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Integrating Domain Governance into Copyright Law: Enhancing Legal Certainty and Regulatory Efficiency in Indonesia

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ABSTRACT

The rapid advancement of information and communication technology has transformed the creation, access, and distribution of copyrighted works in the digital environment. However, this development has simultaneously intensified online copyright infringement, particularly through illegal websites operating under registered domain names. This study examines the regulatory role of the Pengelola Nama Domain Internet Indonesia (PANDI) in preventing and combating copyright infringement on the Internet, focusing on domain name governance within the Indonesian legal system. Although PANDI is authorized to administer domain name registration, its involvement in copyright enforcement lacks explicit statutory recognition, resulting in legal uncertainty and normative gaps. Employing a normative juridical method, this research applies Gustav Radbruch's Theory of Legal Certainty and the Economic Analysis of Law to assess both the doctrinal coherence and the efficiency of existing enforcement mechanisms. The findings indicate that integrating PANDI's authority into the Copyright Law framework could strengthen legal certainty and establish a more effective and economically efficient preventive system against domain-based digital copyright infringement. This study contributes to the discourse by proposing a model of administrative reinforcement grounded in legal certainty and regulatory efficiency.

Keywords: *Copyright Infringement; Domain Name Governance; Legal Certainty; Economic Analysis of Law; PANDI.*

Perkembangan teknologi informasi dan komunikasi di era digital telah meningkatkan akses dan distribusi konten berhak cipta, namun sekaligus memicu maraknya pelanggaran melalui situs web ilegal berbasis nama domain. Penelitian ini menganalisis peran Pengelola Nama Domain Internet Indonesia (PANDI) dalam pencegahan dan pemberantasan pelanggaran hak cipta di internet, serta mengkaji kekosongan norma terkait kewenangannya dalam sistem hukum nasional. Secara normatif, PANDI berwenang mengelola pendaftaran nama domain, tetapi belum memiliki dasar hukum eksplisit untuk terlibat dalam mekanisme perlindungan hak cipta, sehingga menimbulkan ketidakpastian hukum. Penelitian ini menggunakan pendekatan yuridis normatif dengan Teori Kepastian Hukum Gustav Radbruch dan Economic Analysis of Law untuk menilai efektivitas serta efisiensi penegakan hukum hak cipta digital. Hasil kajian menunjukkan bahwa integrasi peran PANDI ke dalam rezim Undang-Undang Hak Cipta dapat memperkuat kepastian hukum dan menciptakan mekanisme pencegahan yang lebih efektif terhadap pelanggaran berbasis domain. Kontribusi penelitian ini terletak pada perumusan model penguatan

kewenangan administratif berbasis efisiensi ekonomi dalam perlindungan hak cipta digital.
Kata Kunci: *Pelanggaran Hak Cipta; Tata Kelola Nama Domain; Kepastian Hukum; Analisis Ekonomi terhadap Hukum; PANDI.*

A. INTRODUCTION

The rise of information and communication technology (ICT) in the digital age has profoundly impacted the distribution and access to copyrighted content. As people increasingly rely on the internet for social, economic, and cultural activities (Al-Rahmi et al., 2020), it has simultaneously opened new avenues for widespread and systematic copyright infringement. One growing issue is the distribution of copyrighted material through illegal websites, many of which rely on internet domain names as their primary method of operation (Shoraevna et al., 2021).

In Indonesia, the Ministry of Communication and Digital has taken steps to block infringing websites. In 2015, 22 websites were blocked, including ganool.com and nontonmovie.com (Komdigi.go.id, 2020). However, many of these sites resurfaced with new domain names, demonstrating the limitations of the current approach. Despite government efforts, the problem persists, creating significant economic and moral losses for creators due to the loss of royalties and the erasure of proper attribution (Hasibuan, 2024).

Although the government through the Ministry of Communication and Information has blocked infringing websites, many of them have resurfaced with new domain names, creating a cycle of repeated infringements. Copyright infringement through the internet using domain names as the main means causes losses to the creator or rights owner economically (through the loss of royalties) and morally (through the elimination of attribution of the creator's name). PANDI (Indonesian Internet Domain Name Manager) is responsible for the registration and management of domain names in Indonesia, yet its role in copyright protection remains unclear and unregulated by Law No. 28 of 2014 on Copyright. This lack of clarity leads to a legal vacuum, complicating digital copyright enforcement.

