and integrity of the work is eroded. In the long term, this condition has the potential to reduce the motivation of creators and content producers to continue producing high-quality works, because their hard work does not receive optimal protection.

For official OTT platforms such as HBO Go or HBO Max, piracy presents complex structural challenges. In addition to losing potential revenue from paying customers, platforms also have to bear additional costs for developing digital security systems, monitoring illegal distribution, and cross-border law enforcement efforts. This situation creates an imbalance, where legal service providers bear a greater burden than pirates who operate anonymously and are difficult to reach by law¹⁸. If this condition continues without comprehensive handling, the sustainability of the legal OTT ecosystem could be threatened.

Therefore, a more integrated approach between law enforcement, regulatory reform, and improving public legal literacy is needed. The government needs to strengthen national legal instruments and international cooperation in combating digital piracy, while encouraging OTT platforms to provide more inclusive and accessible services. On the other hand, public awareness must be built that consuming illegal content is not an action without consequences, but rather an act that harms creators, the creative industry, and the development of the digital economy as a whole. With synergy between the state, industry players, and the community, the protection of intellectual property rights in the digital era is expected to be realized more effectively and sustainably.

Legal Protection for Over-The-Top HBO Go Users Regarding Service Non-Compliance

The Broadcasting Law in Indonesia stipulates the principles of broadcasting based on Pancasila and the 1945 Constitution, including the principles of benefit, justice, legal certainty, diversity, and responsibility.

¹⁴ Edy Prihantoro and Asyifa Aulia Handayani, 'Streaming Media Over The Top (OTT) Di Masa Pandemi COVID-19', *Jurnal Ilmu Komunikasi*, 20.3 (2022), 382 <<https://doi.org/10.31315/jik.v20i3.7276>>.

¹⁵ A Sudrajat and others, 'Prospects IP Multicast Technology in the Era OTT Dominance: Grounded Theory Analysis', *Jurnal Media Akademik*, 2.11 (2025).

¹⁶ G. S. Prakasha and others, 'Students' Usage of Over-the-Top (OTT) Streaming Platforms Affecting Their Academic and Socio-Demographic Profile', *International Journal of Technology and Educational Innovation*, 10.1 (2024), 124–43 <<https://doi.org/10.24310/ijtei.101.2024.17082>>.

¹⁷ Adi S and others, 'Educational Interactive Video Content as a Media Contemporary Learning for Physical Education Teachers', *GANDRUNG: Jurnal Pengabdian Kepada Masyarakat*, 5.1 (2024), 1601–9 <<https://doi.org/10.36526/gandrung.v5i1.3014>>.

¹⁸ Putu Sri Darmayanti and Utik Kuntariati, 'The Utilization of Interactive Video in English for Tourism Business Class', *EDUKASIA: Jurnal Pendidikan Dan Pembelajaran*, 4.2 (2023), 2575–82 <<https://doi.org/10.62775/edukasia.v4i2.633>>.

One of the most popular forms of digital services today is *Over The Top* services, which are *video streaming platforms* that allow users to access movies and TV shows online, *such as Netflix, Disney+ HotStar, Amazon Prime Video, Hulu, Mola, HBO GO/NOW, YouTube, and Vidio*. Meanwhile, conventional broadcasting, such as cable and satellite television, is regulated by Law No. 32 of 2002 on Broadcasting. Article 1 paragraph (2) of the law defines broadcasting as the activity of transmitting or broadcasting through the radio frequency spectrum, cable, or other media. Internet-based OTT services are not yet running optimally, even though they can be accessed simultaneously by the public through their devices.¹⁹

Thus, internet-based *Over-The-Top* (OTT) services have not yet been fully optimized in providing consistent access or services to customers, including those categorized as broadcasting under the provisions of the Broadcasting Law:

1. They do not directly use radio frequency spectrum.
2. Not broadcast simultaneously (*on-demand*, not *simulcast*).
3. They are not regulated as broadcasting institutions under the law.
4. They are based on internet technology that falls outside the technical and legal scope of the 2002 Broadcasting Law.

However, to date, Indonesia does not have specific regulations that comprehensively regulate OTT services, both in terms of content and other regulations. The existing regulations are limited to Government Regulation No. 52 of 2001 concerning Telecommunications Operations, Circular Letter of the Minister of Communication and Information Technology No. 3 of 2016 concerning the Provision of Application and/or Content Services via the Internet (OTT), and Regulation of the Minister of Communication and Information Technology No. 21 of 2013 concerning Telecommunications Services.

