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Copyright Law Protection against Illegal Sales of WeTV Streaming Subscription Accounts through Shopee Marketplace

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ABSTRACT

WeTV is the owner of copyright in computer programs, which has been regulated in Law No. 28/2014 on Copyright. However, there are irresponsible people who violate it by duplicating, distributing and selling WeTV subscription accounts through Shopee marketplace and taking advantage of the benefits personally. It becomes an issue related to copyright protection based on the law on an application program that is being misused by other parties. The method in this research is normative juridical research, which conducts research by analyzing and a series of formal legal rules, including laws and regulations, and literature that contains theoretical concepts. The result of this research that WeTV is an intellectual work in a computer program that is protected by copyright. The sales transaction of WeTV subscribed accounts on the Shopee marketplace by "Mavelstore.id" has a non-authorized method in accordance with the terms and conditions of WeTV. Unauthorized distributors copy without permission from copyright holders and benefit from sales through the Shopee marketplace. The account was found to have committed acts of piracy that caused losses to the WeTV copyright holders. The seller has shared account actions by changing the provision that 1 (one) WeTV user account can only be used by 1 (one) user, to 1 (one) WeTV user account can be used by multiple users. The existence of moral and economic loss is provided an order for the infringement of the creation through the formal procedure of copyright protection efforts against the illegal sales of WeTV accounts through internal legal protection and external legal protection.

Keywords: *Copyright, Illegal Sales, Legal Protection*

INTRODUCTION

Modernism is a process of accelerated development that affects all countries, especially those that are developing. This development is usually characterized by the application of scientific knowledge to every life aspect that affects convenience and more logical progress.¹ One of the technological features that are highly associated with internet access is the life aspects that it significantly impacts. Most people around the world use the internet as a network for communication, education, and entertainment purposes if properly used. The globalization era of today first emerged in the late 19th and early 20th centuries, starting in European and American countries before spreading to many other countries.² The development of communication technology, which became more advanced and developed in the mid-20th century, had an impact on the growth of globalization.³

According to a survey conducted by the Indonesian Internet Service Providers Association also known as APJII, there was an increase in internet users in 2019 reaching a total of 171.17 million, and additional new users in 2020 Q2, reaching a total of 73.7% of the total population in Indonesia.⁴ The application usage increase also affects the WeTV application and wetv.vip website, one of which is a media service provider customer in Indonesia. The company, owned by TenchenHoldings Ltd. from China, entered the Indonesian market on the 20 June 2019 which was positively welcomed by the Indonesian people.

WeTV is an on-demand video service app that offers the most comprehensive and quality Asian shows, and various dramas, movies, anime, and variety shows from various Asian countries are featured on the WeTV video service app, including original Indonesian series, Chinese dramas, Korean dramas, and Japanese dramas, and others with official Indonesian subtitles. WeTV also offers some movies or series for free, and there are also movies or series that require a subscription. For subscriptions that can use online transactions or transfers. Subscriptions can be accessed via smart TVs and mobile phones. The intellectual property offered by WeTV as a film and television channel service provider has to relate to the current era of globalization. A creative work of the human mind that can produce intellectual property.⁵ In addition to generating exclusive rights and personal rights, intellectual works also count as commercial assets that can be protected by various legal mechanisms, including copyrights, patents, trademarks, geographical indications, trade secrets, industrial designs, integrated circuit

¹ Robby Darwis Nasution, "Pengaruh Modernisasi Dan Globalisasi Terhadap Perubahan Sosial Budaya Di Indonesia," *Jurnal Penelitian Komunikasi Dan Opini Publik* 21, no. 1 (2017): 30–42.

² Iman Lubis and Mohamad Safii, *Smart Economy Tangsel* (PT Karya Abadi Mitra Indo, 2018).

³ Nurhaidah and M. Insya Musa, "Dampak Pengaruh Globalisasi Bagi Kehidupan Bangsa Indonesia," *Jurnal Pesona Dasar* 3, no. 3 (2015): 1–14.

⁴ Asosiasi Penyelenggara Jasa Internet Indonesia, *Profil Pengguna Internet Indonesia* (Jakarta: Asosiasi Penyelenggara Jasa Internet Indonesia, 2020).