This condition creates a legal vacuum that has an impact on legal certainty in digital-based copyright enforcement. According to Gustav Radbruch, legal certainty is a fundamental principle in the state of law that requires that laws can be formulated clearly, unchangeably, and can be carried out consistently (Mertokusumo, 2007). Therefore, it is important to examine the role of PANDI in the perspective of Legal Certainty Theory to see the extent to which legal norms have provided an adequate juridical basis. On the other hand, using the Economic Analysis of Law Theory approach, this study also aims to assess the efficiency of the law in preventing losses that are continuously suffered by creators due to weak prevention mechanisms for digital copyright infringement. This approach emphasizes that legal regulations must provide maximum social and economic benefits and encourage efficiency in their implementation (Butarbutar et al., 2023).

The rapid development of information technology on the one hand makes it easy for people to access and distribute content quickly and cheaply, but on the other hand presents complex new challenges in Copyright protection (Ramadhan & Faslah, 2025). The ease of digitization and reproduction of content through online platforms allows for the instantaneous duplication and dissemination of works, without permission, and without geographical restrictions. This has caused Copyright infringement to escalate

significantly, mainly due to the lack of effective control over the circulation of content in cyberspace (Cristy & Saly, 2023).

In addition, the characteristics of the borderless digital world make the legal jurisdiction of the state not fully effective in limiting acts of offense (Atanasova, 2019). Content can be uploaded from other countries, using overseas servers, and still accessible to the Indonesian people (Rauf et al., 2025). This condition complicates the law enforcement process, especially when the perpetrators of violations use anonymous domain names or change domain names periodically to avoid blocking by the government (Kim et al., 2021).

The phenomenon of domain shifting, which is the practice of changing domain names by copyright infringers to avoid prosecution, is one of the main factors that causes the effectiveness of blocking by the Ministry of Communication and Information Technology (Kominfo) to be limited. When an illegal site is blocked, the perpetrator can quickly register a new domain, either through a domestic registrar or a foreign registrar, so that the site can be accessed by the public again (Sitorus et al., 2024). This cycle can occur repeatedly, causing administrative, technical, and financial burdens for governments while harming the owners of the work on an ongoing basis.

In this context, PANDI's role as a registry and registrar of .id domains should be one of the important focuses in strengthening digital-based copyright enforcement. As the institution responsible for managing Indonesia's high-level domain names (ccTLDs), PANDI has the authority to accept registrations, verify, process objections to the use of domain names, and freeze and revoke domains if there are certain violations. However, in practice, the mechanism for monitoring and preventing the use of domains as a means of copyright infringement has not been optimally integrated with the Copyright legal protection system in Indonesia.

In some jurisdictions, such as the United States, domain management agencies and registrars can conduct domain takedown or domain suspension based on reports of copyright infringement through the Digital Millennium Copyright Act (DMCA) scheme (Prihatin et al., 2024). This means that the use of a domain name cannot be separated from the legality aspect of the content hosted on the domain. However, in Indonesia there is no similar obligation that explicitly regulates PANDI to act against copyright infringement. The existing provisions only regulate in general terms violations of the provisions of laws and regulations, but do not specifically regulate the obligation to verify or monitor potential infringements in the field of Copyright.

This ambiguity creates what legal experts call a legal vacuum or a norm vacuum. This void results in a lack of legal certainty regarding how the mechanism of enforcement against domains that are clearly used as a means of copyright infringement will be used. The legal certainty in question not only includes certainty for creators and rights owners to obtain adequate protection, but also certainty for PANDI as a domain management institution to know the extent of its responsibilities and authority in the context of Copyright protection.

In the perspective of Gustav Radbruch's legal theory, legal certainty is one of the main elements in law that must be fulfilled in order for law to be implemented effectively (Alamsyah et al., 2023). Radbruch explained that the law must have a positivity nature, that is, the law must be clear, firm, can be applied consistently, and provides protection for the legal interests of the community (Julyano & Sulistyawan, 2019). If legal norms are unclear or incomplete, then the state of law may lose the ability to provide effective protection. In this context, the unclear role of PANDI as a domain manager in efforts to

protect Copyright has the potential to create uncertainty and inconsistency in law enforcement.