Regardless of these events, it is not that consumers have no recourse or rights to consumer protection against such non-compliance. In facing non-compliance in the services provided by OTT providers such as HBO Go, consumers have a number of remedial measures they can take²⁰. These measures include filing a complaint directly with the service provider and reporting to the relevant government agencies such as the Ministry of Communication and Information Technology. The steps that consumers can take are as follows:

1. Document evidence of service inconsistencies.
2. Contact HBO Go's official customer service.
3. If there is no response, file a complaint with:
 - a. Kominfo (if related to digital services)
 - b. Indonesian Consumer Foundation (YLKI)
 - c. BPSK or court

Consumer Protection Rights Regarding HBO Go OTT Service Discrepancies:

1. The right to clear and valid information
Article 4 letter c of Law No. 8 of 1999 concerning Consumer Protection "Consumers have the right to correct, clear, and honest information regarding the conditions and guarantees of goods and/or services". This means that if HBO Go provides inaccurate information (for example, promising that certain films are available but they are not), then consumers have the right to file an objection or demand service adjustments.
2. The right to safety, comfort, and protection Article 4 letter a of the Consumer Protection Law states that "Consumers have the right to comfort, safety, and security in consuming goods and/or services." This means that there should be no repeated technical disruptions, no age-inappropriate content if adequate filters are not provided, and the availability of appropriate features (e.g., subtitles, HD quality).
3. Right to Compensation
Article 19 of the Consumer Protection Law states that "business actors are obliged to provide compensation for losses suffered by consumers due to service discrepancies." This means that if the service cannot be accessed even though the consumer has paid, or if the service quality is far from what was promised.

¹⁹ Jurnal Ilmu Hukum and others, 'PERLINDUNGAN HAK CIPTA DIGITAL SEBAGAI BENTUK DIGITAL COPYRIGHT PROTECTION AS A FORM OF INTELLECTUAL PROPERTY DEVELOPMENT IMPLEMENTATION', 8.April (2024), 269–90.

²⁰ Rhesa Agatha Abimanyu and Thomas Lamury Hadjon Edward, 'Urgensi Pengawasan Layanan Konten Digital Over the Top (Ott) Di Indonesia', *Jurnal Kertha Negara*, 8.12 (2020), 24–39 <<https://entertainment.kompas.com/read/2019/08/15/092732610/polemik->>>.

This means that if HBO Go does not provide the promised service (e.g., content cannot be accessed, poor quality, does not match the package description), users have the right to file a complaint and claim compensation.

Based on the entire discussion, it can be concluded that the development of Over The Top (OTT) services such as HBO Go has brought significant changes in the media consumption patterns of the community, but this has not been fully balanced with an adequate legal framework. The inconsistencies in service experienced by consumers, whether in the form of technical disruptions, limited access to content, or inaccurate service information, indicate gaps in legal protection in the practice of OTT provision²¹. This situation places consumers in a relatively weak position in their legal relationship with digital service providers who have full control over the system and service policies.

Although OTT services are not yet categorized as broadcasting under Law No. 32 of 2002 on Broadcasting, this does not mean that consumers lose their rights to legal protection. Law No. 8 of 1999 on Consumer Protection remains the main basis for guaranteeing consumers' rights to accurate information, convenience, security, and compensation for losses incurred²². However, the implementation of these provisions in the context of cross-border digital services still faces various obstacles, particularly regarding the effectiveness of supervision and law enforcement against foreign OTT providers.

The absence of specific regulations comprehensively governing OTT services has resulted in partial and suboptimal consumer protection. Existing regulations are still sectoral in nature and have not been able to accommodate the dynamic, internet-based, and cross-jurisdictional characteristics of OTT services²³. As a result, dispute resolution between consumers and service providers often depends on internal company mechanisms or complaint processes that do not always provide legal certainty for consumers.

In this context, the active role of the government is very important in bridging the interests of consumers and OTT businesses. The government is not only required to strengthen supervision and law enforcement, but also needs to encourage the creation of specific regulations that govern service standards, OTT provider obligations, transparent complaint mechanisms, and proportional sanctions for violations. Adaptive and responsive regulations that keep pace with digital technology developments are expected to strike a balance between industry innovation and consumer rights protection.

With a clear, integrated, and consumer-oriented legal framework, it is hoped that OTT services such as HBO Go can operate in a more responsible and professional manner. Effective legal protection not only provides a sense of security and justice for consumers, but also encourages the creation of a healthy, sustainable, and competitive digital business climate²⁴. Ultimately, legal certainty in the provision of OTT services will be an important foundation for the development of a fair and public interest-oriented national digital ecosystem.

