

## **Electronic Book Piracy in Review of Law Number 28 Year 2014 on Copyright**

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### **Article Info**

#### **Article history:**

Received : 31 October 2023

Published : 03 January 2024

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#### **Keywords:**

*Intellectual Property, Book, Electronic, Digital, Copyright.*

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### **Info Artikel**

#### **Article history:**

Diterima : 31 Oktober 2023

Publis : 03 Januari 2024

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### **Abstract**

*Books copyrights supported by technological developments have shifted to digital product. Digital products are products with a non-physical form or usually in electronic form which are usually traded online via internet media. Creative product that have become digital products today are books in the form of e-books. The practice of storing, distributing and utilizing digital product on the internet has become so easy and conducted without paying attention to the copyright protection of the creators. The purpose of research in this journal was to analyze copyright protection against e-book piracy in terms of the Copyright Law and described legal remedies that can be taken for violations of e-book piracy. The type of research used by the author was a type of normative legal research with statutory and conceptual approaches. The legal materials used consist of primary legal materials, namely laws and regulations, judge's decisions, treatises on making laws and secondary legal materials obtained from relevant books, journals, literature, documents and archives through literature research. The results of this study stated that a form of copyright law protection is given because not everyone can create a work that is worthy or that can be enjoyed by humans to the fullest, only certain people can employ their brain's thinking power to then put it into a work so as to produce a useful creation. That's why Copyrights Law grants an exclusive nature, where only certain people can get these rights.*

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### **Abstrak**

Karya cipta dalam buku dengan ditunjang perkembangan teknologi telah bergeser Hak cipta dalam buku yang didukung oleh kemajuan mekanis telah beralih ke karya item terkomputerisasi. Barang atau barang terkomputerisasi adalah barang dengan struktur tidak nyata atau biasanya dalam struktur elektronik yang biasanya dipertukarkan secara online melalui media web. Karya imajinatif yang menjadi barang canggih saat ini adalah buku sebagai buku digital. Proses penyimpanan, penyebarluasan, dan pemanfaatan karya digital secara online menjadi begitu sederhana sehingga dilakukan tanpa mempertimbangkan perlindungan hak cipta pencipta. Alasan penelitian dalam buku harian ini adalah untuk membedah keamanan hak cipta terhadap perampokan buku digital terkait dengan Peraturan Kekayaan Intelektual dan menggambarkan upaya hukum yang dapat diambil untuk pelanggaran pencurian buku digital. Penulis melakukan penelitian hukum normatif dengan menggunakan metode perundang-undangan dan konseptual. Bahan hukum primer yang digunakan adalah undang-undang, peraturan, keputusan hakim, dan risalah pembuatan undang-undang. Bahan hukum sekunder diperoleh melalui penelitian dari buku, jurnal, literatur, dokumen dan arsip yang relevan. literatur. Konsekuensi dari penelitian ini menyatakan bahwa suatu jenis asuransi pengaturan kekayaan intelektual diberikan dengan alasan bahwa tidak setiap orang dapat membuat suatu karya yang terpuji atau yang dapat dinikmati oleh orang tanpa batas, hanya orang-orang tertentu saja yang dapat menggunakan kemampuan akal budinya. untuk kemudian menginvestasikannya ke dalam upaya memberikan kreasi yang bermanfaat. Itulah sebabnya di sini HKI melahirkan sifat restriktif, di mana hanya orang-orang tertentu saja yang dapat memperoleh kebebasan tersebut.

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## **1. INTRODUCTION**

Over time, the use of physical books has shifted to electronic books, also known as e-books. E-books can be accessed via various devices such as smartphones, laptops and tablets. This has many benefits, besides saving costs, saving on paper usage and also being easy to hold.

Electronic books, as the name suggests, are books that do not have physical properties like conventional books. Electronic books can only be accessed via gadget devices such as laptops,

smartphones and gadgets. Electronic books have the same uses as physical books, namely containing a variety of information, guides and even novels just like physical books. The only difference is that physical books generally can be touched, can be opened and accessed directly, in contrast to electronic books which can only be accessed via a device.