Furthermore, the Economic Analysis of Law (EAL) approach provides additional perspective to assess the efficiency of the legal system in dealing with copyright infringement through digital platforms (Kansil & Sulistio, 2024). According to this approach, the law should ideally be formulated to be able to minimize the social costs arising from violations of the law, while maximizing the benefits for society. In the context of copyright infringement, social cost includes economic losses experienced by creators due to loss of potential income, state losses due to tax losses, and costs that must be incurred by the government to monitor, block, and take action against illegal sites (Parc & Kim, 2020).

At the international level, a number of countries have developed a domain control model based on Copyright protection (Rafi, 2024). This model involves collaboration between domain management agencies, governments, and copyright owners. In some cases, registrars are even required to proactively verify content or at least respond to reports of violations within a certain period of time. The application of a similar model in Indonesia can be one of the solutions to increase the effectiveness of law enforcement (Jeong & Kwak, 2020).

However, the implementation of this model requires regulatory updates because currently the Copyright Law and regulations regarding domain names do not provide a sufficient legal basis to carry out this synergy. It is at this point that research on the role of PANDI in Copyright protection becomes important. This study seeks to identify existing normative gaps, assess whether PANDI's current authority is adequate to contribute to copyright enforcement, and analyze the need for regulatory reform so that this role can be carried out effectively and efficiently.

The study also considers other aspects such as the right to freedom of expression and access to information, which must remain protected within the framework of a democratic state of law. Overly restrictive domain surveillance mechanisms are feared to be abused to restrict civil liberties. Therefore, a proportionate and balanced legal approach is needed between the protection of Copyright and the protection of the constitutional rights of the community. Against this background, the study of the role of PANDI in the context of digital-based copyright enforcement is not only important to overcome the rampant violations that occur today, but also crucial in building a legal system that is adaptive and responsive to information technology developments. This study is expected to contribute to the development of national regulations that not only protect creators, but also improve the efficiency of the law enforcement system, reduce the burden on the state, and create a more orderly, safe, and equitable digital order.

This study aims to examine the extent to which PANDI's role can be expanded through regulations to be able to reject the registration of domain names from copyright infringers registered in the "Black List of Copyright Infringers Through the Internet" created by the Ministry of Communication and Digital together with the Directorate General of Intellectual Property, as well as analyze the effectiveness of the policy from the perspective of efficiency and long-term prevention.

B. METHOD

This study employs a normative juridical (doctrinal) legal research method, focusing on the analysis of legal norms governing digital copyright protection, particularly in relation to domain name administration by the Pengelola Nama Domain

Internet Indonesia (PANDI). The research aims to identify normative gaps and assess the possibility of expanding administrative authority within the Indonesian copyright law framework.

The study applies three primary approaches. First, a statute approach is used to examine relevant legislative instruments, including the Indonesian Copyright Law, the Electronic Information and Transactions Law, and regulations concerning domain name governance. Second, a conceptual approach is adopted by employing Gustav Radbruch's Theory of Legal Certainty and the Economic Analysis of Law as analytical frameworks to evaluate doctrinal coherence and regulatory efficiency. Third, an analytical approach is utilized to assess the consistency among legal norms and the effectiveness of existing enforcement mechanisms.

The legal materials consist of primary legal sources, namely statutory regulations and official policy documents, and secondary legal sources, including scholarly books, academic journal articles, and relevant legal doctrines. Data collection was conducted through library research. The analysis is carried out qualitatively through systematic and teleological interpretation to examine normative coherence, followed by a prescriptive analysis to formulate a model for strengthening PANDI's regulatory role in enhancing legal certainty and improving the efficiency of digital copyright enforcement.

