

# Corporate Responsibility for Digital Content Piracy and Its Implications for Business Governance in Indonesia

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## ABSTRACT

*The digital era brings new challenges for intellectual property rights (IPR) protection, particularly in relation to digital content piracy. Corporate responsibility is not limited to the ownership of valid licenses, but extends to governance, prevention, detection, and mitigation of IPR violations across the entire service ecosystem. Indonesian law imposes civil, criminal, and administrative sanctions as the basis for corporate accountability, integrating copyright regimes, civil contracts, and electronic governance. The normative implications of this accountability compel companies to build an active compliance architecture, establish a zero-tolerance policy towards pirated content, and combine contractual controls, detection technology, and cross-authority collaboration. Responsive governance not only reduces the risk of sanctions but also enhances the competitiveness and credibility of digital businesses in Indonesia.*

## INTRODUCTION

The development of information technology has triggered a surge in the production, distribution, and consumption of digital content on a global scale. This digital transformation has accelerated the distribution of creative works such as music, films, written works, software, and other multimedia products through a digital economy paradigm that facilitates trade without geographical boundaries. This reality has created massive economic opportunities for both local and multinational companies, making intellectual property one of the greatest business assets in the digital age. However, the ease of replication and digital transmission without physical constraints has also opened up loopholes for abuse in the form of piracy, copyright infringement, and illegal duplication that are difficult to control (Kawalec, 2017). This massive and often uncontrolled flow of digital content not only raises legal and economic issues, but also has profound implications for the social and information spheres. Once content is distributed, it enters a phase where it is consumed, shared, and influences public perception. Based on this, Zulkarnain and Al Hakim (2023) examine the evolution of digital media and the formation of public opinion, analyzing its implications for the credibility of information and social dynamics in an era of content overload.

These drastic changes in the economic and legal landscape did not occur in a vacuum, but went hand in hand with more fundamental transformations at the socio-cultural level. In line with this, Al Hakim et al. (2021) analyzed the transformation of cultural values and social practices in the digital era, showing how technology has not only changed the way we do business, but also the way we interact, give meaning, and build communities.

In Indonesia, the issue of digital content piracy has become a major concern in the intellectual property legal system. Although various regulations and policies have been formulated to provide protection for rights holders, piracy remains rampant due to low levels of legal literacy and weak enforcement infrastructure. This situation poses a real challenge for companies that depend on innovation and intellectual property exclusivity for their competitiveness. This vulnerability is even more acute in the creative and technology industries, where the distribution of digital content requires adaptive business models that are susceptible to illegal access or theft (Rongiyati, 2018).

Corporate responsibility for intellectual property rights violations resulting from digital content piracy is a crucial issue not only on the basis of legal certainty, but also in terms of business

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sustainability and public trust. Companies are not merely holders or recipients of copyright licenses, but also legal entities that can be held accountable in the event of violations due to negligence in security systems or internal governance. Affirming corporate responsibility is essential in order to create a healthy digital ecosystem and a competitive investment climate for creative economy players (Sunardi & Arief, 2023). The discourse on this responsibility is rooted in a more fundamental understanding of the value and protection of IPR itself. As studied by Rizky and Darmawan (2021), interest in Intellectual Property Rights and their legal protection framework is an essential foundation for building awareness and compliance, both at the individual and corporate levels.

The increase in piracy not only has direct economic implications but also reduces creators' incentives to develop new innovations. Companies, as the main actors in the digital content commercialization system, are under double pressure: the drive to innovate and the need to ensure intellectual property protection in digital content distribution. In addition, the lack of public awareness of the economic value of copyright adds to the complexity of the problem, as violations are often considered minor offences or without serious consequences (Pujiyono, 2019).

