

JURIDICAL REVIEW OF COPYRIGHT INFRINGEMENT IN BOOK CIRCULATION THROUGH E-COMMERCE PLATFORMS

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Abstract

People often copy and duplicate literature since it has gotten ingrained in their minds and they don't consider the inadequacies of others. Individual copyright protection is almost nonexistent in Indonesia. Traditionally, everything created by the community is referred to as common property. The requirement for legal protection becomes apparent after the work's economic worth is established. The traditional perspective is that copyright's benefits outweigh its costs. The method used in this study relies on library resources, namely those that provide new or current scientific information or fresh perspectives on established facts or concepts. In this instance, these resources include books, journals, dissertations, theses, and other legal papers. Both primary and secondary legal sources are thoroughly used in this normative legal study. In Indonesia, copyright violations on e-commerce sites are still seen as ineffectual. Practice on the ground demonstrates that numerous copyright infringements, such as the selling of pirated books, are nevertheless widespread even though the UUHC provide a legal foundation for combating infringement. This is caused by a number of things, such as a lack of government control and e-commerce platforms' incapacity to efficiently monitor and eliminate material that violates copyright. The prior legislation was improved upon with the enactment of the UUHC (Copyright Act) of 2014. Better protection for artists and their works is undoubtedly the goal of this change. The need for more protection and legal clarity for authors, copyright holders, and owners of associated rights is heightened by the rapid advancements in science, technology, literature, and the arts. Indonesia is encouraged to further implement copyright and associated rights in its domestic legal system by its involvement in several international treaties, which enables its authors to compete globally. This is also part of the history of how UUHC 2014 came to be, superseding Act No. 19 of 2002 on Copyright.

Keywords: Copyright, E-books, E-Commerce

INTRODUCTION

The growth of life at the national and international levels is expanding quickly near the end of the 20th century. Especially in the fields of information technology, telecommunications, transportation, economy, law in general and the provision of legal protection is increasingly effective against Intellectual Property Rights.¹ In Law Number 28 of 2014 concerning Copyright, it is stated that the protected works include science, art, and literature which include; books, music, photographic works, and others. The work of creation has a high value for copyright owners because in a work of creation there are moral rights and economic rights protected by the Copyright Act. Economic rights are the exclusive rights of the creator or copyright holder to obtain economic benefits. To protect the work of creation, a copyright owner can register his creation to the Ministry of Law and Human Rights.

Based on Article 1 Paragraph 3 of the 1945 Constitution, Indonesia is a country that upholds the principle of law. The 1945 Constitution's fourth paragraph also mentions that one of the objectives of the Indonesian state is to influence the country's and the world's way of life. There must be an education program in order to accomplish that aim. Current educational initiatives serve as a catalyst for change, or, to put it another way, an agent of change that may start a society's progress. These agents of change transform the nation for the better through internal transformation. In order to support these efforts and realize improvements in the quality of life of the community, it is important for the education sector to be equipped with facilities and infrastructure that support the learning process including the availability of science textbooks.

IPR (Intellectual Property Rights), in addition to other areas such as (electronic) business transactions, e-government activities, and others. IPR (Intellectual Property Rights) can be interpreted as intangible property rights. IPR can be categorized as a right to wealth, because IPR has produced creations of human intellectual work in the form of knowledge, art, literature, and technology. According to David I Bainbridge, one of the experts on intellectual property rights, intellectual property is a legal right that protects the products of human intelligence, which means the inherent rights in intellectual property, namely the rights to property derived from human intellectual work.

Duplicating books and copying them is a common thing in human life because it has become a habit without thinking about the shortcomings of others. In Indonesia, individual copyright protection is basically unknown. Common property traditionally refers to something that the community creates. Once the economic value of the work is known, there is an awareness of the need for legal protection. Regarding the conventional view, the primacy of copyright is more striking than its financial value.

Selling books through e-commerce platforms provides many conveniences for sellers and consumers, but also poses serious challenges regarding copyright and protection of works. With the increasing access to digital media, the risk of duplication and plagiarism increases significantly. Copying writing without giving proper credit to the original author is clearly considered an act of plagiarism, which is detrimental to the original creator. In this context, stricter protection measures are needed. For example, implementing a watermark system for digital books or using blockchain technology to record copyright ownership can be a solution to minimize violations.