⁵ Carsten Fink, "Intellectual Property Rights: Economic Principles and Trade Rules," in *Handbook of Trade Policy for Development* (Oxford Academic, 2013).

designs, and plant variety protection. These include works of art, literature, science, and technology that have the potential to improve human existence or provide economic rewards.⁶

In Law No. 28/2014 on copyright defines creation as any work protected by copyright such as WeTV in the field of imagination, skill, art, literature generated from inspiration, science, thought, which is expressed in a tangible form and Article 1 number 9 defines that a computer program is a set of instructions expressed in the form of language, code, scheme, or in any form intended to make the computer work perform certain functions or to achieve certain results. The regulations state that WeTV is part of a computer program that is accessible online and that serves to display and distribute electronic information in the form of emails, usernames, and passwords on WeTV accounts; and original television shows and movies available therein. The first step in obtaining copyright protection is to register a trademark. The right to a trademark is the state's authorization to the owner of a registered trademark to use or permit others to use it within a certain period of time, as stated in Article 1 point 5 of Law No. 20/2016 on trademarks and geographical indications. WeTV company has officially registered the brand in the Intellectual Property Database (PDKI) under the name of WeTV company through registration number IDM000753252 on 20 May 2020 and will expire on 23 October 2028.⁷ Copyright protection is territorial or follows the legal provisions of the country or jurisdiction in which a copyrighted work will be used. WeTV will receive the same legal protection as other copyrights that have been registered by its trademark in accordance with the provisions of the laws and regulations in Indonesia by registering the trademark.

Under the license or permission to use the trademark, WeTV can operate the application by offering services for smartphone users by downloading the WeTV application on Google Playstore for Android device users and Appstore for iOS device users, then registering an account that can be selected using a phone number, email, Facebook, or Line App and then being directed to log in to the application, then there are various VIP service package options that can be selected by users with monthly payments from the simplest package including the following:

1. 1-Month VIP subscription package with a subscription price of IDR 49,000.
2. 3-Month VIP subscription package with a subscription price of IDR 129,000.
3. 1 Year VIP subscription package with a subscription price of IDR 449,000.

⁶ Kementerian Hukum dan HAM RI Direktorat Jenderal Kekayaan Intelektual, *Modul Kekayaan Intelektual Bidang Kekayaan Intelektual Komunal* (Jakarta: Kementerian Hukum dan HAM RI, 2019).

⁷ Pangkalan Data Kekayaan Intelektual, "WeTV = Suatu Penamaan," *PDKI*.

The last step is the payment that has been provided, which is through credit, and e-wallet as a payment device. After that, users can access the WeTV VIP subscription account freely. By completing the payment, customers will comply with various rules that have previously been approved by the user through the terms and conditions point.

Unfortunately, there are many unscrupulous business people who intentionally sell WeTV application services in several marketplaces using techniques that are not in accordance with the provisions of the WeTV application. One example is the act of selling WeTV subscription accounts in several marketplaces such as the Shopee marketplace “Mavelstore.id” with a price difference that is very different from the subscription terms on WeTV. The subscription account service sold through the store is not recognized by WeTV as an official sale, because WeTV itself only sells the application service through Playstore and Appstore as digital media stores. The service seller on the Shopee marketplace has the following conditions:

1. 1-Month VIP subscription plan with a subscription price of IDR 9,950.
2. 3-Month VIP subscription package with a subscription price of IDR 24,500.
3. 1 Year VIP subscription package with a subscription price of IDR 50,000.

Buyers can choose the type of VIP subscription package they want to buy, then after that the buyer is directed to make a payment. After successful payment, the seller will send an email and password to the buyer through the message feature on the Shopee app. After that, the buyer can log in and use the WeTV VIP subscription account freely with a predetermined time. The significant price difference between the official WeTV and the illegal WeTV seller on Shopee has caused the official to be severely disadvantaged. The lack of law enforcement in this case has led to the prevalence of this case among the public. In addition, the price factor that is too expensive on official WeTV causes many people to switch to buying illegal WeTV subscriptions on Shopee.

The actions taken by the seller in the Shopee marketplace are considered to have made illegal sales because they have duplicated and then sold them through the Shopee marketplace. This case has violated the provisions of Law No. 11/2008 concerning information and electronic transactions, which states in Article 34 Paragraph 1 letter b that every person who intentionally and unlawfully produces, sells, holds for use, imports, distributes, provides, or possesses:

1. Computer hardware or software created with the specific purpose of facilitating perpetration of the offenses described in Articles 27 to 33;
2. Computer passwords, access codes or other similar items intended to facilitate the offenses described in Articles 27 to 33 by making electronic systems accessible.

