

## THE ROLE OF KEMKOMDIGI IN ADDRESSING PIRATED VIDEO GAME DOWNLOAD SITES

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### Abstract

Video game piracy through illegal download sites has become a serious issue that harms game developers and publishers, particularly concerning their copyright and economic rights. This research aims to analyze the role of the Ministry of Communication and Digital (Kemkomdigi) in addressing these sites, based on Law Number 28 of 2014 on Copyright and Law Number 11 of 2008 on Electronic Information and Transactions (ITE). The research method employed is normative legal research with a statutory and regulatory analysis approach. The results of the study indicate that Kemkomdigi plays a role in blocking access to piracy sites after receiving recommendations and reports from the Ministry of Law and Human Rights. However, challenges such as bureaucratic chains, lack of inter-agency coordination, and low public awareness continue to hinder the effectiveness of handling Illegal Video Game Download Sites. Kemkomdigi has developed the Content Moderation Compliance System (SAMAN) to enhance detection and blocking of illegal content. Long-term solutions to tackle piracy include public education, strengthening inter-agency cooperation, and advancing blocking technologies to create a digital environment free from piracy.

**Keywords:** *Video Game Piracy, Kemkomdigi, Copyright, Illegal Sites.*

### INTRODUCTION

The video game industry is currently experiencing tremendous growth. The presence of video games as an interactive entertainment medium has become commonplace. As we enter the 21st century, video games have emerged as one of the most popular forms of media in daily life. Although other popular media such as films, television shows, radio, music, and literature still play significant roles in entertainment, video games possess a unique appeal due to their interactivity and the challenges they offer to players, which has significantly driven the growth of this industry. The popularity of video games has given rise to successful developers such as Electronic Arts, Valve, and Nintendo. It has also opened opportunities for small or indie game developers to distribute and profit from selling copies of their video games. In addition to their inherent appeal, video games have become easily accessible to the public through popular digital distribution services such as Steam, Epic Games Store, and Google Play Store, which officially distribute video games from developers.

However, the widespread popularity of video games has given rise to several challenges for game developers. One of the major problems is the increasing number of irresponsible parties engaging in piracy by distributing illegal copies of video game files through online platforms. These irresponsible actions financially harm developers, as they are unable to fully capitalize on the games they have released. Video game piracy, in this context, refers to the unauthorized acquisition, storage, distribution, or claiming ownership of a game without the consent of its rightful owner. Piracy in the case of video games is carried out by copying the files, which consist of programming structures that enable the game to run, then downloading them for personal use or distributing them via websites or selling these copies illegally without the knowledge or approval of the developers as the rightful owners of the files. Pirated video games often contain the same content and quality as the original versions.

Video game piracy constitutes a violation of copyright law, particularly the economic rights of the creator. According to Article 9 paragraph (3) of Law Number 28 of 2014 concerning Copyright, any person is prohibited from reproducing and/or commercially using a work without permission from the copyright holder. Before the internet became widely accessible, video game piracy typically involved selling illegal copies of games at lower

prices in physical formats such as discs or stored on external storage devices like flash drives and external hard drives. However, in the modern era, where internet access has become more widespread, pirates now sell pirated game files through online communities at very low prices or upload the files to their own websites, allowing users to download them for free. The website owners then profit from the advertisements displayed on their sites. Typically, the owners of these piracy websites require users to click through several advertisement links before they can download the illegal game files.

The existence of video game piracy websites directly impacts the potential revenue of game developers. Knowing that they can play video games without purchasing them legally, users tend to avoid legitimate purchases, resulting in significant financial losses for developers. This is especially detrimental considering that developing a video game requires substantial time and investment.

Game developers are aware of this issue and have taken various measures, such as designing anti-piracy features by encrypting files to transform the game's programming data into unreadable code. In some cases, they have also taken legal action against perpetrators of piracy, such as in the case of Nintendo's lawsuit in the United States against individuals pirating Nintendo's copyrighted games. However, these methods have not been fully effective, as many well-known piracy websites such as Ocean of Games, The Pirate Bay, Nosteam, FitGirl, and others remain easily accessible to this day.