C. RESULT AND DISCUCCION

1. Implementation of the Theory of Legal Certainty to Regulate the Role of PANDI in Efforts to Prevent and Eradicate Copyright Infringement through the Use of Domain Names

Article 28C paragraph (1) of the Constitution of the Republic of Indonesia of 1945, hereinafter referred to as the 1945 Constitution, states that "everyone has the right to develop themselves through the fulfillment of their basic needs, the right to education and to benefit from science and technology, art and culture, in order to improve their quality of life and for the welfare of mankind" which means that everyone has the right to develop themselves and improve their quality of life. One form of self-development is when creators create a new creation, so that creators have the right to benefit from science and technology for their welfare. A creation and its creator are protected by copyright. Where copyright provides protection so that creators can fully benefit from their creations (Reyfel, 2014). In order to guarantee these rights, therefore, this article is the basis for the formation of the Copyright Law.

The development of the times in the era of information and communication technology has also encouraged the progress of forms of creation. The influence of the internet network and digitalization has transformed creations that were previously in conventional form into digital. Copyright content in digital form is considered more efficient and practical, considering that works in physical form require special storage space, while in digital form do not require a physical place to be stored. In addition, the ease of obtaining Copyright content in digital form through the download process is an added value because it can provide fast and practical access. Therefore, the Copyright Law not only protects Copyright content in conventional form but must also be able to protect Copyright content in digital form.

The protection of copyright on the internet must be regulated in the applicable laws and regulations as a preventive measure against copyright infringement on the internet so that copyright obtains legal certainty. This is based on Article 28D paragraph (1) of the 1945 Constitution. Where the article provides recognition,

guarantees, protection and legal certainty that is fair as well as a guarantee of equal treatment before the law for everyone. This article is a distortion of the teaching that every law must provide legal certainty (Muslih, 2017).

According to Gustav Radbruch, the Theory of Legal Certainty is interpreted as a condition in which the law can be a regulation that must be obeyed (Huijbers, 1995). Gustav Radbruch argues that for legal certainty to be achieved, there are four essential elements that must be met. First, the law must be a positive thing, meaning it must be legislation that is formally enacted. Second, the law must be based on facts, implying that it should be grounded in the realities and circumstances it seeks to address. Third, the facts stated or contained within the law should be clearly formulated to prevent errors in interpretation or meaning, ensuring that the law can be easily applied and understood. Finally, Radbruch emphasizes that positive laws should not be easily changed, as stability and consistency in legal frameworks are crucial for maintaining legal certainty (Mertokusumo, 2007).

Regulations regarding copyright infringement through the internet are regulated in Articles 54 to 56 of the Copyright Law. Article 54 of the Copyright Law explains that the government is authorized to cooperate and coordinate with various parties in the context of preventing the creation and dissemination of copyright-infringing content. Then Article 55 and Article 56 of the Copyright Law state that any copyright infringement through the internet can be reported to the Ministry of Law which then the report will be submitted to the Ministry of Communication and Digital which will later the site/website that infringes copyright will be closed/permanently blocked by the Ministry of Communication and Digital so that the site/website cannot be accessed again.

In Indonesia, domain names are managed by PANDI (Indonesian Internet Domain Name Manager). PANDI was designated as an Indonesian domain name registry based on the Decree of the Minister of Communication and Information of the Republic of Indonesia Number 218 of 2023 concerning the Determination of the Indonesian Internet Domain Name Management Association as an Indonesian Domain Name Registry (Sirait & Simangungsong, 2020).

Based on Article 1, number 2 of the Regulation of the Minister of Communication and Information of the Republic of Indonesia Number 23 of 2013 concerning Domain Name Management, hereinafter referred to as Permenkominfo Number 23 of 2013, the domain name registry is designated as the operator responsible for managing, operating, and maintaining the implementation of the Domain Name Electronic System. Furthermore, Article 14 of Permenkominfo Number 23 of 2013 outlines the duties of PANDI, which include: (a) formulating policies regarding the management of Indonesian High-Level Domain Names; (b) preparing, operating, and maintaining the necessary infrastructure and providing electronic systems for the management of these domain names; (c) organizing the registration of Indonesian High-Level Domain Names in accordance with applicable laws, social propriety, and the principle of prudence; (d) conducting the selection of Domain Name Registrars; (e) issuing warnings to Domain Name Registrars if violations are suspected; (f) revoking the operational rights of Domain Name Registrars if they are found to have committed a violation; and (g) carrying out operational and technical supervision of Domain Name Registrars.