In the case study, we can refer to the case that occurred in the sale of the digital book "Ensiklopedia Indonesia" which was taken over without permission by a third party and sold through an e-commerce platform, resulting in significant losses for the author and publisher. This case shows that without adequate protection and monitoring systems, plagiarism and copyright infringement will continue.

In addition, selling books through e-commerce must comply with the provisions stipulated in the Electronic Information and Transactions Law (UU ITE) in Indonesia. The ITE Law requires all electronic transactions, including book sales, to follow transparent procedures. However, one challenge in law enforcement is the need for a complaint before action can be taken. Without a report of violations, law enforcement against copyright infringement that occurs in e-commerce book sales will be very difficult to implement. Therefore, educating authors and publishers about their rights and the importance of how to report violations is a very necessary step.

With proper protection and a better understanding of the legal implications on e-commerce platforms, it is hoped that copyright infringement and plagiarism can be minimized, creating a safer and fairer ecosystem for authors and readers.

Based on the background elaborated above, the author would like to choose the title Legal Aspects of Copyright Infringement in Book Circulation through E-Commerce Platforms. Based on the background described above, the author formulates the following problems: How is the Juridical Review of Copyright Infringement in Book Circulation through the E-Commerce Platform? And Copyright Legal Protection of Electronic Books?

RESEARCH METHOD

This research relies heavily on library resources. In the context of research on legal protection for book sales through e-commerce, several legal approaches that can be applied include normative research and empirical research. The normative approach can be used to analyze existing regulations related to consumer protection and copyright laws in the context of e-commerce in Indonesia, specifically those that offer new or current scientific knowledge or fresh perspectives on established facts or concepts (i.e., books, journals, dissertations, theses, and other legal materials). Premier and secondary legal texts are thoroughly used in this normative legal study (Johan Nasution, 2008).

RESULTS AND DISCUSSION

Juridical Review of Copyright Infringement in Book Circulation Through E-Commerce Platforms

Intellectual property rights are economic rights obtained by a creator from the work of his intellectual abilities that come from the law. Legal protection of intellectual property rights aims to avoid violations of intellectual property rights by irresponsible people.

Law enforcement against copyright infringement on e-commerce platforms in Indonesia is still considered ineffective. Although the UUHC provides a legal basis for cracking down on infringement, practice on the ground shows that many copyright infringements, such as the sale of pirated books, are still rampant (Sudjana, 2020). This is due to several factors, including a lack of supervision from the authorities and the inability of e-commerce platforms to effectively monitor and remove copyright-infringing content (Hikmasari, 2023). One study shows that enforcement by authorities is often inconsistent and lacking in rigor. Many infringers do not get sanctions commensurate with their actions, thus creating the perception that copyright infringement is a non-risky act (Ernatudera et al., 2023). In addition, the long legal process and high cost of suing infringers are also a barrier for creators to claim their rights (Aji et al., 2022). In this context, mediation as an alternative to copyright dispute resolution can be a more efficient solution. Mediation allows the parties to reach an agreement without having to go through a lengthy and expensive litigation process (Praja et al., 2021; Waruwu & Nadirah, 2023). However, the success of mediation relies heavily on the willingness of both parties to negotiate and reach a mutually beneficial agreement.

Copyright infringement in the circulation of books through e-commerce platforms is an increasingly pressing issue in today's digital age. With the increasing accessibility and ease of information sharing, copyright infringement, including book piracy, is becoming more common. Research shows that Indonesia ranks third largest in the world in terms of piracy of literary works, (Njatrijani, 2020). This shows the need for stricter law enforcement and public awareness regarding copyright. One of the main challenges in dealing with copyright infringement is the lack of public understanding of the laws governing copyright protection. Research by Dewi and Ramadhan Dewi & Ramadhan (2023) highlighted that although Copyright Law No. 28 of 2014 has been implemented, many violations still occur, including the circulation of pirated books. This research shows that socialization and education about copyright are very important to reduce the violations that occur. In addition, research by Fitriasih et al. Fitriasih et al. (2019) emphasized that low understanding of copyright among university students contributes to book piracy behavior.