Pirated game download sites often engage in illegal activities beyond piracy, including embedding malware within pirated game folders that can damage devices or steal personal data, displaying deceptive advertisements, engaging in phishing scams, and hosting illegal content such as pornography or even online gambling. The proliferation of these illegal sites and the range of threats they pose to users' security have prompted government intervention to address the issue. The Ministry of Communication and Digital (Kemkomdigi), in cooperation with the Ministry of Law and Human Rights, has imposed sanctions by blocking access to sites distributing pirated game files, such as the notorious Pirate Bay. This blocking measure is in accordance with Article 55 of Law Number 28 of 2014 concerning Copyright, which stipulates that if sufficient evidence exists, the minister in charge of telecommunications has the authority to shut down, in part or in full, content that violates copyright laws. The role of Kemkomdigi in implementing access blocks is also clearly stated in the Joint Regulation of the Minister of Law and Human Rights of the Republic of Indonesia and the Minister of Communication and Information Technology of the Republic of Indonesia, Number 14 of 2015 and Number 26 of 2015.

## LITERATURE REVIEW

### Legal Framework

Kemkomdigi operates within the framework of Law No. 28 of 2014 concerning Copyright, which provides the legal basis for protecting intellectual property rights in Indonesia. This law empowers Kemkomdigi to take action against copyright infringement, including the monitoring and blocking of websites that host pirated content (Sari, 2020). The collaboration with the Ministry of Law and Human Rights further strengthens the enforcement of these regulations by facilitating the processing and verification of reports related to copyright violations (Hendrawan, 2021).

### Strategies Implemented by Kemkomdigi

Kemkomdigi has employed various strategies to address the issue of pirated video game download sites. One of the primary methods is the blocking of websites that are found to distribute pirated content. This is achieved through a systematic approach that includes public reporting mechanisms, where users can report suspected pirated sites (Putra, 2022). Furthermore, Kemkomdigi has developed the Content Moderation Compliance System (SAMAN), which aims to expedite the detection and blocking of illegal content online (Widiastuti, 2023). In addition to direct enforcement actions, Kemkomdigi engages in public awareness campaigns to educate citizens about the importance of respecting copyright and the legal implications of downloading pirated content. These campaigns aim to foster a culture of respect for intellectual property rights among the Indonesian populace.

### Challenges Faced

Despite the efforts made by Kemkomdigi, several challenges persist in effectively combating video game piracy. One significant issue is the suboptimal coordination among various government agencies, which can delay the process of blocking infringing sites (Rizki, 2022). Additionally, the rapid evolution of technology and the internet allows many pirated sites to re-emerge or change their URLs frequently, making it difficult to maintain an updated list of blocked sites (Suhartono, 2023).

Another challenge is the lack of public awareness regarding the consequences of piracy. Many users continue to access pirated content due to the perception that it is harmless or because of the unavailability of original products at affordable prices. This cultural attitude towards piracy complicates Kemkomdigi's efforts to reduce the prevalence of pirated video game download sites.

### METHOD

The research method employed in this study is normative legal research. Normative legal research focuses on the examination of legal rules and norms, specifically concerning copyright law, the Electronic Information and Transactions (ITE) Law, and regulations issued by the Ministry of Communication and Digital (Kemkomdigi). This study will examine all positive legal provisions in Indonesia related to copyright violations in the digital domain, particularly in the form of piracy. It also includes an analysis of the role of Kemkomdigi in addressing copyright infringements committed by illegal video game download sites.

The aim of this research is to analyze the issue of illegal video game download websites by adopting an approach centered on the analysis of relevant laws and regulations. This study will refer to Law Number 28 of 2014 concerning Copyright and Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE), along with their amendments. The legal approach aims to identify the elements of copyright infringement as well as violations of other applicable regulations committed by these illegal video game download sites.

This study will highlight the roles and responsibilities of the Ministry of Communication and Digital (Kemkomdigi) in implementing these regulations. The role of Kemkomdigi will be examined based on the Joint Regulation of the Minister of Law and Human Rights and the Minister of Communication and Information Technology of the Republic of Indonesia, Number 14 of 2015 and Number 26 of 2015, which governs the responsibilities of these institutions in handling copyright-infringing websites.

In identifying the challenges faced in law enforcement against illegal video game download sites concerning copyright violations, this study will also refer to previous research related to copyright infringements and the ITE Law, especially regarding cases of online video game piracy. This approach is expected to provide a more comprehensive understanding of the implementation of these regulations as well as the challenges faced by Kemkomdigi in addressing illegal video game download websites.