The Strategic Role of Digital Platforms in Copyright Protection in the Digital Economy Ecosystem

Advances in information and communication technology have led to the formation of a digital economy ecosystem that makes digital platforms the primary means of distributing creative works. Over-The-Top (OTT) services, which enable the rapid and cross-border distribution of audiovisual content, play a significant role in expanding public access to digital creative works²⁵. On the other hand, this convenience also increases the potential for copyright infringement because works can be copied and distributed without the creator's permission. The territorially unrestricted nature of digital content makes it increasingly difficult to monitor its distribution. As a result, creators often suffer economic losses and a decline in the exclusivity value of their creative works. This situation shows that copyright protection cannot be separated from the role of digital platforms as the main facilitators of content distribution. Therefore, strengthening legal protection of copyright in the digital ecosystem is an urgent need.

The development of digital technology has shifted people's consumption patterns from conventional broadcasting to internet-based services (Over The Top). Services such as HBO Go allow users to choose

²¹ R. Prabhavathy and S. Senthikumar, 'User Experiences in Over-The-Top (OTT) Streaming Media Platform Services', *Qubahan Academic Journal*, 5.2 (2025), 82–99 <<https://doi.org/10.48161/qaj.v5n2a1600>>.

²² M. E. Suprpto, A. Q., Irwansyah, I., & Irfandianto, 'Analisis Dinamika Ulasan Penggunaan Aplikasi Vidio Dan Viu', *Jurnal Ilmu Komunikasi UHO: Jurnal Penelitian Kajian Ilmu Komunikasi Dan Informasi*, 10.1 (2024), 67–78.

²³ Totok Wahyu Abadi and others, 'Media Usage Motivations and Netflix Video Viewer Satisfaction in East Java', *The Journal of Society and Media*, 9.2 (2025), 504–38 <<https://doi.org/10.26740/jsm.v9n2.p504-538>>.

²⁴ Athanasios Papathanasopoulos and Dimitris Varoutas, 'On the Competition between Video OTT Platforms vs Traditional TV: A Niche Case Study in Greece', *Telematics and Informatics Reports*, 16.November 2023 (2024), 100166 <<https://doi.org/10.1016/j.teler.2024.100166>>.

²⁵ Diza.

content independently without being tied to broadcast schedules, thus providing greater flexibility compared to conventional television. However, this convenience also raises new legal challenges, particularly regarding the responsibility of service providers for the quality, continuity, and suitability of the services received by consumers. This situation requires legal certainty so that users' rights remain protected even though these services are outside the traditional broadcasting regime.

The unclear legal status of OTT services has led to a legal vacuum in the supervision and enforcement of laws against digital service providers. In practice, OTT providers such as HBO Go operate across countries with servers and control centers located outside Indonesian jurisdiction. This makes it difficult to enforce national laws when violations or service non-compliance occur. Therefore, even though OTTs are not categorized as broadcasting institutions, their business activities must still comply with other relevant national laws, particularly consumer protection and telecommunications laws.

Copyright, as part of intellectual property rights, is an exclusive right that arises automatically after a creation is realized in tangible form. These exclusive rights consist of moral rights and economic rights attached to the creator or copyright holder. Moral rights provide protection for the identity and integrity of the creation, while economic rights provide the authority to obtain financial benefits from the use of the work. In the digital context, the economic rights of creators are often neglected due to the ease of technology in copying and distributing content on a massive scale, while moral rights are also vulnerable to violation through the use of works without attribution to the creator²⁶. Violations of both rights not only harm creators materially, but also have the potential to damage the reputation and social value of the creation. Thus, copyright protection in the digital age has legal, economic, and social dimensions that are interrelated.

The absence of specific regulations that comprehensively govern OTT has implications for weak oversight mechanisms regarding service quality and consumer protection. Current regulations focus more on the technical aspects of telecommunications, and do not specifically regulate service standards, complaint mechanisms, or sanctions for violations committed by OTT providers. As a result, consumers are in a weaker position because they do not have clear sectoral legal references to demand their rights when service discrepancies occur.

Digital platforms as electronic system operators have a strategic position in the management and distribution of digital content. Through the technical infrastructure they manage, platforms provide space for users to upload, store, and disseminate content. In this position, platforms cannot be viewed solely as passive intermediaries, as they have control over distribution algorithms, moderation systems, and service usage policies. When platforms are aware or should be aware of copyright infringements but fail to take preventive measures, legal liability may attach to the platform provider. The principle of due diligence is an important basis for determining the responsibility of digital platforms for violations that occur within their systems²⁷. Therefore, the active involvement of platforms in preventing copyright infringement is a consequence of the technical authority they possess.