Based on this reality, corporate responsibility for intellectual property rights violations due to digital content piracy requires a comprehensive analysis of the available legal protection systems, the roles of relevant stakeholders, and the risk mitigation mechanisms that can be pursued. This study highlights the relationship between national legal instruments, the challenges of the role of corporations in copyright management, and the influence of digital technology developments on the paradigm shift in intellectual property protection. Literature reviews and empirical statistics show the urgency of responsive, adaptive, and sustainability-based protection design changes to address business issues in the digital content realm (Ketaren, 2018).

Companies are vulnerable to digital content piracy because limited cybersecurity infrastructure and distribution controls are often insufficient to deter pirates. This has an impact on the crisis of trust among copyright owners and the decline in the performance of the creative industry, which relies heavily on the authenticity of digital products for its revenue (Quinn, 2016). This cybersecurity challenge is not merely an isolated company issue, but part of a global digital security crisis that requires a collaborative response. Gardi and Eddine (2023)

emphasize in their research the urgency of global collaboration to address the challenges and impacts of cybersecurity vulnerabilities, which also form the basis for the protection of digital assets such as copyright. The ambiguity of sanctions, forms of accountability, and remediation mechanisms are classic obstacles that national legislation has not been able to fully resolve.

Fitrotinisak et al. (2023) in their research discuss the importance of legal compliance for consumers in using digital banking services, especially regarding account security from fraud attempts. This study emphasizes that the issues of compliance and good governance are not only the responsibility of consumers, but also and more importantly the core obligation of digital service providers themselves, including in industries outside banking. In addition to regulatory aspects, corporate issues are also closely related to the dimensions of compliance and good corporate governance (GCG). Not all companies are able to consistently build internal compliance with intellectual property protection. Some are even negligent in implementing due diligence, building strong technological infrastructure, and educating human resources to detect and deal with the use of illegal content. These weaknesses open up opportunities for violations, whether intentional or due to negligence. Thus, both in the context of consumer financial security (Fitrotinisak et al., 2023) and in the context of protecting corporate intellectual assets, failure to build a strong culture and infrastructure of compliance will create systemic vulnerabilities that lead to legal and reputational risks.

Another problem arises from the weak synergy between piracy detection technology and legal enforcement mechanisms; litigation or mediation efforts are often hampered by forensic evidence, legal complexities, and lengthy administrative procedures. These conditions hinder the accountability process and effective dispute resolution at the national level, resulting in companies often suffering both material and immaterial losses due to legal uncertainty.

The digital space continues to evolve dynamically and change the patterns of business relations and intellectual property law, requiring a methodological review of the role and responsibilities of corporations in relation to digital content copyright infringement. The widespread circulation of works via the internet and the ease of replication necessitate the design of regulations and internal oversight that are responsive to increasingly varied modes of piracy.

In a competitive global market, the implementation of good corporate governance has been recognized as a key pillar for improving business transparency and sustainability (Rojak & Al Hakim, 2023). New challenges in the digital content industry place companies in a strategic position to strengthen their legal protection systems. This research is relevant for establishing a normative foundation for policymakers, industry players, and the academic community to improve the effectiveness of intellectual property rights protection and support sustainable digital economic growth.

This study aims to identify, examine, and analyses corporate liability regulations for intellectual property rights violations resulting from digital content piracy, as well as evaluate their implications for corporate governance and mitigating measures that can be implemented. Theoretically, this study is expected to contribute to the development of business law and intellectual property protection, while in practical terms it can serve as a reference for companies, regulators, and stakeholders in formulating more responsive intellectual property policies and management systems.

## RESEARCH METHOD

This study uses a normative legal approach with a focus on qualitative literature review regarding corporate liability for intellectual property rights violations resulting from digital content piracy. Literature studies were chosen because they provide a theoretical and practical overview based on legal sources, doctrines, and verified research results from journals, monographs, and court decisions, as recommended in the tradition of business law research (Soekanto & Mamudji, 2013). Normative legal studies involve mapping the relationship between intellectual property rights regulations, business regulations, and corporate practices in the national legal system, as well as analyzing how norms are constructed and implemented systematically.

