

Legality of Broadcasting Rights Holders against the Prohibition of Watching With MNC Group at the 2024 U23 Asian Cup



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ABSTRACT: This paper discusses the legality of broadcasting rights holders related to the no-watch together policy imposed by MNC Group at the 2024 U23 Asian Cup. The main focus of this paper is to analyze the conflict between legally protected broadcasting rights and binge-watching activities that are popular with sports fans. The research method used is a normative juridical approach with reference to copyright, broadcasting rights, and economic rights law. Data was obtained through literature studies and analysis of related information. The results of the study show that the ban on watching together imposed by MNC Group invites attention to the balance between the rights of broadcasting rights holders and the public interest, especially in the context of sports entertainment. This paper is expected to contribute to a further understanding of the legal and policy dynamics in the broadcasting rights and sports entertainment sector in Indonesia.

KEYWORDS: Exclusive Rights; Copyright; Broadcasting Rights; MNC Group.

I. INTRODUCTION

Intellectual property rights arise because of the intellectual ability of human beings to produce an intellectual work in the form of knowledge, art, literature, and technology where it takes sacrifice of thought, energy, and time to realize it into an intellectual work¹. Copyright consists of two types of rights, namely economic rights and moral rights. Economic rights are the right to obtain economic benefits over creations, while moral rights are rights inherent in the creator that cannot be eliminated and concern the protection of the creator's reputation². The Copyright Law mentions other rights related to copyright, namely neighboring rights. Neighbor's rights are copyright-related rights that are exclusively owned by the right party, including recordings and broadcasting stations, and so on.

Economic development in a country is one of the main and pillars for the development of the country, considering the rapid development of information and communication technology³. Creativity and technological innovation as well as economic improvement for community growth and industrial development, thus the role of Intellectual Property, hereinafter referred to as Intellectual Property, is needed to provide protection for creativity and innovation⁴. The development of technology related to the means to announce a creation through the youtube media has a positive and negative impact. The positive impact of the community is that it is easier for the public to enjoy the works announced by the creators through the media, and the creators are facilitated in terms of promoting their works⁴. In the digital age, piracy is common. The convenience created by the development of technology and information has allowed people to carry out unlimited activities in the digital space. One form of piracy that occurs a lot in Indonesia is the rise of websites that display and/or spread illegal links to football streaming broadcasts, especially international events.

Over time, Intellectual Property Rights (hereinafter referred to as IPR) were born to protect the exclusive rights of the creators of works who exert all their efforts, energy and energy to create their original works. Therefore, intellectual property is an important asset that supports the growth and development of a country. Intellectual Property Rights are also rights related to economic matters

¹ M. Syamsudin, *Hak Kekayaan Intelektual dan Budaya Hukum*, Ctk. Kedua, (Jakarta: Raja Grafindo) 2005.

² Muhammad Djumhana dan R. Djubaedillah, *Hak Milik Intelektual (Sejarah, Teori, dan Prakteknnya di Indonesia)*, Ctk. Kedua, (Bandung: Citra Aditya Bakti) 1997

³ Henry Soelistyo, *Hak Cipta Tanpa Hak Moral*, (Jakarta: Raja Grafindo Persada, 2011), hal. 2 ⁴ Soelistyo, *Hak Cipta Tanpa Hak Moral*, hal 4

⁴ Ghaesany Fadhila, "Perlindungan Karya Cipta Lagu dan/atau Musik yang Dinyanyikan Ulang (cover song) di Jejaring Media Sosial Dikaitkan Dengan Hak Ekonomi Berdasarkan Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta", *Jurnal Hukum Kenotariatan dan ke-PPAT-an*, Vol. 1, Juni 2018, hlm. 223

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that can be obtained by the government providing copyright protection for copyrighted works derived from the ideas of the creator. A form of providing protection for the works of Indonesian children, the Indonesian government made regulations regarding IPR as a form of effort to provide protection related to IPR to its people, so Law Number 28 of 2014 concerning Copyright was created which can be applied to people who do not have the right to take advantage of a creator of a work without permission. There is one way that can be done in granting economic rights, namely by granting permission or license based on an agreement that includes the right of the copyright holder within a certain period of time to carry out certain acts within the framework of exploitation of the work that is still owned by the creator⁵.