Naturally, motivation is used more often than printed books in this digital era. If we talk about the previous meaning of digital books as computerized books, in terms of usability and capacity they will be more down to earth so that many people prefer to buy sophisticated books rather than printed books. (Helena Lamtiur Simangunsong, Budi Santoso, 2020)

The act of storing, conveying and using computerized transactions with the web has become so natural and managed without focusing on the creator's copyright insurance. Proliferation, replication or duplication of works of art, for example books, diaries, periodicals, magazines and papers can occur in printed structures, for example, copying, downloading or transfer over the web, computerized replication and electronic capacity in data sets. Currently, there are many computerized book (digital book) merchants available, for example Republik Media Creative which joins the Google Play Store through PlayBook. Bookslife.co.uk, Storial.co.uk and Gramedia Digital are additional options. According to the publisher, the e-book market grew by 55% since the same time period in 2020, from January to March.

According to Article 40 paragraph (1) letter a of the Copyright Law, it is stated that books and all other written works are protected creations or works. Either in PDF or E-book format. There are many links that promote illegal eBooks at tempting low prices, some are even free. Usually low-priced illegal eBooks are offered on several marketplaces, Shopee, Lazada, and even Tokopedia.

The research in this journal has the aim of explaining electronic book or e-book piracy in terms of the Copyright Law and explaining the forms of legal action in dealing with electronic book piracy.

## **2. RESEARCH METHOD**

This journal was prepared based on normative juridical research methods carried out using a statutory approach, a conceptual approach and a case approach. Supported by primary legal materials in the form of applicable laws and regulations and secondary legal materials in the form of books and legal journals that are relevant to the legal issues raised in this journal.

## **3. RESEARCH RESULTS AND DISCUSSION**

### **3.1. Reasons for the Rise of E-book Piracy**

Copyright violations occur because other parties execute exclusive rights without permission from the copyright holder. If an outside party violates the norms of restrictions or limitations and use of face or fair dealing, this can also be called a copyright violation

There are three categories of copyright infringement, namely infringement based on authority, indirect infringement and direct infringement. This type of direct violation is a demonstration of conveying a work that is exactly the same as the first work. In this case, it is up to the court to determine whether a large portion of the original work has been copied or not, even if only a small portion has been copied. (Mike, 2019)

Deliberate similarities when compared to past copyrighted works are considered indirect infringement. This is considered because without the existence of its predecessor's work, the current work would not be possible. The previous work and the current work are considered to have a causal connection, namely a cause and effect relationship that gives rise to reproduction or copying and is produced in large quantities. (Pamungkas and Djulaeka, 2019)

Article 43 letter d of the Intellectual Property Regulations states that activities that are not seen as copyright infringement include the creation and dissemination of protected content through data and correspondence innovation media that are not of a business nature and other than that benefit the creator or related association, and there are no complaints from the creator of the creation regarding the creation and appropriation of the creation.

Uniquely, if the activity is intended for business purposes and there is a complaint from the creator of the work, then this is considered a copyright violation. The privileges and commitments held are a legitimate subject when viewed from the law. What is meant by creator as intended in article 1 number 1 of the Intellectual Property Regulations is an individual or several groups who individually or together produce an extraordinary and individual creation. Legally, the party who receives the rights from the creator or another party who receives more rights than the party who received the rights is the copyright holder. The creator is the copyright owner. According to Article 36 of the Copyright Law, the party who creates the work is the creator and copyright holder of the work, unless otherwise agreed. The presence of this understanding creates freedom and commitment between meetings. Results using works in the context of digital literacy without permission is problematic because of the rights that the owner must have over the work. Double financial transaction activities, for example the use, duplication, distribution of protected neutralizing digital books is a form of copyright robbery if it is to obtain financial benefits from different sources or to pay for weaknesses in the reasonable financial interests of the author or copyright holder. This is in accordance with the Clarification of the Copyright Law Article 4 paragraph 1 which states: "... selective freedom is a privilege that is simply given to the creator, so that no other party can take advantage of this privilege without the creator's consent. Non-creators who hold copyright only have economic rights, which are part of the exclusive rights."