Shopee also issued provisions on the types of digital products and services that are prohibited from being marketed in the Shopee marketplace. There are three types of digital products and services that are prohibited from being marketed on Shopee:

1. Digital products and services that can be redeemed/activated/credited through mobile apps. Examples: in-app currency for mobile games, subscription services, software purchases, in-app features/services.
2. Digital products and services where the buyer receives instant access (e.g. premium subscription/account) or instant credit (e.g. in-game credits or products).
3. Digital products and services are part of the mobile app and require payment with the billing system of each authorized Mobile App Store. Example: Google Playstore for Android users and App Store for iOS users.

The listing of digital products and services will be blocked for violation of the product listing policy, the payment policy of digital products of the Mobile App Store, or both. Based on the provisions of Article 34 of the Electronic Technology Law, the seller on the Shopee marketplace “Mavelstore.id” has intentionally sold and distributed WeTV subscription accounts as electronic documents that have been copied and traded to others for use with accounts and to access WeTV applications such as electronic systems without the rights or consent of the copyright owner. The personal use rule, which states that the registered data or information shall only be used for internal or personal purposes and shall not be traded or provided to third parties, the non-commercial provision, which says that the use of the service is not intended to generate economic benefits or cannot be marketed, including other provisions that violate illegal transactions from WeTV accounts. In addition, the seller in the Shopee marketplace “Mavelstore.id” has also intentionally violated the policies issued by the Shopee marketplace, which sells WeTV subscription accounts illegally. The seller of the WeTV subscription account on the Shopee marketplace has intentionally used the WeTV subscription account for individual business purposes, the seller has violated intellectual property rights, which prohibit anyone from copying or using works for commercial gain without permission from the original author or copyright owner. Based on these previous background, this research is conducted to analyze the legal basis for the illegal sale of WeTV subscription accounts; and to determine whether the sale of WeTV subscription accounts through the Shopee marketplace constitutes copyright infringement.

LITERATURE REVIEW

Legal Protection

Rechts bescherming, or commonly known as legal protection, is a Dutch term meaning safeguarding and is etymologically formed from the terms “protection” and “law.”⁸ Law is a system of social norms intentionally created for human behavior that is comprehended by the organizations that govern society.⁹ The purpose of legal protection is to establish order, peace, and tranquility among social groups and in the relationship between individuals or groups in society and the government. Satjipto Rahardjo stated that legal protection is an effort to protect the interests of human rights against activities that violate the current law, this legal protection is deliberately created so that people can execute their legal rights. In this situation, it is recognized that the government has the right to defend the overall rights of individuals or society against certain objects, attitudes, or behaviors. This includes discharging responsibilities in accordance with appropriate social norms and values. According to Mochamad Isnaeni, there are two types of legal protection, such as internal legal protection and external legal protection.¹⁰ The protection of copyright law aims to inspire people to be more passionate in innovating and creating as many creative works as possible in physical and non-physical forms to benefit the progress of the country, in addition to increasing awareness and understanding among the public as entrepreneurs about the importance of protecting intellectual property law.

Copyrights

Copyright, patents, trademarks, geographical indications, commercial secrets, industrial designs, integrated circuit layout designs, and plant variety protection are all tools in the intellectual property rights system. The Auteurswet 1912 states that copyright is the exclusive right of the creator or the right of persons acquiring such right, to the results of their creation in the field of literature, knowledge, and art to publish and reproduce them, considering the restrictions established by law.¹¹ Under Copyright Law No. 28/2014, copyright is the exclusive right of the creator that exists automatically on the basis of the declarative principle after the creation is realized in the real world without prejudice to restrictions in accordance with the provisions of laws and regulations. According to Article 1 point 4 of the copyright law, the copyright owner is defined as the party who receives the rights legally from

⁸ Dr. Hulman Panjaitan, *Hukum Perlindungan Konsumen Reposisi Dan Penguatan Kelembagaan Badan Penyelesaian Sengketa Konsumen Dalam Memberikan Perlindungan Dan Menjamin Keseimbangan Dengan Pelaku Usaha*, ed. Hojot Marluga, 1st ed. (Jakarta: Penerbit Jala Permata Aksara, 2021).

⁹ R. Abdoel Djamali, *Pengantar Hukum Indonesia*, Cetakan ke. (Jakarta: Raja Grafindo Presada, 2016).