Copyright infringement itself essentially consists of two things. One of them is knowingly publishing, copying, licensing, and knowingly distributing, displaying, or selling works or goods that infringe on the copyright of others without having the right to do so. Piracy is the reproduction and distribution of films on the Internet by streaming or downloading without permission from the creator of the work, which causes great losses to copyright holders. These big losses are always problematic and detrimental to parties who legally have the right to fully hold economic rights to their broadcasting rights.

There are two core things in the form of copyright infringement. The first is deliberately to reproduce without permission from the creator and announce the stream. Furthermore, it is deliberately broadcasting, distributing and selling to the public the proceeds of deviation from copyright without written permission⁶. Explaining the impact of the existence of watching together through illegal football streaming service sites can harm many parties, especially the broadcasting rights owner. The Copyright Law has been revised, and in particular regulations have been stipulated such as the scope of application for copyright holders and provisions regarding criminal cases, but in reality there are still many cases of copyright infringement such as the following. Watch Together events and distribution of illegal content streaming links. Therefore, piracy is a serious problem that needs to be considered. This research was conducted based on the 2024 U23 Asian Championship, but there is still a lack of public awareness of watching football match broadcasts through unauthorized streaming, and copyright infringement is still widespread.

Based on the introduction which is the background above, the researcher has an opinion that the importance of understanding legal protection for broadcasting rights owners to prevent major losses is based on Law Number 28 of 2014 concerning the applicable Copyright. Then with a comparison and analysis of the case of the ban on watching together "Nobar" by MNC Group at the 2024 U23 Asian Cup championship. Therefore, the researcher formulated the title of this paper, namely "The Legality of Broadcasting Rights Holders against the Prohibition of Watching with MNC Group at the 2024 U23 Asian Cup".

II. RESEARCH METHOD

This study uses a juridical-normative approach in its literature review. This approach combines the analysis of legislation with its implementation in the context of society. Herman Bakir stated that the values that exist in society are also an integral part of the positive law that applies in society. In addition, this study uses the statue approach method in formulating problems, focusing on normative analysis of state regulations. The main objective of this research is to advance national culture in line with global development, while ensuring the freedom of society to develop culture and protect its intellectual property.

This research is evaluative in the context of normative law. This evaluative approach considers the merits of existing or supposed law. The type of data used is secondary data, including primary legal materials such as the 1945 Constitution, Law No. 5 of 2017, and other regulations; secondary legal materials such as books, journals, research results, and tertiary legal materials such as dictionaries. The data analysis used is qualitative analysis. This approach involves investigating, analyzing, drawing conclusions, and presenting data to understand the implications of existing legal norms.

III. RESULT AND DISCUSSION

Legal Basis and Legal Facts of the Viral Case of Prohibition of Watching with MNC Group at the 2024 U23 Asian Cup

Indonesia, Before getting to the core of the problem, we must know the history of broadcasting rights in Indonesia. Broadcasting rights in Indonesia itself have been regulated since the Dutch East Indies period, namely in 1934 with the issuance of radiowet⁷. It continued to be used during the old order to the new order. During the New Order period, precisely in 1970, the government made Government Regulation Number 55 of 1970 concerning Non-Government Radio Broadcasting. The regulation ran for 27 years before being replaced by Law Number 24 of 1997 concerning Broadcasting.

During the enactment of Law Number 24 of 1997 concerning Broadcasting, there were pros and cons, especially related to supervisory institutions (BP3N), in addition to the abolition of the Ministry of Information by the President (then President

⁵ Eddy Damian, *Hukum Hak Cipta, Ctk. Kedua, Edisi Keempat*, (Bandung: Alumni) 2014.

⁶ Ayup Suran Ningsih dan Balqis Hedyati Maharani, "Penegakan Hukum Hak Cipta terhadap Pembajakan Film secara Daring", *Jurnal Meta-Yuridis*, Vol. 2, No. 1, 2019.