In fact, most of the general public understands copyright infringement, but due to several reasons they still take advantage of pirated products. These things arise from oneself and from the surrounding environment. Several things that cause copyright violations, especially electronic book piracy, include:

- a) Rapid technology. Technological progress is like a double-edged sword, indeed technology is very useful, but sometimes it can become an intermediary for unlawful acts. Sophisticated technology means users are able to access free electronic books and even pirate and reproduce other parties' works.
- b) Source of financial and moral benefits. Internet users who access free electronic books get information benefits without making payments like when they buy physical books. Meanwhile, the pirates make a profit by selling pirated products at low prices.
- c) Low economic level. The lack of economic income inevitably forces e-book pirates and the public to access electronic books for free, rather than purchasing physical books.
- d) Low legal sanctions. The ineffectiveness and inability to provide a deterrent effect against perpetrators of rights violations, especially electronic book piracy, has made electronic book piracy rampant.
- e) Lack of legal awareness and public knowledge. The rise in copyright infringement activities gives the impression that the public lacks knowledge of the legal aspects of copyright regulations. Even people who already know copyright regulations still often commit these violations under the pretext of sharing their knowledge with other people. (Yanti Apriliani, 2022)

### **3.2. Electronic Book Piracy in View of the Copyright Law**

After a work is realized in real form, Article 1 number 1 of the Copyright Law Number 28 of 2014 is automatically prepared based on declarative principles without affecting its completion in accordance with the provisions of statutory regulations. In contrast, the term "creator" refers to a single individual or group of individuals who produce a unique personal creation or work together.

Article 40 of the Copyright Law Paragraph 1 explains, among other things:

- a. A work is any protected work in the field of science, expertise and writing that arises due to motivation, ability, consideration, reflection, ability, ability or skill communicated in a substantial structure.
- b. The copyright owner is the creator, the party who legally obtained the rights from the author, or another party who has more rights than the party who legally obtained the rights.

The description of protected works takes into account works in the fields of science, craftsmanship and writing in accordance with article 1 number 1 of the Intellectual Property Regulations which consist of:

- a) All other written works, including books, pamphlets, and appearances of published works.
- b) Lectures, talks, discourses and other comparative manifestations.
- c) Displays aids created to support teaching and science.
- d) Music and songs, both with and without subtitles.
- e) Puppetry, pantomime, dance, choreography, musical theater and drama.
- f) Attractive works of art in all structures such as artistic creations, drawings, carvings, calligraphy, models, figures or montages.
- g) Applied workmanship.
- h) Map.
- i) Artwork made from batik or other patterned materials.
- j) Photographic work
- k) Representation.
- l) Construction project.
- m) Cinematographic work.
- n) Interpretations, translations, variations, compilations, collections of data, variations, actions, adaptations and different works that arise due to changes.
- o) Interpretation, variation, plan, change or alteration, conventional social articulation.
- p) The process of assembling work or data, either in a format that can be read by a program on a computer or on other media.
- q) The collection of conventional social articulations during this aggregation is a unique work.
- r) Computer games
- s) Computer program.

Based on the points above regarding what constitutes a creation, it can be concluded that books are a form of creation that must be protected, as do adaptations. Article 40 paragraph 1 of the Copyright Law explains that what is meant by adaptation is changing the form of a creation into another form of creation.

Electronic books themselves are also a form of creation that must be protected because electronic books are adaptations of initial creative works in the form of physical books that have copyright. This is stated in article 40 paragraph 2 of the Copyright Law which confirms that the creation as intended in paragraph (1) is protected as a separate creation without prejudice to the copyright in the original work. (Labetubun, 2019)

Txt, jpeg, pdf, doc lit and html are formats that are commonly used in electronic books. Each format has advantages and disadvantages. Some electronic book opening applications include PDF Reader, Ms. Word and others.