¹⁰ Moch Isnaeni, *Seberkas Diorama Hukum Kontrak* (Surabaya: PT Revka Petra Media, 2018).

¹¹ OK Saidin, *Aspek Hukum Hak Kekayaan Intelektual (Intellectual Property Rights)*, 10th ed. (Depok: Rajawali Pers, 2019).

the creators, or other parties who get additional rights from the party who legally receives the rights. This means that the owner of the copyright must be mentioned in it, such following below:

1. The creator is basically the owner of the copyright.
2. The party receiving rights from the copyright owner.
3. A third party who receives the right further from the previous recipient.

WeTV

WeTV, a company owned by TenchenHoldings Ltd. from China, was launched in the Indonesian market on 20 June 2019 which was positively welcomed by the Indonesian people. WeTV itself is an on-demand video service application that offers a variety of the most complete and quality Asian shows. In this WeTV paid application, users can watch broadcasts legally as a form of appreciation to people who contribute to the success of films or television broadcasts that have created a work of art. WeTV is a video streaming service application that presents a variety of the best drama, movie, anime, and variety show content from various countries in Asia, including Indonesian original series, Chinese dramas, Korean dramas, Japanese dramas, and others with official Indonesian subtitles. The subscription service itself can be used via television and smartphones with online transaction payments or transfers.

RESEARCH METHODOLOGY

The method in this research is normative juridical research, which conducts research by analyzing and a series of formal legal rules, including laws and regulations, and literature that contains theoretical concepts. These theoretical concepts are then related to the issues that are the focus of the problem. In this thesis research, the basis of the discussion that will be discussed by researchers is the protection of copyright law against illegal sales of WeTV subscription accounts through the Shopee marketplace.

RESULT AND DISCUSSION

Legal Protection against WeTV Subscription Account Sales Act

Copyright Protection

Intellectual property rights are affected by the development of science and technology. Intellectual property rights are one of the problems that always exist along with the advancement of technology, science, trade, and international relations.¹² One form of conflict related to intellectual property rights, such as distributing a creation or work without the right or permission of the copyright

¹² Abdul Latif Mahfuz, "Problematik Hukum Hak Atas Kekayaan Intelektual (HAKI) Di Indonesia," *Jurnal Kepastian Hukum & Keadilan* 1, no. 2 (2020).

owner or copyright holder.¹³ In order to maintain the legitimacy and rights of the copyright owner, the copyright owner can file a lawsuit or loss through the Commercial Court to protect the function of the copyright owner and protect the commercial interests of the creator.¹⁴ Under the Commercial Court, copyright owners can settle disputes involving copyright infringement. Dispute resolution may be able to seek damages with a demand for a specific amount of money, with the calculation itself requiring fairness and accountability.

In related provisions are regulated by Article 40 of the Copyright Act, which also regulates the rights associated with copyright, such as singers, sound recording producers, and broadcasters where such rights have special or exclusive rights protected by the Copyright Act. Protected creations are those in the fields of science, art, and literature, including, among others, authors of books, paintings, sculptures, performances, broadcast works, computer programs, and performance works. In order to grant an infringement of a protected work, official proceedings must be followed through copyright protection activities against duplicate WeTV accounts being sold illegally and subject to the protection of internal and external laws. According to the Copyright Act, there are two violations of intellectual property rights:

1. Intentionally using another person's work without their permission to publish, reproduce, or profit from a work.
2. Intentionally duplicating and/or using artworks for profit.

The sale of WeTV subscription accounts on Shopee merchant "Mavelstore.id" is deemed to have violated the requirements of the Copyright Act based on the transaction method. The seller "Mavelstore.id" has unofficially duplicated the WeTV account without the consent of the copyright owner and monetized the sale of the WeTV account through the Shopee marketplace. Besides violating the requirements of the Copyright Law, the seller has also violated the provisions of the Shopee marketplace, which is the provision of the types of digital products and services that are prohibited from being marketed on the Shopee marketplace. There are three types of digital products and services that are prohibited from being marketed on Shopee:

1. Digital products and services that can be redeemed/activated/credited through mobile apps. Examples: in-app currency for mobile games, subscription services, software purchases, in-app features/services.
2. Digital products and services where the buyer receives instant access (e.g. premium subscription/account) or instant credit (e.g. in-game credits or products).