### RESULTS AND DISCUSSION

#### The role and legal policies carried out by Kemkomdigi in handling pirated video game download sites

Presidential Regulation Number 140 of 2024 concerning the Organization of the Indonesian State Ministries regulates the Ministry of Communication and Digital (Kemkomdigi). Kemkomdigi is a ministry tasked with government affairs in the field of communication and information. The strategic functions carried out by komdigi include formulating policies, carrying out digital space monitoring activities, providing technical guidance and developing human resources in the digital field. The main task of Komdigi is to accelerate the country's digital technology transformation by building reliable digital infrastructure and creating a safe internet environment. In carrying out its duties to create a safe internet environment, komdigi monitors and supervises digital space and educates the public. Kemkomdigi is led by the Minister of Communication and Digital who has been held by Meutya Viada Hafid since October 21, 2024.

Video game piracy was initially carried out by duplicating and storing copies of video game cassettes or hard disks and then selling them directly. Then with the development of increasingly sophisticated internet technology, one of which is the ability of the internet to send large data, pirated video games can be distributed through websites or internet sites where this site is called a pirated video game download site. A pirated video game download site is an internet site that provides a means in the form of a link to download a copy of a pirated video game directly to the user's device. This site uses a piracy method using Peer to Peer File Sharing media to move files between devices. Copyright infringement can arise if a party outside the copyright holder exercises the exclusive rights of the creator without the will or permission of the creator, such as in the case of video game piracy. Where in Article 3 of Law number 28 of 2014 it is explained that copyright is an exclusive right consisting of moral rights and economic rights. Video game piracy is a violation of the creator's economic rights. Pirated video game download sites are unofficial sites and they do not have permission from the creator or video game publisher to procure and distribute copies of video games, making this a violation of the creator's economic rights because basically in designing video games, procurement of creations and distribution is part of the exclusive rights of the creator.

In a transaction to buy a video game, for example, the Minecraft video game from Microsoft, there is an agreement between the consumer and the publisher in the form of an End User License Agreement (EULA) agreed upon before purchasing and playing the video game software where there is an element of the agreement

explaining that users/players are only allowed to download, install and play the video game and are prohibited from distributing and using for commercial purposes the content contained in the video game software. Most game publishers and video game developers do not allow copies of their video games to be duplicated and distributed by parties who are not permitted to do so because they have written an Agreement where before playing the video game users are prohibited from distributing without permission. Unofficial distribution of copies of video games is an activity that is included in piracy as explained in Article 1 Point 23 where piracy is carried out by illegal procurement of creations and illegal distribution.

Video game piracy can have an impact on economic losses where the total profits obtained by the publisher and video game creator are reduced. The profits obtained from the distribution and sale of video games are part of the economic rights of the creator as explained in Article 8 of Law Number 28 of 2014. Then it is also written in Article 9 paragraph (3) of Law Number 28 of 2014 that anyone without permission from the creator/copyright holder is prohibited from procuring and/or using commercially. Making digital video game piracy an act that violates copyright. Article 40 paragraph (1) of Law Number 28 of 2014 explains that video games are protected creations. Then when viewed from the perspective of Law Number 11 of 2008 concerning information and electronic transactions (ITE) explains that electronic information and electronic documents that are compiled into intellectual works are protected as intellectual property rights. Video games themselves are products consisting of various elements such as images, sounds and writings that are interactive digital that can be accessed via electronic devices so that they can be categorized as electronic information that is not only protected by the Copyright Law but also protected by the ITE Law.

The Ministry of Communication and Digital (Kemkomdigi) as a ministry engaged in the field of communication has a role in handling electronic information that violates legal provisions in Indonesia. The role of Kemkomdigi is the implementation of the function of Kemkomdigi as a digital space supervisor. One of the systems used is the registration of Electronic System Organizers (PSE) to Kemkomdigi. PSE according to Government Regulation number 71 of 2019 article (1) point 4 concerning the Implementation of electronic systems and transactions, is every person, business entity and community that provides, manages and/or operates electronic systems individually or together to users of electronic systems for personal and/or other party needs. PSE related to this topic is a private scope PSE where the implementation is carried out by individuals, business entities and the community, one of which is a PSE that has a site, or application connected to the internet network that plays a role in providing electronic information.