⁷ Kharisma Putri Kumalasatki, "Perlindungan Hukum Terhadap Pembajakan Hak Siar Eksklusif PT. MNC SKY VISION berdasarkan Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta", *Skripsi*, UIN Syarif Hidayatullah, Jakarta, 2016, hlm 24

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Abdurahman Wahid), making the substance of Law Number 24 of 1997 concerning Broadcasting no longer appropriate⁸. Therefore, Law Number 24 of 1997 concerning broadcasting was revoked in 2002 and replaced by Law Number 32 of 2002 concerning broadcasting.

With the use of Law number 32 of 2002, the government is required to issue several regulations because of several articles contained in the law, these regulations include⁹:

- a. Government Regulation Number 11 of 2005 concerning Public Broadcasting Operators
- b. Government Regulation Number 12 of 2005 concerning Public Broadcasting Institutions of Radio Republic of Indonesia
- c. Government Regulation Number 11 of 2005 concerning the Public Broadcasting Institution of Indonesian Television
- d. Government Regulation No. 49 of 2005 concerning Guidelines for Reporting Activities of Foreign Broadcasting Institutions
- e. Government Regulation No. 50 of 2005 concerning the Implementation of Broadcasting of Private Broadcasting Institutions
- f. Government Regulation No. 51 of 2005 concerning the Implementation of Broadcasting of Community Broadcasting Institutions
- g. Government Regulation No. 52 of 2005 concerning the Implementation of Broadcasting of Subscription Broadcasting Institutions.

Article 43 paragraph 1 of Law Number 32 of 2002 reads, "Every program that is broadcast must have broadcasting rights". With these regulations, it is clear that if you want to broadcast a program or program, the broadcasting institution must have broadcasting rights. The definition of a broadcasting institution itself is regulated in Article 1 Paragraph 9 of Law Number 32 of 2002 which reads, "Broadcasting institutions are broadcasting operators, both public broadcasting institutions, private broadcasting institutions, community broadcasting institutions and subscription broadcasting institutions which in carrying out their duties, functions, and responsibilities are guided by the applicable laws and regulations"¹⁰

MNC Group is one example of a broadcasting institution in Indonesia. MNC Group has an exclusive license for Media Right and Official Broadcaster from AFC U-23 in the territory of the Republic of Indonesia. This is protected by regulations regulated in Article 1 paragraph 5 of Law Number 28 of 2014. The article reads, "Related Rights are rights related to Copyright which are exclusive rights for performers, phonogram producers, or broadcasting institutions".

With that, the protection that MNC Group gets with these related rights is moral rights and economic rights. Moral rights themselves are an obligation that every performer must get recognition and protection of moral rights attached to their copyrighted works¹¹. The legal basis of moral rights in related rights is regulated in Article 21 of Law Number 28 of 2014 concerning Copyright, namely rights inherent in performers that cannot be eliminated or cannot be deleted for any reason even though their economic rights have been transferred. The main essence of moral rights is that it binds the work to its creator integrally¹². In the case of MNC Group, the MNC Group has the right to use and/or associate its emblem/logo along with the official emblem, mascot, trophy of the AFC-U23 Asian Cup 2024 in the territory of the Republic of Indonesia because the MNC Group has purchased an exclusive license for the AFC U23.

Based on Article 23 of Law Number 28 of 2014 concerning Copyright, economic rights are explained into 2, namely economic rights for creators or copyright holders and economic rights for performers. In this case of MNC Group, MNC Group has economic rights for the creator or copyright holder. Economic rights for creators or copyright holders based on Article 8 of Law Number 28 of 2014 concerning Copyright, which is the exclusive right of the creator or copyright holder to obtain economic benefits for works¹³.