¹³ Grace Persulesy, Darmawati, and Amiruddin Junus, "Intellectual Capital on Company Performance Using Economic Value Added (EVA) Method Moderated by Firm Size," *SRAWUNG (Journal of Social Sciences and Humanities)* 1, no. 2 (2022).

¹⁴ Lionita Putri Lobo and Indirani Wauran, "Kedudukan Istimewa Merek Terkenal (Asing) Dalam Hukum Merek Indonesia," *Jurnal Masalah-masalah Hukum* 50, no. 1 (2021): 70–83.

3. Digital products and services are part of the mobile app and require payment with the billing system of each authorized Mobile App Store. Example: Google Playstore for Android users and App Store for iOS users.

The listing of digital products and services will be blocked for violation of the product listing policy, the payment policy of digital products of the Mobile App Store, or both.

Internal Legal Protection

Internal legal protection is essentially created by the parties themselves. The parties will conduct their interests in accordance with the terms of the contract, which will include clauses.¹⁵ Contractual provisions can be used to mitigate all kinds of risks, providing both parties with immutable legal protection based on mutual agreement. Both parties are free to express their intentions in accordance with their interests under the principle of contractual freedom. The internal legal protection provisions created by WeTV contain several terms and conditions as follows:

1. If the user is not fully able and legally competent to accept these terms, do not access or use the WeTV services.
2. In accordance with the provisions of applicable laws and other separations relating to the use of WeTV services contained therein. Users shall comply with the terms by not distributing, licensing, sharing or promoting, in whole or in part, any services or derivative works of WeTV.
3. Sell, rent or lease the services for a fee or charge, or use the platform to advertise or conduct any commercial solicitation
4. Interfere or attempt to interfere with any functionality of the services, interfere with our website or any network connected to the services, or bypass measures we may use to prevent or restrict access to the services.
5. Integrate the platform or any part of the Platform into any other program or product. In this case, we reserve the right to refuse service, terminate accounts or restrict access to the service in its sole discretion.
6. Use automated scripts to interact with the services or obtain information from them.
7. Impersonate any person or entity, or falsely represent or misrepresent you,
8. Interact with any person or entity, including by giving the impression that any content you upload, post, transmit, distribute or otherwise make available originated from the services

¹⁵ Isnaeni, *Seberkas Diorama Hukum Kontrak*.

9. Committing to encourage violence, sexually explicit content, intimidation of others, or discrimination against people based on their age, gender, ethnicity, nationality, or sexual orientation.
10. Create a false identity on the service or use or attempt to use another person's account, service, or system without their consent.
11. Using the service in an improper manner that would create a conflict of interest or interfere with the purpose of the service, such as exchanging reviews with other users or writing or requesting short reviews.

WeTV has the right to disable access to the service without notice for any reason or no reason. Users should be aware that they may not assign their rights or delegate their responsibilities under any circumstances without the prior written consent of WeTV. No third party shall acquire any rights under these terms. No party shall be deemed to be an agent, business associate, partner or employee of the other party. Any dispute, controversy, divergence or claim relating to this agreement including its existence, validity, interpretation, enforcement, breach or termination, or any dispute relating to any non-contractual obligations arising out of or connected with these terms, shall first be subject to discussions between the parties. If the parties are unable to resolve the matter, either party may file a dispute, and the dispute shall be finally resolved by arbitration administered by the Hong Kong International Arbitration Center (HKIAC) in accordance with its arbitration rules governed by the HKIAC applicable when the notice of arbitration is served. The arbitration seat is in Hong Kong. The number of judges shall be three. The arbitration procedure will be conducted in English.

WeTV respects each user's intellectual property rights, and WeTV asks users to do the same. Users may commit not to infringe or violate any intellectual property rights as a condition of accessing and using WeTV's services. WeTV reserves the right to prohibit access and/or terminate the account of any user who infringes or is suspected of infringing copyrights or other intellectual property rights at any time, with or without prior notice, and upon WeTV's sole discretion.

External Legal Protection

External legal protection itself is created by government agencies through institutions authorized by regulations for the benefit of weak parties, according to the rule of law the laws and regulations cannot be one-sided and impartial to achieve the purpose of legal protection, that is, to defend the rights of everyone. Protecting everyone's rights is the purpose of legal protection. The provisions of Article 40 of the Copyright Act regulate protected creations, including those created by authors of books, paintings, sculptures, performances, broadcast works, computer programs, and other rights related to copyright such as artists. Protected creations include those created in science, art, literature, and others in every country, including Indonesia.