Unlike electronic books, physical books have an ISBN, namely the International Serial Book Number. In large and well-known stores printed books are on display and usually have an ISBN. The use of this ISBN is to guarantee that the book can be used as an educational or academic reference in preparing a scientific work. (Denny Kusmawan, 2014)

The most commonly used digital book designs include:

- a. The simplest format that can be seen in almost all personal computer software is plain text. For some portable device designs, they tend to use programming that must be installed first.
- b. PDF enjoys benefits as far as print-ready configurations. The shape resembles an actual book. Search, table of contents, loading images, external links and multimedia functions are also included.
- c. JPEG is a type of image format which, like other image formats, has a large size compared to the text it contains. As a result, this format is usually preferred not for text-heavy e-books, but for comic books and manga, which tend to have a larger proportion of images.

- d. Using the LIT Format, developed by Microsoft Reader, makes it possible to adapt the text in e-books to the screen width of mobile devices. This format can benefit from a text style that is pleasing to the user.
- e. DOCX. DOCX design is an organization of Microsoft Word which is very common nowadays and spread on the web.
- f. HTML. In this HTML design, images and text can be required.
- g. Text and image formats can be changed, but the results on the screen sometimes do not match when printed.
  - h. Electronic Book Bundle Open Settings. OPF Flipbook is another name for this format. Specifically, an XML-based electronic book format that can be read using standard internet browsing (for example: Mozilla Firefox, or Microsoft Web Traveler).(Diah Titiek Kusuma Ningrum, 2007)

Regulations governing Law Number 28 of 2014 concerning Copyright with the ultimate aim of copyright protection, in article 99 states:

- 1) The owner, copyright holder or freedom holder has the privilege to register a case for remuneration with the Business Court for infringement of Copyright or related Freedom items.
- 2) The claim for compensation as intended in paragraph (1) may be in the form of an invitation to hand over all or part of the wages received from encroachment on copyright or privileges of the goods in question.
- 3) Apart from the lawsuit referred to in paragraph (1), the creator, copyright holder or owner of related privileges can submit a request for ordinary options or interlocutory options to the Business Court to:
  - a. As an alternative to the announcement or duplication of the Work and/or the means of copying used to produce the Work resulting from infringement of Copyright and Related Rights Products, which constitutes the confiscation of the Work:
  - b. Stop the presentation, distribution, correspondence and reproduction of works which are the result of encroachment on copyright and related privileges.

Through the Commercial Court, loss claims can be documented and made sense in this setting to protect the creator's rights while understanding the place of the copyright holder and the place of the business court. The general purpose of the debate can be brought by copyright holders for infringement of their copyright to the Business Court, a claim for remuneration for a specified cash amount which payment must be reasonable and representable.

Additionally, the Copyright Law states in paragraph 1 of Article 95: Arbitration, courts, and alternative dispute resolution are all options for resolving copyright disputes.

Article 112 of the Copyright Law outlines criminal acts, this article states that anyone without special privileges who commits acts as mentioned in Article 7 paragraph 3 and Article 52 for business purposes, will be punished with imprisonment for a maximum of 2 years or potentially a fine limit Rp. 300,000,000,- (three hundred million rupiah).

Likewise, article 113 states the sanctions for copyright infringement, namely:

- (1) Every person who does not have the freedom of economic rights as intended in Article 9 paragraph (1) letter I for business purposes shall be punished by imprisonment for a maximum of 1 (one) year and a fine of a maximum of IDR 100,000,000 (one hundred million rupiah).
- (2) Any person who violates the economic rights of the creator as intended in Article 9 paragraph (1) letters c), d), f), and h) for commercial use with the rights or without the permission of the creator or copyright holder, is threatened with imprisonment for a maximum of three year and a fine of IDR 500,000,000 (five hundred million rupiah).
- (3) For commercial use, violators of Article 9 (1) letters a, b, e, and g are threatened with imprisonment for a maximum of four years and a fine of IDR 1,000,000,000 (one billion rupiah) or more, depending on the violation.