On the other hand, the legal aspects of copyright infringement in the context of e-commerce also need to be considered. Wati et al. Wati et al. (2024) outlined that the online sale of pirated books is not only a violation of the law, but also a moral offense that harms authors and publishers. This research analyzes existing legal regulations and emphasizes the need for strict action against violations that occur on e-commerce platforms. In addition, research by Auralita Auralita (2023) shows that existing legal mechanisms to protect book works from piracy need to be strengthened, including the implementation of stricter policies by online platforms. Furthermore, research by Soemarsono and Dirkareshza Soemarsono & Dirkareshza (2021) suggests that law enforcement against copyright infringement on social media and e-commerce platforms should involve collaboration between the government, platform providers, and the public. This is important to create a safer environment for creators of works and to encourage compliance with copyright law. In this context, the role of platform providers in monitoring and controlling uploaded content is also crucial (Komuna & Wirawan, 2021).

The issue of copyright infringement in the distribution of books via online retailers is complicated and requires a multifaceted strategy. To solve this issue, it is crucial to work with many stakeholders to improve cooperation, bolster law enforcement, and raise public awareness of copyright.

Copyright Legal Protection of Electronic Books

Basically, legal protection is divided into two, namely preventive and repressive legal protection. Preventive legal protection is a form of protection that serves as a deterrent to an offense. While repressive legal protection is the last protection if a legal subject has committed an offense such as fines and imprisonment. If there is no legal protection of Intellectual Property Rights, it is certain that there will be unlimited use, imitation, creativity and hard work of others which causes no economic benefit to the inventor or owner of Intellectual Property Rights, which in turn will kill creativity and hinder the progress of human civilization.

One form of IP (Intellectual Property) that is recognized and protected is copyright. Protection of intellectual property, especially in the field of copyright is needed because through one type of IP can affect international economic relations, this is due to several aspects, namely the influence of developments in terms of technology and communication so that the global market appears, and the increase in the seriousness and quality of research and expand the update to create a new product, therefore protection in the field of copyright is needed. Because if the protection of copyright is not clear or can not be realized then the foreign investors will be reluctant to invest in the field of IP and will eliminate opportunities in developing economic relations in the international realm, and will also eliminate the opportunity to establish cooperative relations with investors and foreign companies.

Copyright is a product of human creativity in the fields of art, literature, and science. The issue of copyright is extensive, as it not only concerns the rights of individuals within a national framework but also extends to discussions at the international level. Legal regulations on copyright serve as a formal recognition of the creator's exclusive rights, granting them the ability to derive economic benefits from their work while restricting unauthorized use by others. These legal protections ensure the enforcement of such monopoly rights and prevent unfair exploitation of the creator's intellectual property. As a result, creators can fully enjoy the benefits of their work without undue interference that may compromise their interests. The power of monopoly protection is expected to be an incentive to spur creativity and the development of innovation power of society, so that it can give birth to new creations that are more numerous and diverse.

There are several fundamental reasons why copyright deserves serious attention from all stakeholders in Indonesia, including the following:

- 1) Copyright embodies a culture of rational thinking, creative innovation, productivity, and respect for the intellectual and physical labor of others. These cultural values are essential for fostering the development of an advanced society and a progressive nation.
- 2) The development of the world has entered a new stage that IPR goods in general and copyright in particular has become a commodity of high economic value. The more countries produce copyrighted goods, the greater the opportunity to increase foreign exchange. At present and in the future, Indonesia can no longer rely solely on export commodities sourced from nature. Natural resources are limited and will one day run out.
- 3) The establishment of the WTO, followed by the implementation of the TRIPs Agreement, has created a framework for global free competition. This competition not only takes place among nations but, in essence, reflects the competitive dynamics among individuals. In this context, the ability to think critically, innovate creatively, and respond swiftly are essential factors in achieving success. If our nation remains unconcerned with copyright culture, forever the culture of creation (which requires intelligence, creativity, and speed of action) will not develop in Indonesia. If the culture of creation does not develop, our nation will only become buyers or consumers of foreign products (Europe, America, Japan, Korea, etc.) as it has been.