Illegal Sale of WeTV Accounts

Illegal Sale of WeTV Accounts through Shopee Marketplace

Advances in communication technology, which can significantly alleviate various human needs, and also benefit the global environment, which is a sector that has international competitiveness. There are many kinds of applications that support the service functions of smartphones, which are inseparable from the effects of globalization. Foreign companies benefit from the growing industry and technology including the sale of licensed and paid apps because of globalization. Moreover, service industries with small businesses have special competitive advantages that can use large operations and marketing across countries. The world environment has a variety of ways to explore possibilities everywhere that allow an industry to maximize its business role in the various countries in which it operates.¹⁶ The ease of access to the Internet allows people to obtain more benefits that they are not legally entitled to from various services or applications, such as account hacking, or duplicating accounts, and so on.¹⁷

In addition, to access services or applications on a smartphone, the first way is installing the application first through a smartphone. For example is installing entertainment applications such as the WeTV application. This WeTV application provides several services to watch movies and series with a variety of choices from various parts of the world and can be viewed anywhere and anytime, while the cellphone is still connected to the internet network. Application service programs on smartphones, computers, and PCs consist of paid application programs and unpaid applications.

Program services on non-paid applications can be accessed immediately when the user has completed the installation on the mobile phone, computer, and PC owned by the user, while for paid application service programs cannot be used if only by installing the application, unless the user has made a purchase of the paid application program, then the user can use it. This situation also applies to the WeTV application program. By using the WeTV paid application, users can watch shows legally. In addition, WeTV is one of the video streaming service programs that is of interest to the community with approximately 100 million downloads.

Under the license or permission to use the trademark, WeTV can operate the application by offering services for smartphone users by downloading the WeTV application on Google Playstore for Android device users and Appstore for iOS device users, then registering an account that can be selected using a phone number, email, Facebook, or Line App and then being directed to log in to the application,

¹⁶ Nielsen Newswire, *“Binging” Is the New Viewing for Over-The-Top Streamers* (New York: The Nielsen Company, 2013).

¹⁷ Astrid Kurnia Sherlyanita and Nur Aini Rakhmawati, “Pengaruh Dan Pola Aktivitas Penggunaan Internet Serta Media Sosial Pada Siswa SMPN 52 Surabaya,” *Journal of Information Systems Engineering and Business Intelligence* 2, no. 1 (2016): 17–22.

then there are various VIP service package options that can be selected by users with monthly payments from the simplest package including the following:

1. 1-Month VIP subscription package with a subscription price of IDR 49,000.
2. 3-Month VIP subscription package with a subscription price of IDR 129,000.
3. 1 Year VIP subscription package with a subscription price of IDR 449,000.

The last step is the payment that has been provided, which is through credit, and e-wallet as a payment device. After that, users can access the WeTV VIP subscription account freely. By completing the payment, customers will comply with various rules that have previously been approved by the user through the terms and conditions point.

Illegal Sale of WeTV Accounts through Shopee Marketplace as Stipulated in Law No. 28/2014 on Copyrights

WeTV application is a kind of computer program or software that can be construed as a protected work under Article 1 of the Copyright Law, which stipulates that a computer program is a set of instructions expressed in the form of language, code, scheme, or in any other form that is intended to enable a computer to perform certain functions or produce certain results. WeTV is an application program that is classified as a form of intellectual work in computer programs that are protected by copyright. WeTV is an application program from China with headquarters in Wanchai, Hong Kong. WeTV officially entered Indonesia on the 20 June 2019 which was welcomed by the Indonesian people. All creations and related rights that are not owned by Indonesian citizens, residents, or legal entities, have the same level of legal protection as Indonesian copyrights as described in Article 2 letter b of the Copyright Law. In accordance with these guidelines, WeTV is entitled to legal protection of the application program in accordance with the Copyright Law.

Unfortunately, there are many unscrupulous business people who intentionally sell WeTV application services in several marketplaces using techniques that are not in accordance with the provisions of the WeTV application. One example is the act of selling WeTV subscription accounts in several marketplaces such as the Shopee marketplace "Mavelstore.id" with a price difference that is very different from the subscription terms on WeTV. The subscription account service sold through the store is not recognized by WeTV as an official sale, because WeTV itself only sells the application service through Playstore and Appstore as digital media stores. The service seller on the Shopee marketplace has the following conditions:

1. 1-Month VIP subscription plan with a subscription price of IDR 9,950.