- (4) Every person who fulfils the requirements as intended in paragraph (3) and commits piracy is threatened with imprisonment for a maximum of ten years and a fine of a maximum of IDR 4,000,000,000 (four billion rupiah).

According to the description in these articles, copyright infringement that violates a copyrighted work by publishing or duplicating it in any form can be prosecuted under the conditions outlined. This article then explicitly justifies this form of violation, which can take the form of broadcasting, showing, listening to, or selling other people's copyrighted works to the general public.

### 3.3. Law Enforcement Efforts against Electronic Book Piracy

Influenced by legal developments and societal demands, the Copyright Law has been amended several times, so that the old law is no longer relevant. The creators of the Copyright Law have made several changes, one of which is classifying offenses in the Copyright Law. Law enforcement officials have consequences for the complaint offense used in the Copyright Law. Law enforcement officials can act after violators report copyright encroachment, and they will never again be able to take part effectively in reducing the number of copyright encroachments. In contrast to when the Copyright Law still used ordinary offenses, now law enforcement officials are required to actively reduce copyright violations. Creators or copyright owners are protected by complaints under the Copyright Law. Since there is nothing bad to say from the maker or people in general, the police will probably act when there is a public disturbance and close down shops selling stolen goods. Countermeasures can be carried out by carrying out surveillance in areas related to the distribution or sale of stolen goods. Moreover, copyright encroachment often occurs because individuals do not hold the copyright. The Directorate General of Intellectual Property regularly carries out offline and online outreach and outreach to increase awareness of consumers and bookkeepers about the importance of copyright protection.

In accordance with the Joint Regulation of the Minister of Law and Human Rights and Communication and Informatics Number 14 of 2015 and 26 of 2015 concerning the Implementation of Content Closure and/or User Access Rights for Violations of Copyright and/or Related Rights in Electronic Systems, Policing Copyright Owners feel that their rights have been violated, they can submit a complaint to the Directorate General of Intellectual Property Rights. This report will then be verified by the Ministry of Communication and Information.

PRCI (Indonesian Copyright Reproduction Association) has submitted a report to the Directorate General of IP regarding illegal book sales in the market and on unofficial sites regarding illegal book sales.

- a. Copyright infringement complaint letter stating the location and date of infringement;
- b. Copyright certificate indicating the copyright owner; And
- c. Proof of publication.
- d. Evidence of goods from the reported party;
- e. Proof of invoice for purchase;
- f. Evidence of goods from the reporter;
- g. Witnesses and subpoenas;
- h. Power of attorney from the creator

Currently, more than 800 reports of content violations have been processed for content blocking or access rights, according to the Directorate General of Intellectual Property Rights' Copyright Directorate. E-commerce platforms such as BukaLapak and Tokopedia report and take countermeasures when violations occur. According to the policies that apply to each digital platform, the procedures and documents required for a takedown request are different.

Publishers such as Gramedia have filed complaints directly with online stores such as Tokopedia and requested the following documents: takedown requests; SIUP and NPWP as legal copyright for the company; documents proving the identity of the head of the company;

URL mentioned in the goods evacuation application structure; especially evidence of theft of books that have been distributed.

Regardless of whether the commercial center has a framework for reporting counterfeit products and will remove the impression of the book referred to, fake books can easily be reappeared through other offering accounts. The Ministry of Communication and Information emphasized that it is very difficult for the market to implement preventive measures, such as automatically filtering book sales accounts because these accounts only contain product catalogues.

A copyright certificate is required for the examination of complaints, although copyright protection is not required because legal protection is automatically provided when the copyrighted work is published. Copyright and other intellectual property rights can only be protected through preventive measures such as registering works on a small number of e-commerce platforms. Lazada has a Licensed Innovation Assurance (IPP) stage which highlights the security of protected innovation.