In the context of the legal relationship between OTT providers and users, there is a contractual relationship that arises from a subscription agreement. These agreements are generally set out in the form of terms and conditions that are unilaterally drafted by the business operator. Although they are standard, these agreements are still binding on the parties and may not contain clauses that are detrimental to consumers. If the services received do not comply with the agreement, this can be categorized as a breach of contract, which entitles consumers to demand fulfillment of obligations or compensation.

Copyright protection in digital platforms is also closely related to consumer protection in electronic transactions. Consumers have the right to obtain legitimate digital products and content that do not violate applicable laws. In e-commerce practices, consumers are often unaware that the products or content they access are the result of intellectual property rights violations, placing consumers in a vulnerable legal position²⁸. This lack of awareness can lead to economic losses and potential involvement in illegal activities. Therefore, digital platforms have a responsibility to ensure the legality of the content and products being traded. Monitoring policies and mechanisms for handling violations are important instruments in providing preventive protection for consumers.

²⁶ Khairil Fahmi, Muhammad Akbar, and Daud Daud, 'Perlindungan Hukum Atas Hak Cipta Digital Dalam Era Ekonomi Kreatif', *Warta Dharmawangsa*, 19.3 (2025), 1547–56 <<https://doi.org/10.46576/wdw.v19i3.7312>>.

²⁷ Ida Bagus Nyoman Adhi Wiguna, 'Pertanggungjawaban Hukum Penyedia Jasa Platform Digital Terhadap Pelanggaran Kekayaan Intelektual', *Amandemen: Jurnal Ilmu Pertahanan, Politik Dan Hukum Indonesia*, 1.4 (2024), 01–26 <<https://doi.org/10.62383/amandemen.v1i4.472>>.

²⁸ Listyowati Sumanto Jessica, 'PERLINDUNGAN HUKUM KEKAYAAN INTELEKTUAL TERHADAP KONSUMEN DALAM TRANSAKSI E-COMMERCE DI INDONESIA JESSICA1', *Ensiklopedia Education Review*, 6.3 (2024), 54–57 <<http://jurnal.ensiklopediaku.org>>.

In addition to administrative measures and complaints, consumers also have the right to seek dispute resolution through non-litigation or litigation channels. Out-of-court dispute resolution, such as through the Consumer Dispute Resolution Agency (BPSK), is considered more effective and efficient because it does not require large costs and lengthy processes. However, if non-litigation resolution does not provide a fair result, consumers can still file a civil lawsuit in court as a form of legal protection guaranteed by law.

Optimizing intellectual property rights protection in the digital space also includes protection of non-physical elements attached to internet-based services. Website design, software, logos, and creative content are objects of intellectual property rights that are vulnerable to plagiarism and misuse. Without adequate protection, digital platforms have the potential to become a means of unfair business competition and systematic copyright infringement. In this context, *the application of a lex informatica-based legal approach* is relevant because it adapts legal principles to the dynamic characteristics of cyberspace²⁹. This approach emphasizes the importance of adapting the law to the ever-changing developments in digital technology. Thus, the law is not only repressive, but also preventive and responsive.

Legal protection for digital products must also take into account the specific characteristics of intangible products, which often cannot be returned after use. This situation means that consumers could potentially suffer losses if the digital products they purchase violate the law or do not comply with regulations. Therefore, businesses and digital platforms have an obligation to provide clear and transparent information about the legality of the digital products they offer. Strengthening regulations and oversight are important steps to create legal certainty in digital product transactions, particularly in the context of consumer protection³⁰. Without legal certainty, consumer and creator protection is difficult to achieve optimally.

The development of technology-based start-ups has also given rise to new challenges in digital copyright protection. Digital applications as intellectual works often involve complex working and contractual relationships between developers and companies. Unclear regulations on copyright ownership of digital applications have the potential to cause legal disputes in the future. Legal awareness of copyright ownership and protection is an important factor in preventing such conflicts. Preventive measures through employment contracts and copyright registration can strengthen the legal position of digital application creators³¹.

Based on this description, digital platforms play a strategic role in maintaining a balance between freedom of content distribution and copyright protection in the digital economy era. This role includes monitoring, prevention, and the implementation of internal policies that support legal compliance. Effective copyright protection not only provides legal certainty for creators, but also supports the sustainability of the creative industry and protects consumer interests. Synergy between regulations, platform policies, and public legal awareness is key to creating a fair and sustainable digital ecosystem.

Thus, even though OTT services such as HBO Go are not specifically regulated in the Broadcasting Law, consumers still receive legal protection through the Consumer Protection Law. The incompatibility of services experienced by users cannot be ignored on the grounds of the absence of specific OTT regulations. Therefore, the government needs to play an active role in drafting more comprehensive regulations related to OTT in order to ensure a balance of interests between businesses and consumers, while also providing legal certainty in the digital service ecosystem in Indonesia.