2. 3-Month VIP subscription package with a subscription price of IDR 24,500.
3. 1 Year VIP subscription package with a subscription price of IDR 50,000.

Buyers can choose the type of VIP subscription package they want to buy, then after that the buyer is directed to make a payment. After successful payment, the seller will send an email and password to the buyer through the message feature on the Shopee app. After that, the buyer can log in and use the WeTV VIP subscription account freely with a predetermined time. The significant price difference between the official WeTV and the illegal WeTV seller on Shopee has caused the official to be severely disadvantaged. The lack of law enforcement in this case has led to the prevalence of this case among the public. In addition, the price factor that is too expensive on official WeTV causes many people to switch to buying illegal WeTV subscriptions on Shopee.

The actions taken by the seller in the Shopee marketplace are considered to have made illegal sales because they have duplicated and then sold them through the Shopee marketplace. This case has violated the provisions of Law No. 11/2008 concerning information and electronic transactions, which states in Article 34 Paragraph 1 letter b that every person who intentionally and unlawfully produces, sells, holds for use, imports, distributes, provides, or possesses:

1. Computer hardware or software created with the specific purpose of facilitating perpetration of the offenses described in Articles 27 to 33;
2. Computer passwords, access codes or other similar items intended to facilitate the offenses described in Articles 27 to 33 by making electronic systems accessible.

Based on Article 34 of the Electronic Technology Law, the seller on the Shopee marketplace “Mavelstore.id” has intentionally and without rights or does not have permission from the Copyright owner to distribute and sell WeTV subscription accounts as documents that have been duplicated and commercialized to other people to use the subscription account and be able to access online streaming application services as an electronic system. Sellers on the Shopee marketplace have also intentionally violated the provisions of any goods that are not allowed to be traded on the Shopee marketplace. These sellers have violated the provisions point of selling digital products and services where buyers can receive instant access (example: premium subscription/account) or instant credit (example: in-game credits or products).

The illegal sale of WeTV subscription accounts that has been conducted by unauthorized sellers through the Shopee marketplace is an act of piracy. Piracy as written in Article 1 Point 23 of the Copyright Law is the unauthorized duplication of creations or related rights products and the widespread distribution of the

duplicated goods in question for economic gain. Distributors or sellers have unofficially carried out without the permission of the creator or Copyright owner of a WeTV Account that has been duplicated and benefited from the sales made through the Shopee marketplace is an act of piracy of a WeTV Application program.

Many piracy cases against a service program in paid applications are committed by irresponsible business actors or individuals, especially in the Shopee marketplace. Regarding this piracy, WeTV as the owner of the Copyright has suffered a lot of losses from the illegal sale of WeTV subscription accounts through the Shopee marketplace. Sellers on the Shopee marketplace “Mavelstore.id” as a result of their actions that deliberately sell without the permission of the copyright owner or called WeTV can be subject to Article 118 Paragraph (1) of the Copyright Law which states that “Any person who intentionally and without the right to infringe economic rights as referred to in Article 25 paragraph (2) letter a, letter b, letter c, and/or letter d for Commercial Use, shall be punished with a maximum imprisonment of 4 (four) years and / or a maximum fine of IDR 1,000,000,000.00 (one billion rupiah).”

CONCLUSION

Legal protection against unauthorized or illegal sales of WeTV subscription accounts can be done through internal legal protection by preventing disputes or disputes through the efforts of WeTV through several agreement clauses listed in the terms and conditions. External legal protection of the rights and authority of copyright owners can file a lawsuit for compensation through the Commercial Court to protect the role of copyright owners and can resolve disputes non-litigation through arbitration or other alternative dispute resolution institutions. The illegal sale of WeTV subscription accounts through the Shopee marketplace is a violation of Copyright because the seller on the Shopee marketplace “Mavelstore.id” has intentionally not had permission and without the rights of the Copyright owner to distribute and sell WeTV subscription accounts as Electronic Documents that have been duplicated and sold to others to use and access the WeTV application for profit. The transaction is prohibited in the provisions of the Electronic Information Technology Law and the Copyright Law that intentionally and without unlawful rights to sell and distribute without the authorization of the creator or Copyright owner and does not provide the benefits that should be obtained by the Copyright owner.

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