Then in the regulation made by PANDI regarding the General Policy on Domain Names in Article 7.3, it is explained that the registry, in this case PANDI,

has the authority to deactivate the domain name at the request of law enforcement officials (Police, Prosecutor's Office, Courts, Arbitration Bodies), Government Agencies in charge of communication and informatics, and/or Domain Name Dispute Resolution Recommendations. This provision demonstrates that PANDI not only fulfills administrative functions related to domain name registration but also possesses a repressive tool to supervise and take action against the use of domain names that violate the law or public interest. Furthermore, the regulations established by PANDI in the Domain Name Registration Policy, specifically in Article 6.2, clarify that PANDI has the authority to reject a domain name registration if: (a) the registration fails to meet or violates administrative requirements; (b) the registrant does not fulfill the necessary document upload requirements or fails to answer related questions; (c) the registrant provides false or misleading information or documents during the registration process; or (d) the registry submits a denial (Wahyudi & Hassanah, 2021).

PANDI's Regulation on Registrant Guarantee Policy in Article 4.5 also explains that "Registrants are not allowed, either directly or indirectly, to use the Domain Name for purposes contrary to applicable law." In this case, it can be seen that the provision is basically still in the form of a unilateral normative statement from PANDI, because it is not followed by clear technical procedures in the registration process, so that its implementation depends on the compliance of registrants without a strict verification or supervision mechanism from the beginning.

In the regulations of the Copyright Law, it can be seen that the countermeasures against copyright infringement on the internet are only carried out based on reports received by the Ministry of Law and the infringing site/website is closed/blocked by the Ministry of Communication and Digital only, which is only a repressive step in the form of eradicating copyright infringement. Meanwhile, preventive measures in the form of preventing copyright infringement on the internet are not regulated further and PANDI as the domain name manager where the creation of domain names is the basis of copyright infringement is not included in the regulation in terms of tackling copyright infringement.

There is a legal vacuum between the provisions in Articles 54 to 56 of the Copyright Law, which regulates the mechanism of closure/blocking of sites/websites by the government against sites/websites that violate Copyright content, and the PANDI regulation which focuses more on the administrative aspects of domain name management. This gap can be seen because there is no rule that explicitly connects the government's authority in closing/blocking sites/websites with PANDI's authority to reject, deactivate, or revoke domain names, so that efforts to prevent copyright infringement through the internet have not been carried out in an integrated and comprehensive manner.

When associated with the 4 (four) elements described by Gustav Radbruch, then this legal void creates legal uncertainty. This is because, according to Gustav Radbruch, in order for legal certainty to occur, the first law must be positive, which means that positive law is the existence of applicable laws and regulations. However, in this case, PANDI as a domain name manager who is in charge of organizing domain name registration in Indonesia and selecting domain name registrars does not have the authority to prevent copyright infringement on the internet because there is no provision in the Copyright Law that states that the Ministry of Law collaborates

with PANDI to refuse to create a new domain name or a domain name similar to the indicated domain name Infringing copyright on the Internet.

Then the second, Gustav Radbruch, stated that in order for legal certainty to be achieved, law must be based on a fact, which means that the law is made based on reality (Afdhali & Syahuri, 2023). In this case, copyright infringement on the internet continues to occur even though the copyright-infringing site/website has been closed/blocked by the Ministry of Communication and Digital. This incident can occur again because copyright infringers on the internet again create new domain names that are similar to the same content (copyright infringement content) so that there is a repetition of copyright infringement that causes losses to copyright owners. Meanwhile, the registration of domain names in Indonesia, domain names can directly be used as a medium of copyright infringement on the internet, is under the authority of PANDI which is not regulated in the Copyright Law as an effort to prevent copyright infringement on the internet so that the current laws and regulations are not based on the reality that is happening today.

Third, Gustav Radbruch, also explained that in order for legal certainty to be achieved, the facts stated in the law must be formulated clearly in order to avoid mistakes in terms of meaning or interpretation and can be easily implemented (Putri, 2023). In this case, the Copyright Law only states that the government is authorized to cooperate and coordinate with various parties, but in the applicable laws and regulations, it is not explained further about who can cooperate with the government and the extent to which the government can cooperate with other parties, so there is no clarity on which institutions can cooperate with the government and what kind of authority is possessed by other parties in order to prevent copyright infringement.