Inconsistencies in HBO Go Over The Top Services as a Form of Consumer Rights Violation

The development of digital technology has brought significant changes to people's consumption patterns, particularly in accessing information and entertainment via the internet. This transformation has led to the emergence of various digital business models, one of which is Over The Top (OTT) services. In the legal context, rapid social change is often not matched by adequate regulatory updates, resulting in gaps in legal protection. The law is required to be responsive to the dynamics of society in order to remain relevant and function to protect the public interest³². This condition also occurs in the OTT sector in Indonesia, which is

²⁹ Annisa Nur Rahmawati, Febrina Putri, and Tsalissya Nabila, 'Optimalisasi Perlindungan Hukum Terhadap E-Commerce Websites Dikaji Dari Perspektif Hak Kekayaan Intelektual', *Jurnal Al Azhar Indonesia Seri Ilmu Sosial*, 4.2 (2023), 71 <<https://doi.org/10.36722/jaiss.v4i2.1859>>.

³⁰ Stai Nurul, Huda Kapongan, and Indonesia Email, 'DALAM TRANSAKSI E-COMMERCE TERHADAP TANTANGAN DAN PENDAHULUAN Perkembangan Teknologi Informasi Telah Menciptakan Transformasi Besar Dalam Berbagai Aspek Kehidupan, Termasuk Dalam Sektor Perdagangan. Era Digital Telah Melahirkan Pasar Elektronik (e-Comm)', 5.2 (2025), 109–25 <<https://doi.org/10.33650/ljs.v5i2.13094>>.

³¹ Asep Saripudin Andien Pradipta Kosasih, 'Tinjauan Yuridis Perlindungan Hukum Hak Cipta Digital Terhadap Produk Aplikasi Digital Di Perusahaan Startup', *Jurnal Ilmiah Wahana Pendidikan*, 9.12 (2023), 37–46.

³² dan Robert A. Kagan Nonet, Philippe, Philip Selznick, *Law and Society in Transition: Toward Responsive Law* (New York: Harper and Row Publisher, 1978).

developing rapidly without comprehensive legal protection. As a result, the relationship between businesses and consumers is not always balanced. Consumers are in a vulnerable position when service disputes arise. It is within this framework that the issue of OTT service incompatibility needs to be analyzed from a legal perspective. A consumer protection approach is important for assessing the direct impact of digital technology development.



Figure 3. Over-The-Top (OTT) Services as Content Providers
Internet-Based Audio Visual

This figure shows the interfaces of several Over The Top (OTT) service platforms such as Netflix, Hulu, and HBO Go, which are accessed through smart televisions using remote controls, representing a shift in the pattern of entertainment consumption from conventional broadcasting to internet-based digital services and video on demand. This visualization illustrates the ease of access enjoyed by consumers while also showing the personal and subscription-based nature of OTT services, whereby the legal relationship between consumers and service providers is contractual and subject to standard agreements. The presence of various platforms on a single screen also reflects the high level of competition in the OTT industry, but on the other hand, it shows the potential for differences in service quality standards, access stability, and content availability for consumers. This condition confirms the position of consumers as vulnerable service users when there are service disruptions, content changes, or a decline in broadcast quality without adequate compensation. Thus, this image not only serves as a visual illustration but also as a concrete representation of the object of study, showing how the inconsistency of OTT services, particularly HBO Go, can have implications for potential violations of consumer rights within the framework of consumer protection law in Indonesia.

Over The Top services such as HBO Go are internet-based audio-visual content provider platforms that offer video on demand. This service model allows consumers to access movies and series at any time without being tied to a broadcast schedule. However, this convenience is not always accompanied by a guarantee of stable service quality. In practice, consumers often experience access disruptions, device compatibility limitations, and unilateral changes to the content catalog. The discrepancy between the promised and received services creates potential losses for consumers. This condition indicates an imbalance between consumer obligations and service provider responsibilities. Consumer rights to service convenience and certainty are not optimally fulfilled. This situation reflects the weak consumer protection in OTT services³³.

The inconsistency of HBO Go services cannot be separated from the issue of OTT regulation in Indonesia. Law Number 32 of 2002 concerning Broadcasting still defines broadcasting as an activity based on the radio frequency spectrum. This definition does not include internet-based broadcasting services such as OTT. As a result, OTT services are outside the strict supervision of conventional broadcasting institutions. This regulatory vacuum creates legal uncertainty for consumers. When service disruptions occur, there are no standard rules regarding recovery or compensation obligations. This situation shows that the law is lagging behind developments in digital technology. This regulatory lag has the potential to neglect the interests of consumers³⁴.