To create an account at <https://ipp.alibabagroup.com/register.htm>, holders of copyright or other intellectual property rights must upload proof of identity and copyright ownership. When copyright is violated, the document will be retained for use after the evidence has been verified. All major e-commerce platforms of Alibaba Group can submit complaints through this IPP Platform account. (Ministry of Law and Human Rights Directorate General of Intellectual Property, 2020)

According to Article 22 Paragraph 1 of Government Regulation Number 80 of 2019 concerning Trading through Electronic Systems, E-Commerce is basically tasked with information systems. In the event that electronic data content that violates the law is found in PMSE, whether it is locally grown or unknown to PPMSE, the coordinator of the mediator's office must be responsible for the legal consequences arising from the content of electronic data that violates the law. This is because, as intended in Article 22 paragraph 2, applicable local and foreign PPMSE must immediately eliminate these unlawful relationships.

To prevent or respond to unlawful electronic data content, local or unknown PPMSE must: a) provide clients with destination requirements or permission arrangements for use in accordance with regulations and guidelines; furthermore, b) provide innovation monitoring as well as a means to obtain reports or complaints from the general public regarding electronic data content that violates the law or its misuse.

With the issuance of the Safe Harbor Policy—also known as Circular Letter of the Minister of Communication and Information of the Republic of Indonesia Number 5 of 2016 concerning Limitations and Responsibilities of Platform Providers and Merchants—there are potential problems related to market authority over its kiosks. Anything that a trader or platform user may point out as an error or failure is not the responsibility of the platform provider. With the Protected Harbor Strategy, stage owners can focus more on developing their services, after being overcome by the problem of prohibited content being transferred by their dealers. With the Protected Harbor Strategy, if there is such a problem, the immediate vendor takes care, not the stage supplier. This is contrary to Articles 10 and 114 of the Intellectual Property Regulations where every individual who deals with any exchange place whose structure deliberately and knowingly allows transactions or the potential for duplication of products due to violations of copyright or related freedoms at the exchange place he supervises as mentioned in Article 10, will be rejected with a maximum fine of Rp. 100,000,000.00 (one hundred million rupiah).

Although copyright is an individual right, states can limit the public's ability to provide public access to information. Countries can limit copyright by setting copyright protection terms, meaning that when information becomes public domain, everyone can use it freely. Some other important components to consider are:

- a. The amount of work material to be reproduced must be a reasonable amount (a reasonable amount) which will not harm the interests of the owner or copyright holder.

- b. Because it is difficult to determine what type of fair treatment applies to unpublished works, fair treatment applies only to published works.
- c. Consequently, for original works, fair treatment or reduction will not harm the interests of the owner or copyright holder of the original work. (Josephin Mareta, 2021)

The fundamental motivation behind prosecutions related to copyright and licensed innovation is to prevent encroachment. Common techniques are recognized pretrial strategies and interim measures. The strategy under the supervision of a joint claim can be started by sending a notification letter in advance to the party involved in committing the violation. This is planned so that the guilty party does not mention a discount on the costs of the lawsuit if the court cycle has finished without giving the wrongdoer the opportunity to examine the lawsuit. Civil courts are those who have jurisdiction over claims for civil cases related to damages.

Restrictive licensees also have the privilege of documenting claims, whereas normal licensees require comprehensive legal authority from the rights holder. Meanwhile, the person who can be proclaimed as a respondent is the individual or organization responsible for copyright encroachment because copyright encroachment can occur in any promotional channel, whether the creator or author, the sender, or anyone who offers or publishes merchandise in return. All evidence can be used because copyright appears automatically (automatic protection). This is because not all creators obtain a Work Registration Letter and register their work. The standard for demonstrating a copyright case is equivalent to demonstrating a general case.