Fourth, Gustav Radbruch, stated that in order for legal certainty to be achieved, positive laws must not be easily changed. The current Copyright Law does not fully provide a sense of security for copyright holders because there is a recurrence of copyright infringement on the internet. In addition, the Copyright Law also does not explain in detail what institutions can cooperate with the government in order to prevent and eradicate copyright infringement on the internet. On the other hand, there is PANDI as an institution that can assist the government in preventing and eradicating copyright infringement on the internet because PANDI is an institution that manages domain names in Indonesia which is the basis for copyright infringement on the internet. Therefore, the current Copyright Law can be easily changed because the current Copyright Law cannot provide a complete sense of security to copyright owners while the applicable laws and regulations should not be easily changed.

Based on 4 (four) elements put forward by Gustav Radbruch, it shows that the absence of rules regarding the role of PANDI in preventing and eradicating copyright infringement on the internet results in the current laws and regulations regarding copyright protection on the internet that are currently in force do not have legal certainty. Therefore, the inclusion of PANDI's role in preventing and eradicating copyright infringement on the internet can provide legal certainty for the scope of copyright and related rights.

The inclusion of PANDI's role in laws and regulations regarding copyright on the internet can be in the form of including PANDI's authority in the Copyright Law. Where the Ministry of Communication and Digital can create a "Black List of Copyright Infringers Through the Internet" which contains domain names that

infringe copyright and the list is submitted to PANDI so that when there is a registrant who wants to create a domain name that is similar or affiliated with the domain name contained in the list, it can be immediately rejected by PANDI so that the registrant cannot create a new domain name to commit copyright infringement in the internet.

2. Implementation of Economic Analysis of Law Theory to Prevent and Eradicate Copyright Infringement through the Use of "Blacklist of Copyright Infringers on the Internet" in the Domain Name Registration Process

The law must not only provide certainty, but it must also be able to provide benefits. Richard A. Posner argues that the Economic Analysis of Law theory is that the law should operate efficiently (Butarbutar et al., 2023). Efficient means managing income and wealth while maximizing and profitable for various parties (Marciano, 2024). Economic value will emerge as something that is inevitable from the legal system so that the existing legal umbrella must be able to intersect with other legal doctrines. This then leads the state with its financial planning to cover legal needs effectively and accountably.

The Copyright Law is a legal umbrella for copyright holders and related communities that intersect with copyright. Where the Copyright Law should provide benefits for the general public. In this era of globalization, a lot of Copyright content has changed its form, which was originally in conventional form to digital form. Therefore, in the Copyright Law there are rules regarding copyright on the internet, namely in Articles 54 to 56 of the Copyright Law. Article 54 of the Copyright Law states that the government has the authority to cooperate and coordinate with various parties in the context of preventing the creation and dissemination of copyright-infringing content (Adolph, 2025). Then Article 55 and Article 56 of the Copyright Law give the authority to the Ministry of Law to follow up on reports of copyright infringement on the internet by submitting the report to the Ministry of Communication and Digital, which later the site/website that commits copyright infringement will be permanently closed/blocked by the Ministry of Communication and Digital (Diza, 2022).

Government action by shutting down websites that violate copyright cannot fully address copyright infringement on the internet. This can be seen from the repeated behavior carried out by copyright infringers on the internet. Where these infringers continue to create new domain names with copyright-infringing content even though the previous site/website with a similar domain name has been closed/blocked by the government so that copyright-infringing sites/websites continue to reappear with similar domain names.

In addition, government action by shutting down / blocking sites / websites that violate copyright on the internet also requires a lot of energy, cost and time while copyright infringement on the internet itself continues to occur. The process of handling copyright infringement through the internet by the government is quite complex. The Ministry of Law can only take action after receiving an official report from a party that knows of copyright infringement on the internet. After receiving the report verified, the Ministry of Law then forwarded coordination to the Ministry of Communication and Digital as the authority to close/block the site/website. This layered mechanism has consequences in the form of long handling time and additional costs, considering that the process must go through two institutions with their own procedures. On the other hand, as long as the process is ongoing, copyright infringement continues to occur continuously. As an illustration, based on the Fredrik

J. Pinakunary Law Office's website, there is data that shows that in the range of 2017 to 2019, the Ministry of Communication and Digital has closed/blocked 1.74 sites/websites that contain content that infringes copyright. In 2017, there were 190 content containing intellectual property rights infringement that were blocked. This number increased in 2018 to 412 content, and jumped significantly in 2019 with 1,143 content blocks (FJP LAW Office, 2020). This fact shows that despite the use of closing/blocking, the number of copyright infringements on the internet continues to increase, which at the same time confirms that the existing handling mechanisms are not yet able to provide an optimal deterrent effect.