Thematic synthesis is carried out using a rigorous and structured literature search strategy. The main sources consist of reputable scientific journals and textbooks published in the last two decades, especially those discussing the themes of corporate responsibility, digital piracy, and intellectual property law protection. The search was conducted through scientific databases such as Google Scholar and Scopus, using the keywords: "corporate responsibility", "intellectual property

rights", "digital piracy", "digital content protection", and "copyright regulation". The inclusion criteria included relevant primary and secondary sources, verified for originality and validity based on DOI or ISBN. Sources that could not be verified, contained bias, or came from non-reputable publications were excluded from the analysis (Darmawan, 2015).

The data analysis process was conducted through thematic coding of important quotations and key statements in the selected documents. The coding focused on the themes of the basis of corporate responsibility, applicable legal instruments, types of violations, remediation mechanisms, and corporate governance models in dealing with digital piracy. Research quality assurance was carried out by applying source and analysis triangulation strategies, as well as through limited peer review to manage interpretation bias and maintain the objectivity of conclusions (Creswell, 2014). The entire research process was designed to be ethically and methodologically accountable in accordance with business law research standards.

## RESULT AND DISCUSSION

### Regulations on Corporate Liability for Intellectual Property Rights Violations in Digital Content Piracy

An understanding of the business legal framework that governs corporate responsibility as a whole is important to understand before discussing regulations on intellectual property rights violations against digital content. The regulation of corporate liability for intellectual property rights (IPR) infringements resulting from digital content piracy within the business law framework in Indonesia is based on the integration of three main pillars of law, namely the copyright and related rights regime, civil contracts and unlawful acts, and electronic governance which includes the obligation to handle illegal content (Widowati, 2022). In digital business relationships, any form of reproduction, distribution, communication to the public, or provision of access to digital content without permission is clearly categorized as a violation of the creator's economic rights, with accompanying legal consequences, whether civil, criminal, or administrative. Therefore, companies are required not only to have a license for the content they manage or distribute, but also to integrate an effective compliance system to prevent, detect, and stop piracy across their business operations and service ecosystem. With this framework, corporate responsibility is placed as an integral part of legally compliant digital business governance.

The copyright regime is the main normative

basis for assessing the legality of digital content use by companies, with the Copyright Act as the basis for protecting the economic rights of creators (Wiratama et al., 2022). The practice of digital content piracy, such as unauthorized uploading to illegal platforms, is a violation of these rights. Technological advances have expanded the scope of these violations (Atanasova, 2019). Law enforcement can be carried out through civil (compensation, temporary injunctions) and criminal channels. Criminal proceedings can even impose sanctions on corporations such as fines, seizure of equipment, and even closure of the business if the infringement is committed within the scope of its business activities. Thus, digital content piracy is not only an individual offence, but also a serious legal risk for corporations.

In addition to the specific copyright regime, general principles of civil law also play a role in determining corporate liability. Beyond specific copyright rules, the Civil Code (KUHPerdata) also provides a foundation through the concept of unlawful acts (Weriansyah & Ramadani, 2022). Companies that, intentionally or negligently, cause losses to rights holders, whether through the distribution of pirated works, the use of unlicensed content, or the toleration of piracy on their platforms, can be sued in civil court for damages. Forms of liability include direct liability (e.g. the company as the main perpetrator) and indirect liability, e.g. due to obtaining commercial benefits, having the ability to control but failing to prevent violations that are known or should be known. The principle of liability for the actions of others can be applied if the infringement is committed by an employee within the scope of their duties for and on behalf of the company. In assessing liability, the court considers good faith, standards of care, and the company's compliance track record. This approach broadens the scope of liability by assessing the company's conduct and internal control systems.