⁸ Kumalasatki, "Perlindungan Hukum Terhadap Pembajakan Hak Siar Eksklusif PT. MNC SKY VISION berdasarkan Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta", hal 24

⁹ Kumalasatki, "Perlindungan Hukum Terhadap Pembajakan Hak Siar Eksklusif PT. MNC SKY VISION berdasarkan Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta", hal 25

¹⁰ Sarah Shabariyah, "Analisis Pelindungan Hukum Terhadap Hak Siar Di Indonesia Berdasarkan Undang-Undang Nomor 32 Tahun 2002 Tentang Penyiaran Dan Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta (Contoh Kasus Putusan Mahkamah Agung Nomor 629/Pdt.Sus-Hki/2019)", *Jurnal Hukum Adiguna*, Vol 3 No.2, 2020, 733-756

¹¹ Ni Komang Irma Adi Sukmaningsih dkk, "Hak Terkait (Neighboring Right) Pelaku Pertunjukan Berdasarkan Undang-Undang No. 28 Tahun 2014 Tentang Hak Cipta", *e—Journal Komunitas Yustitia Universitas Pendidikan Ganesha Jurusan Ilmu Hukum*, Volume 1 No. 1 Tahun 2018, hal 82

¹² Asri Wulandari, "Pelanggaran Hak Cipta dalam Penyelenggaraan Situs Layanan Streaming Sepak Bola di Indonesia", *Padjajaran Law Review*, 2021, Vol 9 No.1, 1-13

¹³ Sukmaningsih, *Hak Terkait (Neighboring Right) Pelaku Pertunjukan Berdasarkan Undang-Undang No. 28 Tahun 2014 Tentang Hak Cipta*, hal 83

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Thus, if the performance of a performer is to be recorded, permission from the perpetrator is needed before recording, as well as the permission of the perpetrator, namely the MNC Group as the owner of the exclusive rights if the recording containing the performer's performance is to be reproduced or broadcast¹⁴.

The difference between copyright and related rights is that copyright is in the hands of music creators while related rights are in the hands of broadcasting institutions or dance performances, or music performances¹⁵. Therefore, the existence of a contribution and order to distribute works derived from copyright/copyright recipients, of course, provides its own benefits for the creator, namely in the form of economic value from the creator, so it is appropriate to be given an award in the form of legal protection and get royalties from the performance when the performance is rebroadcast or aired in other places or other broadcasting institutions¹⁶.

With the ownership of the Exclusive Broadcasting Rights owned by MNC Group, other parties who do not have MNC Group's approval are prohibited from Broadcasting and/or Redistributing the 2024 AFC U-23 Asian Cup Broadcast. In addition to the ban, MNC Group has also made the following announcements:.

- a. That MNC Group is the only exclusive right holder of the MEDIA RIGHT and Official Broadcaster license from AFC U-23 in the territory of the Republic of Indonesia
- b. That only MNC Group and/or Asian Football Confederation ("AFC") Has the Right to Use and/Or Associate its Emblem/Logo together with the official emblem, mascot, trophy of the AFC-U23 Asian Cup 2024 in the territory of the Republic of Indonesia.

Based on the above which states that MNC is the sole holder of exclusive rights, other parties who do not have the approval of MNC Group are prohibited:

- a. It is forbidden to use and/or associate the Emblem and Logo together with the words/writings, emblems, emblems, logos, mascots, competition names, official trophies of the AFC U-23 Asian Cup 2024
- b. Broadcasting and/or Redistributing the 2024 AFC U-23 Asian Cup Broadcast
- c. Producing and/or Holding Activities, Programs Including EVENTS, Competitions and/or Promsi in Any Form and Through Apupun Media, such as Lottery programs, SMS, KUIS, Games, Polling, which are directly or indirectly related to the AFC U-23 Asian Cup 2024
- d. Using Clips or Copies or Copies of All Broadcasts of AFC U-23 Asian Cup 2024 Matches either live or re-run)
- e. Creating News or Articles with Words/Writings, Emblems, Emblems, Logos, Mascots, Official Trophy of the AFC U-23 Asian Cup 2024, (Competition Marks and Competition Names) in a format/lay-out that gives the impression of being supported, presented or sponsored by sponsors other than the official sponsors of the AFC in the territory of the Republic of Indonesia
- f. Organizing activities on air, activities of air including watching together
- g. Print media, digital media, billboard promos with advertising associations.