The legal relationship between consumers and OTT service providers is based on standard subscription agreements. These standard agreements are drafted unilaterally by businesses without giving consumers any room for negotiation. In practice, these agreements often contain clauses limiting the liability of service providers. Such clauses weaken the position of consumers when service discrepancies occur. The imbalance

³³ Diza.

³⁴ Serlika Aprita, *Filsafat Hukum* (Depok: Rajawali Press, 2020).

between the parties becomes even more apparent because consumers have no alternative but to accept the agreement. This condition contradicts the principles of fairness and balance in contract law. Contractual inequality has the potential to violate consumer rights. Therefore, the non-compliance of HBO Go services can be understood as a consequence of an unfair standard agreement.

Another aspect that worsens OTT consumer protection is the legal status of cross-border service providers. Many foreign OTT providers operate in Indonesia without having a permanent business form. This condition makes it difficult to enforce the law when consumers suffer losses due to unsatisfactory services. Consumers often do not know which party to hold effectively accountable. The lack of clarity regarding the legal subject has an impact on the weakness of the dispute resolution mechanism. In such situations, consumers are at a disadvantage. Certainty regarding the legal status of business actors is an important prerequisite for consumer protection. Without such certainty, consumer rights have the potential to be neglected³⁵.

The government has attempted to provide guidance through the Circular Letter of the Minister of Communication and Information Technology Number 3 of 2016. The circular letter requires OTT providers to comply with provisions in various fields of law, including consumer protection. However, normatively, circular letters do not have the same binding force as laws. As a result, OTT providers' compliance with these obligations is not always consistent³⁶. Service quality standards are also not applied uniformly. When service discrepancies occur, consumers still find it difficult to obtain effective protection. This condition reflects a gap between norms and practice. Regulatory ambiguity increases the potential for consumer rights violations.

The inconsistency of OTT services is also related to consumers' right to accurate and transparent information. In practice, consumers do not always obtain clear information about service changes or system disruptions. The information provided is often one-sided and limited. This lack of transparency can increase consumer losses. The right to information is one of the fundamental rights in the Consumer Protection Law. If information is not conveyed honestly and openly, then the legal obligations of business actors are not fulfilled. The inconsistency of HBO Go services in this context is not only technical but also juridical. The lack of adequate information weakens the position of consumers³⁷.

In terms of compensation, the non-compliance of OTT services is often not followed by adequate compensation. Service disruptions or quality deterioration are rarely accompanied by a proportional refund of subscription fees. This creates injustice for consumers who have fulfilled their obligations. In consumer protection law, the right to compensation is a consequence of negligence on the part of the business operator. When this right is not fulfilled, it can be classified as a violation of the law. The discrepancy between services and compensation shows the weak position of OTT consumers. This situation has the potential to undermine public confidence in digital services. Therefore, the aspect of compensation is an important indicator of consumer rights violations.

The inconsistency of HBO Go's services also reflects the lack of legal certainty in the OTT sector. Legal certainty is necessary for consumers to clearly understand their rights and obligations. Without legal certainty, consumer protection is only normative and ineffective. The law should be able to keep up with the dynamics of an ever-evolving digital society. When regulations lag behind, consumers are the ones who suffer the most. This condition highlights the urgency of a more comprehensive update to OTT regulations. Clear regulations are expected to strengthen the position of consumers. Thus, service inconsistencies will no longer be a recurring problem³⁸.

Overall, the inconsistency of HBO Go Over The Top services can be seen as a form of consumer rights violation in the digital era. Unclear regulations, contractual imbalances, weak law enforcement, and minimal compensation indicate that consumer protection is not yet optimal. In fact, the purpose of consumer protection law is to achieve justice and certainty for service users³⁹. In the context of the digital economy, consumer protection is an important element in maintaining public trust. Without adequate protection, consumers will continue to be in a weak position. Therefore, the inconsistency of HBO Go services cannot be viewed as an individual problem. This issue reflects a structural problem in OTT regulation. Regulatory reform is a strategic step to prevent future violations of consumer rights.

³⁵ Diza.

³⁶ Zulham, 'Hukum Perlindungan Konsumen.Pdf', 2013, p. 23.

³⁷ Agung Kurniawan Sihombing, Rika Ratna Permata, and Tasya Safiranita Ramli, 'Comparison of Digital Copyright Protection on Over the Top (OTT) Streaming Content Media in Indonesia and the United States', *Padjadjaran Jurnal Ilmu Hukum*, 8.2 (2021), 183–212 <<https://doi.org/10.22304/pjih.v8n2.a2>>.