Corporate responsibility in the digital ecosystem involves the obligation of electronic system operators (ESOs) to protect their services from pirated content in order to support the creative industry (Huda et al., 2023). Regulations require ESOs to implement notice-and-takedown mechanisms, content moderation, and sanctions for violators. This legal responsibility ensures proportional and adaptive filtering in line with technological developments (Gabison & Buiten, 2019). Non-compliance can result in administrative sanctions, placing ESOs as key players in combating digital content piracy.

Liability for digital content piracy may also fall under corporate criminal law. Indonesian law

recognizes the possibility of corporate criminal liability for copyright infringement. If piracy is carried out through company policy, systems, or business practices, the corporation may be subject to criminal prosecution along with individuals in management. Criminal sanctions usually take the form of high nominal fines, with the possibility of additional administrative measures such as confiscation of equipment, public announcement of the verdict, closure of the business, or restitution obligations. The minimum standards of conduct adopted place the burden of proof for adequate compliance systems on companies; failure to provide proper procedures can be grounds for a finding of negligence and criminal prosecution. Important elements in the practice of proof are digital logs, responses to takedowns, and the relationship between patterns of infringement and the profits received by the company. Thus, compliance systems are not merely internal policies, but determining factors in criminal liability. Therefore, management adaptation in the digital era must include strengthening proactive legal compliance governance to mitigate increasingly complex corporate criminal risks (Darmawan et al., 2023).

In facing these risks, business contracts play a strategic role in IPR compliance management. The modern business legal framework requires contract designs that are responsive to IPR risks. Licensing, distribution, and partnership agreements related to digital content must include components of authenticity and rights assurance, utilization restrictions, technical security standards (e.g. DRM or watermarking), compliance audits, and notice-and-takedown mechanisms between parties. Clauses regarding indemnity and limits of liability need to be proportionate to protect law-abiding parties without reducing the rights of copyright owners to compensation. Operationally, companies are required to conduct internal education, tighten content access, monitor digital distribution (content ID or digital fingerprinting), respond quickly to claims, and collaborate with rights holders and regulators to remove problematic content. These contractual arrangements are crucial legal risk mitigation tools in digital content-based businesses.

Law enforcement against digital content piracy involves various channels and authorities in practice. The system of enforcement and recovery of rights in practice requires cross-dimensional work, namely civil lawsuits, criminal prosecution, and administrative actions. Rights owners can ask the court to stop the infringement and obtain compensation, while law enforcement agencies take

action against individuals and corporations. Digital service authorities have administrative powers to disconnect access to non-compliant content or systems. At the evidentiary level, electronic records and digital transaction data are central. Even though digital services are transnational in nature, companies are still required to comply with court decisions, administrative decisions, and national standards. The ideal practice is to proactively coordinate with rights holders, regulators, and relevant agencies through official reporting, takedown memoranda of understanding (MoUs), and involvement in national anti-piracy programmers. This collaborative approach increases the effectiveness of law enforcement in the complex digital space.

Ultimately, corporate responsibility in the issue of digital content piracy reflects the maturity of digital business governance. Corporate digital responsibility includes legal and governance obligations arising from the impact and risks of digitalization, including the protection of content and intellectual property assets (Herden et al., 2021). Corporate responsibility for digital content piracy is a logical consequence of the mandate for IPR protection and electronic governance. Legal regulations impose civil and criminal sanctions in the Copyright Law, the basis for PMH in the Civil Code, and notice-and-takedown obligations in PSE regulations. In a business context, corporate compliance must be proactive: reflected in contract design, technical infrastructure strengthening, service moderation, and multi-party coordination. Companies that make IPR protection an integral part of their governance will be more legally resilient and commercially competitive amid the dynamics of digital piracy. With this orientation, IPR protection serves as the foundation for sustainability and trust in the digital economy.