The enactment of the 2014 Copyright Law (UUHC) represents a refinement of its predecessor, aimed at enhancing legal protection for creators and their works. This revision was necessitated by the rapid advancements in science, technology, art, and literature, which have increased the demand for stronger protection and greater legal certainty for creators, copyright holders, and related rights owners. Furthermore, Indonesia's active participation in various international copyright and related rights treaties has driven the integration of these principles into the national legal framework, enabling Indonesian creators to compete more effectively on a global scale.

The enactment of the 2014 Copyright Law (UUHC) as a replacement for Law Number 19 of 2002 on Copyright was driven by several underlying factors. One of the primary objectives of this legal reform was to enhance the protection afforded to creators. This commitment is evident in various provisions within the law, which emphasize the state's dedication to safeguarding the rights of creators, copyright holders, and related rights owners. Although this law officially came into effect at the end of 2014, its implementation represents a significant advancement in ensuring stronger legal protection for copyright stakeholders in Indonesia.

The 2014 Copyright Law (UUHC) introduced several significant changes, particularly in the protection of creators' economic and legal rights, as well as in the regulation of the information and communication technology industry. Unlike the previous law, where economic rights were addressed only in the general explanatory section, the 2014 Copyright Law explicitly regulates these rights in dedicated provisions. Specifically, the economic rights of creators or copyright holders are detailed in Articles 8–11, while the scope of economic rights is outlined in Articles 12–15, with provisions regarding their transfer specified in Articles 16–19. Additionally, there was a substantial revision in the duration of copyright protection. Under the 2014 Copyright Law, protection extends for the creator's lifetime plus 70 years after their death, whereas the previous regulation, Law No. 19 of 2002, granted protection only for 50 years posthumously.

Copyright Regulation: Law of the Republic of Indonesia No. 28 of 2014 concerning Copyright is the legal basis that regulates all aspects related to copyright protection, including in the context of book sales on e-commerce platforms. The articles therein regulate the exclusive rights of creators, moral rights, and sanctions for violators. It is important to realize that any use of works without permission can be categorized as copyright infringement, including illegal duplication and distribution of books.

Responsibilities of E-Commerce Platforms: e-commerce platforms have a responsibility to monitor the content sold on their platforms, including books traded. Failure by platforms to comply with this obligation can exacerbate copyright infringement. In the case of the relationship between e-commerce platforms and book publishers, the need for standardization of reporting procedures and handling of violations will be very important.

Digital Protection of Copyrighted Works: As book sales increase through e-commerce, the threat of copyright infringement also increases. the importance of a preventive legal approach such as socialization of the Copyright Law to publishers, authors, and other related parties to reduce copyright infringement. The government, through the Directorate General of Intellectual Property, needs to conduct a more aggressive campaign to raise awareness of copyright protection.

Dispute Resolution and Mediation: mediation can be an effective alternative to resolve copyright disputes in e-commerce. Given the limited resources in the courts, a faster and more efficient dispute resolution mechanism needs to be formally introduced.

Data Protection and Information Security: With the rise in digital transactions, personal data protection has also become an important part of the copyright discussion. Data protection aspects must be integrated into copyright protection efforts. The use of technologies such as blockchain can help secure copyright and protect consumer information.

CONCLUSION

In the context of e-commerce, copyright infringement in book sales is a crucial issue that requires attention from various parties. Understanding existing laws and policies, and implementing comprehensive protection measures are fundamental steps in safeguarding copyright and creating a fair environment for authors and publishers. Further research and effective policy implementation should be a priority to address the challenges in this digital space.

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Legal challenges are not only limited to law enforcement but also to public awareness and education about their rights as creators. Several studies have shown that many individuals, including creators, do not fully understand how copyright works in the digital age and the consequences of these violations. Fitriadi et al. found that unauthorized publication of works often occurs, creating a continuous cycle of infringement on digital platforms (Fitriadi et al., 2023). Meanwhile, Santana et al. highlighted that the act of covering songs without permission from the creator often does not result in meaningful legal settlement (Santina et al., 2023).

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