³⁸ Serlika Aprita.

³⁹ Ahmadi Miru dan Sutarman Yodo, *Hukum Perlindungan Konsumen*, 2008.

The Role of Regulatory Frameworks in Strengthening Consumer Protection and Copyright Enforcement in OTT Services

The rapid expansion of Over-The-Top (OTT) services has significantly transformed the global audiovisual content industry by enabling instant and cross-border access to copyrighted works. Platforms such as HBO Go operate through internet-based infrastructures that differ fundamentally from conventional broadcasting systems. This transformation has created regulatory challenges, particularly in countries where legal frameworks remain oriented toward traditional media regulation rather than digital platforms⁴⁰. In Indonesia, this condition has resulted in a regulatory gap that affects both consumer protection and intellectual property rights enforcement.

OTT services possess a hybrid legal character because they provide audiovisual content without relying on radio frequency spectrum or linear broadcasting schedules. As a result, these services fall outside the scope of Law No. 32 of 2002 on Broadcasting, which remains focused on conventional transmission models. Indonesian legal scholars note that this exclusion creates uncertainty regarding the legal status and accountability of OTT providers, especially when service inconsistencies or consumer losses occur⁴¹. Consequently, consumers often lack clear legal references to assert their rights.

From a consumer protection perspective, OTT platforms commonly use standard-form contracts that are unilaterally drafted by service providers. These contracts often include clauses allowing unilateral changes to pricing, content availability, or service features. Such contractual practices may undermine the principle of balance and fairness in contractual relationships, as consumers have limited bargaining power and no opportunity to negotiate terms⁴². In Indonesia, this situation potentially contradicts the principles enshrined in Law No. 8 of 1999 on Consumer Protection, which emphasizes fairness, transparency, and legal certainty.

The lack of comprehensive OTT regulation also has implications for the enforcement of copyright in the digital environment. OTT platforms serve as primary intermediaries for the distribution of copyrighted audiovisual works, positioning them at the center of digital piracy prevention. However, without explicit legal obligations, platforms often rely on reactive mechanisms such as notice-and-takedown systems rather than proactive prevention strategies. Argues that such an approach is insufficient in addressing systemic copyright infringement in the digital ecosystem⁴³.

In the Indonesian context, digital piracy remains a persistent problem despite the availability of legal OTT platforms. Research shows that weak enforcement mechanisms and limited platform responsibility contribute to the continued circulation of pirated content, which undermines the economic rights of creators and copyright holders⁴⁴. This condition illustrates that copyright protection cannot rely solely on criminal sanctions but must be supported by platform-based preventive measures and clear intermediary obligations.

The concept of intermediary due diligence has gained prominence in determining the responsibility of digital platforms. OTT providers possess technical control over content distribution, access restrictions, and recommendation algorithms, enabling them to take preventive actions against copyright infringement. Imposing proportionate due diligence obligations on platforms is essential to ensure accountability without stifling innovation⁴⁵. This approach is also relevant for Indonesia, where platforms often operate across borders and outside direct national jurisdiction.

Comparative legal developments demonstrate that jurisdictions with comprehensive digital service regulations tend to provide stronger consumer protection and copyright enforcement. The European Union's Digital Services Act (DSA) introduces binding obligations related to transparency, risk mitigation, and platform accountability in addressing illegal content⁴⁶. Although Indonesia has a different legal structure, these developments offer valuable lessons on how regulatory frameworks can adapt to digital market realities.

⁴⁰ Daniel J. Gervais, "The Regulation of Streaming Services and International Copyright Law," *Journal of World Intellectual Property* 22, no. 3–4 (2019): 87–104, <https://doi.org/10.1111/jwip.12123>

⁴¹ Serlika Aprita.

⁴² Marco B. M. Loos dan Joasia Luzak, "Unfair Contract Terms in Consumer Contracts in the Digital Era," *Journal of Consumer Policy* 39, no. 4 (2016): 389–411, <https://doi.org/10.1007/s10603-016-9321-9>

⁴³ Martin Husovec, *Injunctions against Intermediaries in the European Union: Accountable but Not Liable?* (Cambridge: Cambridge University Press, 2017), 145–172, <https://doi.org/10.1017/9781316886840>

⁴⁴ Sihombing, Permata, and Ramli.

⁴⁵ C. Iglesias Keller, "Policy by Judicialisation: The Institutional Framework for Intermediary Liability in Brazil," *International Review of Law, Computers & Technology* 35, no. 2 (2021): 196–214, <https://doi.org/10.1080/13600869.2020.1792035>.