"Any person who argues that he has a right, or to confirm his own right or refute another person's right, points to an event, is required to prove the existence of that right or event", a lawsuit can include raising the issue of non-infringement. Have the option to present non-encroachment proclamations without end. However, this lawsuit supersedes national courts. Copyright invalidation lawsuits are one of the most common ways to defend against copyright infringement lawsuits. There are three types of copyright contention: regulatory infringement, authorization regulation, and chargeback or sovereignty. The creator or copyright holder can choose whether the issue will be resolved genially through elective debate purposes (intervention, discussion or pacification), mediation, or follow-up court to determine the type of debate. According to the regulations, the primary court expected to hear copyright questions is the Business Court. If the settlement option is made in court, the creator or copyright holder has the option of filing a civil lawsuit for compensation or resolving the problem criminally. However, the option of resolving the debate through criminal means is the final step.

According to Article 96 of the Copyright Law, creators, copyright holders, related rights holders, or the creator's heirs who suffer loss of economic rights are entitled to compensation. In such circumstances, there are elective techniques to determine the expected amount for replacement coverage. The main option is loss, and that means you have to pay some money as loss to break. A party who accidentally violates the law cannot sue in this case. The salary is determined by taking into account how much the copyright holder or owner of the protected work should receive for the use of the work. Here, the injured party must show that the respondent's actions harmed him or herself. In this case, the plaintiff continues as before the violation. Another frequently used alternative is matching royalties, also known as feasible royalties. The factor payout method is used to calculate this about how much profit the group has set if they have agreed to pre-authorization permits and also the duties that exist in a particular area. In such a way, payment as compensation should be considered. This is especially important if the breach cannot be prevented, such as due to advances in communications technology such as Bluetooth and ringtones. In his opinion, if restricting other groups from distributing, duplicating, or imitating his work is deemed impossible, then the creator must receive legal payment for the use of his work. This salary is the return, or compensation, of all the benefits and advantages that the offender obtained from the utilization of the work. The plaintiff must be able to clearly determine the amount of money received by



the defendant in this case. Plaintiffs are not required to consider any additional factors unrelated to copyright. Creators and copyright holders may lose expected profits, their reputation in the market, and costs associated with protecting their rights.

Articles 95 to 120 control criminal demonstrations of copyright. Even if you have previously filed a civil lawsuit, the creator and owner of copyright or related rights can still file a criminal complaint against another party. However, a civil lawsuit will win if both claims occur simultaneously. Provided that the creator, copyright holder or main successor reports copyright infringement, because copyright is a protest violation. Currently, criminal objections can be raised via the inquiry site. To record an objection, you must complete the criminal protest structure at [dgip.go.id](http://dgip.go.id), which will request information belonging to the journalist. Before criminal charges are filed, violators are usually warned by the creator, copyright or related rights holder. Apart from that, Article 95 paragraph 4 of the Copyright Law mandates that the parties to the dispute must first carry out mediation. As a result, criminal prosecution is considered a last resort measure to resolve copyright disputes. The creator, copyright holder, or person who has related rights can report the crime to the police, Civil Servant Investigators (PPNS) KI Regional Office of the Ministry of Law and Human Rights, or PPNS KI Directorate of Investigation and Dispute Resolution if mediation is unsuccessful.

During the investigation, investigators check the correctness of the report information and information regarding the copyright infringement that occurred. Investigators are examining several related parties who are suspected of being perpetrators of copyright infringement. Starting from digging up information and evidence that can be obtained from the alleged perpetrator, confirming bookkeeping, all forms of recording or recording, carrying out a thorough search at the crime scene. If evidence and products of piracy are found, confiscation will be carried out and the product will be withdrawn from the market, of course after obtaining permission from the court.

Confirmation of copyright encroachment for the declaration and dissemination of computerized protected agreements with web networks must go through a special examination process, in particular using mechanical means. Information and communication technology can be used as evidence in the investigation, prosecution or court examination stages in accordance with statutory regulations. In accordance with statutory provisions, electronic information and/or electronic documents are recognized as evidence.