That violation of the prohibitions mentioned above is threatened with criminal sanctions and fines in accordance with the applicable laws in the unitary state of the Republic of Indonesia (NKRI). The MNC Group even issued the announcement or circular because many parties took advantage of the euphoria of the AFC U-23 for their own benefit by harming the MNC Group as the exclusive rights holder of the AFC U-23 broadcast in Indonesia.

As explained earlier, based on Article 1 number 1 of Law Number 28 of 2014 concerning Copyright which reads, "Copyright is an exclusive right of the creator that arises automatically based on the principle of declarative after a work is realized in a tangible form without reducing restrictions in accordance with the provisions of laws and regulations".

The legal basis of the MNC Group regarding its exclusive rights can be seen as described above, namely in Law number 32 of 2002 concerning broadcasting rights and Law number 28 of 2014 concerning copyright. The articles in the law above that can be the legal basis for MNC Group to strengthen its position as the exclusive right holder of AFC U23 broadcasts in the unitary state of the Republic of Indonesia are as follows:

- a. Article 1 number 5 of Law Number 28 of 2014 concerning Copyright which states that: "Related Rights are rights related to Copyright which are exclusive rights for performers, phonogram producers, or broadcasting institutions"
- b. Article 43 paragraph 2 of Law Number 32 of 2002 concerning Broadcasting which states that: "The right owned by broadcasting institutions to broadcast certain programs or events that are legally obtained from the copyright owner or creator"
- c. Article 20 of Law Number 28 of 2014 concerning Copyright "Related Rights as referred to in Article 3 letter b are exclusive rights which include: a. moral rights of Performers;

¹⁴ Sukmaningsih, *Hak Terkait (Neighboring Right) Pelaku Pertunjukan Berdasarkan Undang-Undang No. 28 Tahun 2014 Tentang Hak Cipta*, hal 83

¹⁵ Maulana, Insan Budi, *Bianglala HKI (Hak Kekayaan Intelektual) Ctk. Pertama*, (Jakarta: Hecca Publishing), 2005, hlm 21

¹⁶ Saidin, H. OK., *Aspek Hukum Hak Kekayaan Intelektual*, (Jakarta: PT Raja Grafindo Persada) 2003 Hlm 136

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- b. economic rights of Performers;
 - c. the economic rights of the Producer of the Phonogram; and
 - d. economic rights of Broadcasting Institutions”
- d. Article 25 of Law Number 28 of 2014 concerning Copyright which states that: "Broadcasting institutions have economic rights including the right to carry out their own, give permission, or prohibit other parties from rebroadcasting broadcasts, broadcast communications, broadcast fixations and/or reproduction of broadcast fixations”

Although there have been regulations that clearly affirm that Related Rights have exclusive rights such as economic and moral rights, there are still some people who use these rights without permission. The protection affirmed in Copyright Law No. 28 of 2014 is for creators, Copyright holders, and/or Related Rights holders or their heirs who suffer economic rights losses, who are entitled to compensation. Therefore, MNC Group has a strong legal basis for its exclusive rights in Indonesia.

Analysis of Legal Protection and Prohibition of MNC Group's "Watch Together" at the 2024 U23 Asian Cup as a Form of Copyright Application.

The step to ban watching Watch Together (Nobar) in groups is not new in Indonesia. Whenever there is an international or national event, the community carries out various tourism activities of the "NOBAR" group to welcome the event. Based on this, Indonesia currently has a number of laws that regulate broadcasting in Indonesia, including Law Number 32 of 2002 concerning Broadcasting, Law Number 28 of 2014 concerning Copyright, and Law Number 19 of 2016 concerning Amendments to Law of the Republic of Indonesia Number 11 of 2008 which is a legal framework that regulates Information and Electronic Transactions (ITE) regulations. Supervision and monitoring of the 2024 U23 Asian Championship will be carried out by the Directorate General of Intellectual Property (DJKI) of the Ministry of Law and Human Rights (Kemenkumham). As a form of commitment to provide legal protection to all intellectual property rights owners. As is known, broadcasting rights are part of intellectual property rights or copyrights, so the owner has the right to protect those rights, including prohibiting other parties from carrying out commercial intentions in relation to the broadcasting rights about it. Therefore, it is legal for PT. MNC Group as the license holder of the 2024 U23 Asian Championship specifically prohibits joint screenings by other parties in commercial or commercial venues.