### **Implications of Accountability for Corporate Governance and Mitigation Efforts**

The issue of corporate accountability for intellectual property rights (IPR) violations in the digital space has direct implications for how companies build their internal governance. Corporate accountability for intellectual property rights (IPR) violations in the digital environment has driven a fundamental evolution in corporate governance systems. Initially, governance was merely formalistic and focused on fulfilling administrative requirements, but it has now shifted towards an active, measurable, and risk-based control architecture. This requires not only written compliance policies, but also their actual

implementation across all operational lines in a manner that is legally accountable (Ketaren, 2018). This change in orientation marks a shift in governance from passive compliance to substantive risk control.

The fast-paced nature of digital technology increases the potential for widespread IPR infringement. The widespread nature of digital platforms means that content can be uploaded, shared, and distributed instantly, often without the explicit permission of the original creator or copyright holder (Asadi, 2023). The Copyright Law qualifies infringements such as the reproduction, distribution, or communication of digital content without permission as unlawful acts that can result in civil and criminal consequences for corporations. In civil matters, the principle of unlawful acts allows rights holders to file lawsuits for compensation for losses incurred. Meanwhile, in criminal matters, corporations can be subject to fines and additional measures if violations occur through their organizations. When violations occur through electronic systems, a layer of administrative responsibility also arises. Electronic System Providers (PSE) are required to take proactive measures through a notice-and-takedown system and the handling of illegal content, with the risk of administrative sanctions and disconnection if these obligations are ignored (Mahyani, 2014). This condition shows that a company's IPR risk exposure increases in line with the intensity of its use of digital platforms.

This increased risk places corporate bodies in a strategic position in controlling IPR compliance. From a corporate governance perspective, the Limited Liability Company Law requires directors and commissioners to exercise their duty of care and duty of loyalty in managing the risk of compliance with digital content. The directors are responsible for ensuring that compliance policies are in place and implemented, that adequate controls are budgeted for, and that there is ongoing supervision of all processes that have the potential to result in IP violations. In the event of a systemic violation due to negligence, not only can the company be sued in civil court, but directors and commissioners who have been negligent in carrying out their duties may also face internal and external lawsuits (Sunardi & Arief, 2023). Thus, the responsibility for managing IPR risks does not stop at the company entity alone, but also extends to its management.

The aspect of evidence becomes a crucial factor when IPR violations are brought to the realm of corporate criminal law. Then, Supreme Court

Regulation Number 13 of 2016 concerning procedures for handling criminal cases by corporations emphasizes the importance of evidence of compliance policies and practices when companies are faced with criminal proceedings. Supreme Court Regulation No. 13 of 2016 provides a legal protection solution because the number of laws that place companies as subjects of criminal offences is not balanced with the number of cases involving corporate legal subjects that are brought to court (Sudjiarto, 2022). Without concrete preventive measures, companies will be in a very weak position administratively, civilly, and criminally (Kristin & Sudiro, 2022). This regulation encourages companies to demonstrate compliance through concrete actions, not just formal documents.

To meet these demands, compliance policies must be integrated into the entire content management cycle. In practice, the entire content management cycle, from acquisition, production, distribution, to moderation, must comply with IP compliance policies. Normatively, concrete steps include formulating strict and clear contract clauses regarding rights, licenses, utilization limits, risk mitigation through DRM or watermarking, and rights audit/verification prior to publication. For companies engaged in electronic systems (such as marketplaces and content sharing platforms), notice-and-takedown mechanisms must be established in SOPs, covering reporting channels, response times, claim verification, suspension of repeat offenders' accounts, and documentation of handling results as proof of compliance. This approach ensures that KI compliance is consistent from upstream to downstream business activities.