⁴⁶ Marc Bourreau dan Alexandre de Streel, "Digital Platforms and the Digital Services Act: A New Regulatory Framework for the EU Digital Economy," *Journal of European Competition Law & Practice* 13, no. 5 (2022): 249–260, <https://doi.org/10.1093/jeclap/lpac014>.

In contrast, Indonesia currently relies on sectoral regulations and policy instruments such as Circular Letter of the Minister of Communication and Information Technology No. 3 of 2016. While this circular provides guidance for OTT providers, its normative force is limited and does not create enforceable obligations. Indonesian scholars argue that soft-law instruments are insufficient to protect consumers effectively in digital markets characterized by power asymmetries and cross-border operations.

Strengthening OTT regulations is also crucial for supporting the sustainability of the creative economy. Effective copyright protection provides incentives for creators and investors to produce high-quality content. Emphasize that weak intellectual property enforcement reduces legitimate revenue streams and discourages innovation. In Indonesia, improving OTT governance would not only protect creators but also enhance public trust in legal digital services⁴⁷.

In conclusion, regulatory frameworks play a strategic role in balancing consumer protection, platform accountability, and copyright enforcement in OTT services. The absence of comprehensive and binding regulations has placed consumers and creators in vulnerable positions. Therefore, Indonesia needs an adaptive legal framework that explicitly regulates OTT services, strengthens platform responsibility, and ensures effective remedies for consumers. Such an approach would contribute to a fair, transparent, and sustainable digital ecosystem aligned with global best practices and national legal principles.

4. Conclusion

Based on the results of an analysis of the inconsistency of Over The Top (OTT) services such as HBO Go and the high rate of digital content piracy, it can be concluded that Indonesia still faces a significant regulatory vacuum in providing optimal legal protection for both consumers and copyright holders. The discrepancy between the services promised and those received by consumers reflects the weak implementation of the principles of accountability, transparency, and legal responsibility by digital service providers. In practice, consumers often experience obstacles in the form of technical disruptions, limited access to content, and unilateral changes to service policies without adequate notification. This situation shows that consumers' bargaining position in the OTT service ecosystem is still relatively weak and has not received balanced legal protection. Consumer vulnerability is exacerbated by the limited availability of effective complaint and dispute resolution mechanisms in OTT services. Although Law No. 8 of 1999 on Consumer Protection normatively guarantees the right to comfort, safety, and compensation for losses incurred, the implementation of these provisions in the context of cross-border digital services still faces various obstacles. OTT service providers operating globally are often difficult to reach by national legal jurisdictions, resulting in suboptimal law enforcement. As a result, aggrieved consumers do not always obtain legal certainty or effective restoration of their rights. On the other hand, the prevalence of digital content piracy reflects the ineffectiveness of copyright protection systems in the digital realm. Piracy not only harms creators and copyright holders economically, but also impacts the moral rights of creators, such as recognition of their work and the integrity of their creations. Furthermore, the high level of piracy also weakens the competitiveness of official OTT platforms such as HBO Go, which operate legally and fulfill their licensing obligations. The long-term impact of this situation is a decline in the value of work exclusivity, reduced investment interest in the creative sector, and the stunted development of the national digital content industry. This phenomenon confirms that current regulations are not yet fully capable of accommodating the characteristics of internet-based OTT services, which are dynamic, cross-border, and fundamentally different from conventional broadcasting. Therefore, comprehensive and adaptive regulations specifically designed to regulate the provision of OTT services in Indonesia are needed. These regulations must include digital consumer protection, strengthening content monitoring and control mechanisms, and effective enforcement of intellectual property rights. With a clear and integrated legal framework, it is hoped that a fair, transparent, and sustainable digital ecosystem can be created, while also encouraging the growth of the national creative industry amid the dynamics of global digital transformation. In conclusion, efforts to update and strengthen OTT service regulations must be accompanied by increased public legal awareness and synergy between the government, digital service providers, and other stakeholders. Effective legal protection depends not only on the existence of written norms, but also on consistent implementation and supervision, as well as active consumer participation in demanding their rights. With continuous collaboration and a legal approach that is responsive to technological developments, it is hoped that OTT services in Indonesia can develop in a healthy, innovative, and equitable manner, without neglecting consumer protection and intellectual property rights as the main foundations of the national digital ecosystem.

⁴⁷ Ruth Towse dan Christian Handke, *Handbook on the Digital Creative Economy* (Cheltenham: Edward Elgar Publishing, 2013), 45–67, <https://www.elgaronline.com/view/9781781004876.xml>

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