If in this case it is associated with Copyright, it can be said that it is very suitable if the broadcasting rights and NOBAR prohibition are in the form of exclusive copyright. It should be understood that copyright is an exclusive right or a right that only the creator or copyright holder has to regulate the use of the work or results by certain ideas or information. The definition given by article 1 Paragraph 1 of Law Number 28 of 2014 concerning Copyright states that "Copyright is the exclusive right of the creator that arises automatically based on the principle of declarative after a work has been realized in real form without reducing restrictions in accordance with the provisions of laws and regulations”.

Copyright is declarative, providing legal protection to the creator or recipient of rights immediately after the creation of a creative work. This does not require that copyright must be registered with the Directorate General of Intellectual Property Rights (DGIP), but to strengthen legal protection for a work, it is necessary to register copyright on the General Register of Works of the Directorate General of Intellectual Property. There is a difference between the meaning of copyright and intellectual property rights, because copyright is only limited to the activity of reproducing a copyrighted work so that it can be accessed by a wider audience. Copyright is a type of intellectual property law, however, copyright law usually only applies to works that embody a particular idea, and does not apply to general ideas, concepts, facts, styles, or styles embodied or expressed in such works or technologies.

The existence of a conflict that has arisen in the community regarding the ban on NOBAR has been carried out by MNC Group has quickly provided clarification regarding the circulation of the news of the ban on watching together "nobar" matches of the Indonesian national team in the 2024 U-23 Asian Cup through a press conference. In the press conference, the Corporate Secretary of MNC Group, Syafril Nasution, emphasized that there was no ban on nobar, only that was not allowed related to the existence of commercials in the watch together event¹⁸. MNC Group has the exclusive right to broadcast the 2024 U23 Asian Cup to clarify. In the clarification, it was stated that MNC Group in fact did not prohibit the event of "Nobar" with the Indonesian U-23 National Team but with a note that it was not commercial. If there is a big event to watch the 2024 U-23 Asian Cup together, it is mandatory to ask for permission and cooperate with the broadcasting rights owner, in this case MNC Group.

Exclusive rights covered by copyright can be transferred, for example by inheritance or written agreement. This is regulated in Article 19 of Law Number 28 of 2014 concerning Copyright which reads "Copyright owned by the creator who has not, has, or has not been announced, distributed, or communicated after the creator has passed away becomes the property of the heirs or the beneficiary of the testament". The copyright owner may also allow other parties to exercise their exclusive rights with a license, with certain conditions. This is related to economic rights, namely the right to obtain economic benefits for creations as stipulated in Article 9 of Law Number 28 of 2014 concerning Copyright.

The widespread use of the internet in all sectors turns out to have its own consequences, in addition to the great benefits provided to users of goods and services, the presence of internet media also raises new problems in the field of Intellectual Property Rights

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(hereinafter referred to as IPR)¹⁷. Furthermore, copyright is the moral right you have over a work. Moral rights generally include the right not to alter or damage a creation without consent and the right to be recognized as the creator of the creation. This right cannot be revoked for any reason, even if the copyright or related rights have been transferred.

In connection with the use of a literary work, the copyright owner is obliged to name a particular source or to allow others to translate or reproduce his work, or to have others translate his work. Since copyright is by its very nature considered private property, it can be transferred or transferred, in whole or in part, through inheritance, inheritance, grants, sales, and written contracts. Copyright cannot be revoked unless the right is obtained illegally. Copyright does not include records or results of meetings of state bodies, legal process, laws and regulations, addresses of countries or officials, and similar settlement.

Copyright is an exclusive right and according to economic law, a creator or copyright holder has the right to give permission to other parties to exercise economic rights over his work, and the granting of permission cannot be separated from the issue of profit from using his broadcasting rights. If a copyright creator/holder gives permission to another person, then it is called a license. Article 1(20) of the Copyright Law 2014 states that a license is the execution by a copyright holder or a holder of related rights to an economic right to his work or rights related to his product under certain conditions, a written permission given to another party for that purpose.