Based on Article 90 of PP 71 of 2019, one of the roles of the government in implementing electronic systems is to prevent the dissemination and use of electronic information that is prohibited in accordance with statutory provisions. Preventive measures taken to prevent electronic information that violates regulations are to terminate access or order electronic system organizers to terminate access based on Article 95 of PP 71 of 2019. Based on Article 96, termination of access can be carried out if electronic information violates statutory regulations, disturbs the public and informs how or access to electronic documents that have prohibited content in accordance with statutory provisions. Pirated video game sites distribute pirated copies of video games by providing links to download copied video game files that are duplicated and distributed without permission from the creator, making the links shared by pirated video game sites electronic information that violates copyright regulations. This makes pirated video game sites subject to sanctions in the form of terminating access to electronic information because they provide access to computer users to download pirated copies of video games.

From the side of Copyright Law, there are procedures to prevent copyright infringement in information technology. The role of the government in overcoming violations of rights in this case is that the government supervises the creation and distribution of copyright infringement content and the government cooperates with various parties as written in Article 54 of Law Number 28 of 2014. Handling of content that violates copyright is explained in Article 55 paragraphs 1-4 of the Copyright Law where in this case the Ministry of Law and Human Rights cooperates with the Ministry of Communication and Digital. The process of handling content that violates copyright is first, the holder who knows of a copyright infringement through an electronic system can report it to the ministry that handles copyright, namely the Ministry of Law and Human Rights. For example, if a party finds a site or link that directs users to download content that violates copyright, namely pirated video games, they can make a report.

Then the report will be examined to find elements of copyright infringement with sufficient evidence. Then at the request of the reporter, the Minister will recommend the minister in charge of telecommunications and informatics, namely the Ministry of Communication and Digital, to close content that violates copyright so that the content cannot be accessed and in closing sites that violate copyright, the minister is required to request a court decision within 14 days. The Ministry of Communication and Digital can close sites that violate copyright such as pirated video game download sites if there is a recommendation from the Minister of Law and Human Rights after



a report from the public. The procedure for submitting reports of copyright infringement and closing digital copyright infringement content is regulated in the Regulation of the Minister of Law of the Republic of Indonesia and Human Rights and the Ministry of Communication and Information of the Republic of Indonesia Number 14 of 2015 Number 26 of 2015 concerning the implementation of closing content and/or related rights Copyright infringement and/or related rights in electronic systems. Handling of copyright infringement issues on the side of the Ministry of Communication and Digital requires a report and verification from the Directorate General of Intellectual Property Rights. Based on the results of the interview with Mr. Tuaman Manurung who serves as the Young Policy Analyst for Informatics Application Governance at Kemkomdigi, he explained that the role of Kemkomdigi is to respond to reports that have been verified by the Ministry of Law and Human Rights by closing access to content that violates copyright. After the Ministry of Communication and Digital receives recommendations from the Ministry of Law and Human Rights regarding digital copyright violations, Kemkomdigi can take down content and links on social media that direct people to download pirated video games and close access to websites or sites that provide access to pirated video games directly using a machine that works by detecting certain links or keywords to be blocked from the Indonesian internet environment. Through this step, pirated video game download sites become inaccessible to internet users in Indonesia.

### Challenges of the Ministry of Communication and Digital in Preventing Pirated Video Game Download Sites

The existence of content or sites that violate the provisions of the laws and regulations of the Republic of Indonesia is very difficult to eliminate completely. This can be proven by the existence of pirated games sold in online stores such as Tokopedia and Shopee. Even sites that distribute pirated copies of video games are very numerous and very easy to access, causing a lot of video game piracy. Pirated video games can be sent and shared via torrents and websites that provide Direct Download Links, this is very disturbing for video game developers and publishers when they publish and sell their video games. Based on an interview with Mr. Tuaman Manurung, it can be explained that one of the challenges faced by the Ministry of Communication and Digital in preventing the distribution of pirated video games through pirated video game download sites is that they can distribute pirated video games via social media and these sites continue to appear and can be searched through search engines.

Although the Ministry of Communication and Digital can actually block social media or parties that act as intermediaries for illegal content, they cannot close social media sites because social media has implemented regulations by using their system to automatically take down illegal content, although it is not effective because there is so much content that enters social media. In addition, closing access to social media can also cause protests among the public where social media has become part of people's lives. So the best thing to do is to take down social media content that provides links to pirated video game download sites by working with the party that organizes social media and based on reports that have been received and verified. Although, the Ministry of Communication and Digital already has a policy to take down accounts or content related to pirated video game downloads, the number of social media users is very large so that the content is still widely circulated.