Rojak (2021) in his research reviews the manifestations of effective leadership in public service-oriented governance, emphasizing the importance of accountability, transparency, and systems that are responsive to community needs. The basic principles of good governance, such as accountability, oversight, and responsiveness to risks, are not only relevant in the public sphere but also form the foundation of sound corporate governance, particularly in managing legal compliance risks. In addition to procedural policies, strengthening risk management is an integral supporting element. A zero-tolerance policy on pirated content, the use of detection technology (digital fingerprinting, content ID), and the integration of surveillance systems are part of risk management. The preparation of a special risk register for IP violations, the appointment of risk owners at the managerial level, and the use of three

lines of defense in business units, compliance/IT functions, and internal audits make mitigation more comprehensive. Regular reporting to the board of commissioners, incident documentation, and system improvements are an integral part of governance supervision in accordance with the Limited Liability Company Law. This structure strengthens internal accountability while increasing the company's readiness to face legal scrutiny.

Despite preventive measures, companies must remain prepared to deal with potential incidents. If an incident occurs, the response plan must include measures to suspend access/distribution, take down content, preserve electronic evidence, communicate with rights holders, and evaluate and improve systems to prevent recurrence. Legal hold mechanisms and documentation are crucial, given that potential evidence and dispute processes require a strong and legally valid evidence chain. This response readiness is an important indicator of a company's seriousness in implementing compliance governance.

In addition to internal mechanisms, business contracts serve as instruments for controlling external risks. Contract clauses also serve as a means of legal mitigation. The terms of the license/distribution agreement must clearly stipulate rights guarantees, territory and medium, anti-piracy compliance, auditing, reporting, and indemnity provisions and proportional liability limits without negating the right to compensation. For PSEs, adjustments to terms of service and community policies must be in line with regulations on illegal content collection in order to enforce prohibitions both internally and externally. These contractual arrangements extend the scope of compliance to the company's business relationships.

Intellectual Property Rights (IPR) compliance is a strategic foundation for business continuity and market access, where failure can result in severe penalties and reputational damage. Therefore, measures such as employee education, partner screening, and risk insurance are key defenses. The entire regulatory framework and practices form an integrated governance system, where IPR protection is not merely administrative compliance, but a prerequisite for a strong legal position and operational resilience in the digital age.

## CONCLUSION

Corporate liability for intellectual property rights (IPR) violations resulting from digital content piracy within the framework of business law in Indonesia is highly dependent on the integration of three main

pillars: copyright and related rights regimes, civil contract frameworks and unlawful acts, and electronic governance. Law enforcement utilizes civil, criminal and administrative sanctions as the main safeguards for IPR protection in the digital age. The implications of this responsibility are not limited to the fulfilment of formal obligations, but require active, multi-layered, and risk-based governance. Companies are required to build a proactive control architecture that touches on all aspects, from the design and implementation of contracts, the application and supervision of notice-and-takedown SOPs, compliance audits, to the use of illegal content detection technology. This obligation is fully in line with the duty of care and duty of loyalty mandated to directors and commissioners under limited liability company regulations. Weak or neglected governance not only increases the risk of compensation and criminal sanctions, but also jeopardizes business continuity, economic stability, and the company's reputation in the eyes of the public and business partners.

To overcome these challenges, companies need to strengthen governance and compliance by integrating Intellectual Property Rights (IPR) policies into all digital business processes. This includes internal audits, enhancing the role of compliance units, ongoing training, and the implementation of technologies such as DRM, watermarking, and internal reporting systems. In addition, effective notice-and-takedown mechanisms must be institutionalized with easily accessible reporting channels, orderly documentation, and a zero-tolerance policy for repeat offenders. Risk management must also be carried out by registering every potential IPR infringement in a corporate risk register, complete with the appointment of a person in charge and periodic compliance tests.

External strategies involve synergy between authorities and public education. Companies are advised to establish communication and cooperation with regulators, rights holders, and law enforcement agencies, as well as participate in anti-piracy movements. Educating platform users and the public about the importance of IPR also needs to be encouraged to create a healthy compliance ecosystem. A company's success in IPR mitigation and management will determine its resilience in facing the risks of the digital world. By placing IPR protection as a key pillar of governance, companies not only meet legal requirements, but also build a sustainable reputation and competitiveness.

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