MNC Group owns the copyright and broadcasting rights to the broadcast of the 2024 U23 Asian Cup and has indirect economic rights. The economic rights owned can be interpreted as the exclusive right of a party to commercial profits arising from the right of transfer. The economic benefits of copyright are regulated in Article 8 of the Copyright Law. This is because economic rights as described in Article 9(1) Copyright allow the holder of such rights to obtain the rights in the form of publication, reproduction in any form, translation, communication, rental, etc. freely obtain commercial benefits from it.

The broadcasting rights owner has the exclusive right to publish his creative works, as stipulated in Article 9 paragraph (1) letter (g) of the 2014 UUHC. Other parties who have permission from the creator or copyright owner also have the right to publish their work. Furthermore, ITE Law Number 11 of 2008 concerning Electronic Information and Transactions (hereinafter referred to as the ITE Law) contains provisions that provide a legal basis for the protection of the intellectual property rights of creators as stated in the provisions of the article used as the legal basis for the protection of intellectual property rights of creators, namely Article 25 of the ITE Law which reads "Electronic information, internet sites, and intellectual works contained therein are protected as property rights intellectual based on the provisions of laws and regulations".

Legal protection is protection provided to legal entities based on applicable laws and regulations, and in practice there are sanctions. The sanctions are preventive and repressive, and are written and unwritten legal instruments. Legal protection can be described as an overview of the function of law, so the concept of law can guarantee order, security, profit, and peace. According to Phillips M. Hadjon, legal protection for citizens can be divided into two areas, namely preventive legal protection and repressive legal protection. In this case, the approach taken by MNC Group is an effort to protect preventive laws that provide opportunities to parties who feel aggrieved by the ban. MNC Group is the sole broadcasting rights holder and economic rights claimant, and because it is legal, what is prohibited is something that cannot be done commercially. The losses experienced by copyright holders are more economic, namely the loss of the opportunity to profit from the economic benefits of the work²⁰.

The concept of legal protection of works in the registration of intellectual property is basically only strengthened in court. If a dispute arises in the future, you will be protected by law and the government will automatically protect the rights of the creator and copyright holder. Therefore, the owner of the broadcasting rights license is obliged to register or register his broadcasting rights license, because the registration of the broadcasting rights license protects the broadcasting work from the interference of other parties who recognize or own the existing broadcasting work without permission. Regulations regarding late copyright infringement are contained in Law Number 28 of 2014 concerning Copyright which states that everyone is not allowed to reproduce and/or use the work commercially without the permission of the creator or copyright holder²¹.

The broadcasting rights holder is regulated in a protection of the rights it owns so that if there is a broadcasting institution, it is mandatory to give permission and be willing to pay royalties to the broadcasting rights holder. The rights owned by the Broadcasting Rights Licensee by the Broadcasting Institution are as follows:

1. Exclusive Rights have the purpose of producing, distributing, renting and recording sound recordings online (on-line availability of sound recording) in a broadcast work, in this case the broadcasting rights of the 2024 U-23 Asian Cup;

¹⁷ Ghaesany Fadhlila, "Perlindungan Karya Cipta Lagu dan/atau Musik yang Dinyanyikan Ulang (cover song) di Jejaring Media Sosial Dikaitkan Dengan Hak Ekonomi Berdasarkan Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta", *Jurnal Hukum Kenotariatan dan ke-PPAT-an*, Vol. 1, Juni 2018, hlm. 223. ²⁰ Soelistyo, *Hak Cipta Tanpa Hak Moral*, 2011 ²¹ dan Undang-Undang Nomor 28 Tahun 2014

¹⁸ Okebola, 2024, "Ini Penjelasan MNC Group Terkait Ramainya Larangan Nobar Timnas Indonesia U-23", <https://bola.okezone.com/read/2024/04/28/51/3001746/ini-penjelasan-mnc-group-terkait-ramainya-larangan-nobar-timnas-indonesia-u-23> (diakses pada 5 Juli 2024)

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2. Moral Rights can be named when holding a broadcast;
3. The right to remuneration, which in other words is a reasonable payment from broadcasts and communications to the public and the rebroadcast of broadcasts from broadcasting institutions.