#### **4. CONCLUSION**

Based on the discussion above, there are several reasons behind the parties carrying out acts of electronic book piracy, including: rapid technology, financial benefit reasons, low economic level, weak legal sanctions, low legal awareness and public knowledge.

Second, in relation to the regulation of intellectual property, one of the forms that is safeguarded is as a book, providing a guarantee for all works that have been circulated or that have not yet been circulated so that they can be reproduced. This kind of legal protection lasts for the lifetime of the creator and for seventy years after the creator dies. Exploitation of copyright is considered piracy when it is discovered that a copyrighted work, such as an electronic book, is copied and sold without the author's permission or license for personal gain. Piracy can result in fines or imprisonment for those who commit it. Resolution of copyright issues is carried out through mediation or through court.

The existence of Articles 95, 105, 110–120 of the Copyright Law regulates the copyright criminal process. Creators and holders of copyright or related freedoms can record criminal charges regardless of whether they have documented joint claims. However, in the event that a joint claim and an alleged unlawful act occur at the same time, the joint claim will outweigh the other. Copyright is a grumpy violation, so arrangements must be completed if the creator, copyright holder, or ultimate successor reports criminals acting on his work. Complaints about criminal acts can now be made via the website [merdeka.dgip.go.id](http://merdeka.dgip.go.id).

## 5. BIBLIOGRAPHY

### a. Book

- Josephin Mareta (2021) *Perlindungan Hak Cipta Buku di Era Digital*. Jakarta Selatan: Percetakan Pohon Cahaya.
- Kementerian Hukum dan Hak Asasi Manusia Direktorat Jenderal Kekayaan Intelektual (2020) *Modul Kekayaan Intelektual Hak Cipta*.
- Yanti Apriliani (2022) *Tinjauan Hukum Ekonomi Syariah Terhadap Perlindungan Hukum Pemegang Hak Cipta Atas Penggandaan Buku Elektronik Di Penerbit Lovrinz Publishing Cirebon*. Institut Agama Islam Negeri Syekh Nurjati Cirebon.

### b. Journal

- Pamungkas, R.T. and Djulaeka (2019) 'Perlindungan Hukum Pemegang Hak Cipta Atas Lagu Yang Diunggah Pada Aplikasi Tiktok', *Simposium Hukum Indonesia*, 1(1), pp. 394–423. Available at: <http://journal.trunojoyo.ac.id/shi>.

### c. Legislation

- Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta.  
Peraturan Pemerintah Nomor 80 Tahun 2019 Tentang Perdagangan Melalui Sistem Elektronik

### d. Internet

- Denny Kusmawan (2014) 'Perlindungan Hak Berupa Buku', *Perspektif*, XIX(2), pp. 137–143. Available at: <https://media.neliti.com/media/publications/162038-ID-none.pdf>.
- Diah Titiek Kusuma Ningrum (2007) *Pelayanan Informasi pada Perpustakaan Badan Kepegawaian Negeri*.
- Helena Lamtiur Simangunsong, Budi Santoso, dan A.D.L. (2020) 'Perlindungan Hak Cipta terhadap Pembajakan Karya Sastra Novel Versi E-Book di Tokopedia', p. 445.
- Labetubun, M.A.H. (2019) 'Aspek Hukum Hak Cipta Terhadap Buku Elektronik (E-Book) Sebagai Karya Kekayaan Intelektual', *Sasi*, 24(2), p. 138. Available at: <https://doi.org/10.47268/sasi.v24i2.128>
- Mike, E. (2019) 'Perlindungan Hukum Hak Kekayaan Intelektual Terhadap Tindakan Pelanggaran Pembajakan Buku Elektronik Melalui Media Online', *Al Ijarah : Jurnal Pemerintahan Dan Politik Islam*, 2(2), pp. 135–144. Available at: <https://doi.org/10.29300/imr.v2i2.1449>.