Kemkomdigi does have the authority to have the termination of Access to electronic documents that violate the law according to Article 96 of Government Regulation Number 71 of 2019 including electronic documents that violate copyright. However, for the issue of digital copyright violations, Kemkomdigi needs to follow the report that has been verified by the Ministry of Law and Human Rights so that there needs to be cooperation between ministerial institutions. However, in practice there is a problem of coordination between ministerial institutions. The Ministry of Communication and Digital has obstacles in taking down or closing content efficiently because there is a bureaucratic chain in processing reports of copyright infringement. When reports of copyright infringement in electronic media enter the Directorate General of Intellectual Property of the Ministry of Law and Human Rights, they must coordinate with experts from other ministries so that reports cannot go one way from Kemenkumham to Kemkomdigi. This makes the existence of digital content that violates copyright still large and continues to grow while the Ministry of Communication and Information, which actually already knows and has data related to the existence of sites that are still active or social media content that spreads pirated content, for example, the same party whose site has been blocked but creates a new link and the party that sells pirated game files through an online store must wait for verification of the report before being able to take down or close access.

The Ministry of Communication and Information is trying to increase the efficiency of closing copyright infringement content by developing a Content Moderation Compliance System (abbreviated as SAMAN). SAMAN plays a role in supervising private Electronic System Organizers. Parties that provide pirated video game download sites can put their links on search engines such as Google or social media, both of which are part of the private PSE registered with the Ministry of Communication and Information. Based on the results of an interview

with Ba Bapak Tuaman Manurung who serves as the Young Policy Analyst for Informatics Application Governance at the Ministry of Communication and Information, SAMAN has a digital system to suppress illegal content that is spread in the Indonesian digital environment. With this system, if there is a pirated video game download site, it can be blocked immediately after being detected so that if there is an attempt by the party providing the site, it cannot create a new link because it has been automatically detected. The development of SAMAN seeks to break the bureaucratic chain by assisting the Ministry of Law and Human Rights together with Kemkomdigi to not have to process and re-verify reports by the same party or the reporting video game product whose copies are distributed without permission or reports to the same illegal site so that the distribution of pirated video games through illegal sites can be reduced.

The issue related to pirated content in Indonesia is the lack of knowledge and awareness among the public to respect copyright by using original digital products. This can be seen in the many irresponsible parties seeking profit from copies of pirated video games. Evidence of this can be found in online stores operating within the Indonesian internet environment, where there are still users distributing and selling copies of pirated digital products, both in the form of applications and video games.

Additionally, this problem is exacerbated by the existence of download sites for pirated video games that have numerous links or URLs that are not detected by the system, such as Fitgirl Repack, Nos Steam, and Ocean of Games, which continue to bypass Indonesia's blocking systems. There are even several discussion forums through social media communities that promote and assist users in obtaining information about download sites for pirated video games. The lack of public awareness allows these pirated video game download sites to persist, as many users access and download pirated video games from these sites.

## CONCLUSION

Video game piracy through pirated game sites has harmed developers and publishers by infringing upon their economic rights, which are part of their exclusive rights. Piracy hinders their revenue from the sale of original products. The Ministry of Communication and Digital (Kemkomdigi) plays a role in addressing pirated video game download sites as part of its policy implementation based on Law No. 28 of 2014 concerning Copyright, with assistance from the Ministry of Law and Human Rights, which processes and verifies reports.

Although Kemkomdigi has been active in blocking and taking down electronic information related to video game piracy, many pirated video game sites continue to circulate in the Indonesian internet environment. This is evident from the ongoing distribution of pirated games through online stores, social media, and illegal sites that are still accessible today. Several factors contribute to this issue, such as suboptimal coordination among agencies, which results in lengthy site closures, and a lack of public awareness.

Kemkomdigi has made efforts to develop the Content Moderation Compliance System (SAMAN) to expedite the detection and blocking of illegal content. However, for a long-term solution, there needs to be education for the public about the dangers of downloading pirated applications, and the Ministry of Communication and Digital should strengthen cooperation among agencies, digital platform owners, and the gaming industry to reduce the circulation of pirated video game download sites, thereby minimizing economic losses and fostering a healthy digital environment.

Thus, despite the existence of regulations and enforcement practices, video game piracy remains a problem in Indonesia. Addressing this issue requires enhanced collaboration among agencies, updates to blocking technology, and increased public awareness to reduce the distribution of pirated video games.

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