The Copyright Law regulates and states that there are four broadcasting institutions. Article 1 number 8 of the Copyright Law states that there are public broadcasting institutions, private broadcasting institutions, community broadcasting institutions and subscription broadcasting institutions. Broadcasting institutions have exclusive rights from the first time the broadcast work is aired or broadcast, the Copyright Law provides protection for broadcasting institutions, this is emphasized by Article 25 paragraph (3) of the Copyright Law which states that everyone is prohibited from broadcasting the content of broadcast works owned by broadcasting institutions for commercial purposes. With the granting of economic rights to broadcasting institutions, it refers to Article 25 of the Copyright Law which includes the right to carry out on its own, give permission or prohibit other parties from doing, for example, such as rebroadcasting broadcasts, broadcast communications, broadcast fixation or reproduction of broadcast fixation.

The limitation of protection for broadcasting rights owners is contained in Article 26 of the Copyright Law for products with related rights intended for the purpose of practical information, scientific interest, as teaching material, and for the purpose of education and scientific development. It can be said that everyone who wants to broadcast a broadcast work must obtain permission from the right holder in question to be able to publish it. This recognition usually involves the payment of royalties. Based on Article 118 of the Law, Copyright stipulates that if the victim does not comply with the permit, the victim must report it to the authorities. The owner of the broadcasting rights concerned has the right to seek damages or penalties for damages in the commercial courts arising from disputes regarding the products of the rights in question.

Legal protection provided to broadcasting rights holders can be obtained in various ways, one of which is signing or receiving a license. In the context of licensing, the granting of this license is formed from the granting of licenses and licensees so that the license exclusively and the receipt of economic rights are entitled to be carried out by the license broadcasting rights holder, covering the entire scope of activities including the prohibition of watching together "Nobar". Analysis of Legal Protection of Broadcasting Rights in Indonesia Based on Law Number 32 of 2002 concerning Broadcasting and Law Number 28 of 2014 concerning Copyright (Example of the Supreme Court Decision Case Number 629/PDT. SUS-IP/2019 but the licensor can reserve to the possibility of exploiting its rights, and the non-exclusive license i.e. the licensor retains these rights and is then granted a license on the same object or other areas of the license.

CONCLUSIONS

The history of broadcasting rights in Indonesia has undergone significant changes since the Dutch East Indies era to the current era of modern law. Law No. 32 of 2002 on Broadcasting and Law No. 28 of 2014 on Copyright provide a strong legal basis for the protection of exclusive rights, including economic and moral rights for related rights holders such as broadcasting institutions. In the context of the latest case regarding the broadcasting rights of AFC U-23, MNC Group actually has exclusive rights as the Official Broadcaster of AFC U-23 in Indonesia, which is protected by law. Violations of this exclusive right are threatened with sanctions in accordance with the applicable laws in Indonesia. It is important to understand and respect these rights in order to support the sustainability of the broadcasting and intellectual property industry in the country.

In the context of the ban on watching "Watch Together (Nobar)" in groups and the broadcasting rights of the 2024 U-23 Asian Cup by PT. MNC Group is regulated broadcasting in Indonesia, copyright, and ITE regulations. Therefore, broadcasting rights have strong legal protection in Indonesia, granting broadcasting rights holders the exclusive right to regulate the use and commercialization of their works. Broadcasting rights are part of the intellectual property rights in copyright, allowing rights owners to protect their exclusive rights, including restrictions on shared viewing in commercial spaces without permission. Broadcast rights owners have the exclusive right to broadcast and manage their broadcast works, with clear legal protections, such as the Copyright Law and the ITE Law. The rights owner may grant permission or license to other parties to use their work, in accordance with the applicable legal provisions. As such, the importance of understanding and following the laws and regulations related to copyright and broadcasting rights, as well as the commitment to respect the exclusive rights of broadcasting rights owners is an important step to resolve this and similar issues.

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