In addition, copyright infringement through the internet that occurs continuously results in losses for the creator or rights holder. The creators or rights holders suffer losses because they should be rewarded in the form of royalties from their Copyright content as in Article 35 paragraph 2 of the Copyright Law. No royalties are obtained due to the absence of a license agreement between the creator or rights holder and the institution that disseminates copyright content. Meanwhile, the license agreement itself is an agreement that must be made so that the creator or owner of the right to obtain royalties as explained in Article 80 paragraph 3 of the Copyright Law. Even in this case, those who suffer losses are not only the owners of rights but also the government itself. Where the government lost a huge tax potential from this event which could reach IDR 2.8 to IDR 7 billion (Barus, 2022).

The existence of repeated behavior carried out by copyright infringers on the internet as seen from the phenomenon of the reappearance of sites/ websites with similar domain names or affiliated with copyright-infringing content and the increase in the number of copyright infringements on the internet shows that government action by shutting down/blocking sites/websites Copyright infringement permanently cannot eradicate copyright infringement on the Internet entirely. This means, if you reflect on the Economic Analysis of Law Theory, the existing regulations cannot work optimally so that they do not efficiently provide benefits to the community concerned.

The current regulations only eradicate copyright infringement on the internet, which does not prevent copyright infringement on the internet (Kaunang et al., 2022). It should be understood that domain names are the main door as well as the basis of the existence of a site on the internet, including sites/websites that are used to spread content that infringes copyright. Without a domain name, access to illegal sites/websites will be difficult for users to do. Therefore, handling copyright infringement on the internet is not enough just to shut down/block sites that infringe copyright, but must include cutting off access to domain names that are the main means of spreading such infringement.

PANDI as an institution that has authority in the management of domain names in Indonesia, can play a more strategic role in the prevention and eradication of copyright infringement. Not only through termination of access, PANDI also has the authority to refuse the registration of domain names that have the potential to be used to infringe copyright or similar domain names or those that are affiliated with domain names that infringe copyright.

Furthermore, the government can build cooperation with PANDI through the creation of a "Black List of Copyright Infringers Through the Internet". This blacklist functions as a database of domain names and registrants who are proven to have committed copyright infringement, so that every new domain name registration

application can be filtered preventively. With this mechanism, infringers cannot easily create a new domain name after the previous domain name is closed, so that copyright protection can be provided to the maximum and less effort, time, and cost required, so that the effectiveness of legal protection against copyright can be more guaranteed and sustainable.

D. CONCLUSION

This study concludes that the current legal framework governing digital copyright enforcement in Indonesia does not explicitly integrate the regulatory role of the Pengelola Nama Domain Internet Indonesia (PANDI), thereby creating normative ambiguity and weakening preventive mechanisms against domain-based copyright infringement. Although PANDI administers domain name registration, its authority remains administratively confined and detached from the broader copyright enforcement regime.

From the perspective of Gustav Radbruch's Theory of Legal Certainty, the absence of clear statutory recognition of PANDI's role generates legal uncertainty and limits the predictability of enforcement measures. Furthermore, based on the Economic Analysis of Law, the current enforcement model is procedurally reactive and economically inefficient, as it relies predominantly on litigation or post-violation sanctions rather than preventive regulatory control at the domain governance level.

Therefore, this research proposes the normative integration of PANDI's authority into the Indonesian Copyright Law framework to establish a preventive and cost-efficient enforcement mechanism. Such integration would enhance legal certainty, strengthen administrative coordination, and contribute to a more coherent system of digital copyright protection. This study contributes to legal scholarship by formulating a regulatory reinforcement model grounded in doctrinal coherence and economic efficiency within the digital legal ecosystem.

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