

**COPYRIGHT PROTECTION AGAINST ACTS OF BOOK PIRACY (REVIEWED
FROM SHOPEE SALES)****Putwi Rindiani**

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The economic sector is presently undergoing a substantial transition, the range of traditional and online channels for buying and selling transactions has increased due to the ongoing development of digital innovation. Research from SIRCLO and Katadata Insight Center (KIC) indicates that a considerable proportion of consumers are now making purchases online, which highlights the need for efficient security measures to be put in place as soon as possible. One of the main functions of Undang-Undang Hak Cipta, namely Undang-Undang Nomor 28 Tahun 2014, is to provide a legal framework that governs electronic transactions and copyright. However, there are still a lot of obstacles to overcome before this rule may be put into practice in the context of electronic commerce. One of them is the general lack of knowledge among consumers and business actors about their responsibilities and rights when doing business online.

One blatant instance of copyright violation in electronic commerce is book piracy. This situation frequently arises on websites like Shopee, where pirated books are offered for sale at far cheaper costs than the legitimate retail price. Furthermore, legitimate writers and publishers may suffer ethically and financially as a result of book piracy. Collaboration between the government, corporate players, and consumers is necessary to address the issues of copyright violations in electronic transactions and book piracy. Strict adherence to the law and heightened legal consciousness among companies and customers can successfully curb pirate activities and safeguard copyright.

Keywords: Shopee; legal protection; electronic transactions; hak cipta; book piracy

INTRODUCTION

The development of the economic industry, especially in electronic transactions, has contributed greatly to meeting human needs. The main factor influencing the growth of buying and selling transactions, both conventional and electronic, is rapid digital innovation. Today, adapting to cultural changes requires matching technology with people's needs. The current focus is on ensuring the fulfillment of basic needs while paying attention to product quality, price, and service (1).

The majority of e-commerce businesses are utilizing the online marketplace to compete. The percentage of consumers shopping online increased from 11% to 25.5% in early 2021. The state is responsible for the legal protection of electronic transactions to avoid copyright infringement. Copyright protects works of science, art, and literature. The growth of the creative economy and copyright are interrelated and affect the development of information and communication technology. Therefore, legal protection, especially from the Copyright Act, is essential(2).

Copyright law, including Law No. 28 of 2014 explains that copyright is an exclusive right granted automatically to the creator after the copyrighted work becomes real. This right is valid during the life of the creator and for 70 years after death. The economic rights of creators and owners of related rights are strengthened by this law. For example, shopping center managers are also liable for the sale and infringement of copyrights in the shopping centers they manage. To obtain compensation or royalties for their copyrighted works, creators and related

rights owners can join a collective management institution. To respond to the development of information and communication technology, the law also regulates the use of copyright in multimedia means.

Law No. 19 of 2016, provides legal protection to electronic transactions and copyright in Indonesia. Although online businesses offer convenience, problems such as goods not matching descriptions, product piracy, and fraud are common. Copyright infringement, such as the sale of pirated goods, is also a common problem. Consumers need to be careful when shopping online to prevent copyright infringement. Examples of infringement include the promotion of illegal books on e-commerce platforms such as Shopee. Although Shopee is relatively new, with aggressive marketing, the e-commerce can compete with its competitors, including through promotions such as television commercials(3).

Piracy is the unauthorized copying or distribution of legally protected works. Copyright Law No. 28 of 2014 protects the copyright of books and stipulates the responsibility of the management of electronic commerce venues in preventing the sale of pirated goods. Customers have the legal right to protect their rights from losses caused by businesses(4). The creator has rights under Copyright Law No. 28 of 2014 in the event of copyright infringement that is morally or financially detrimental (5).

Book piracy in online marketplaces is increasingly rampant. For example, the works of Tere Liye, a well-known author, have been targeted. His books are sold on the internet for \$20,000 - \$30,000 each. Copyright infringement practices against famous authors are increasingly common, as seen on Shopee. For example, Tere Liye and Boy Candra, best-selling authors, sell their books at a low price compared to the original price. Sellers often claim that the content of the book is still the same as the original, although there is a slight difference in quality. IKAPI research shows that during the COVID-19 pandemic, many publishers found their works being sold as pirated books in online markets, at prices up to five times the retail price. This research evaluates copyright protection for authors in relation to book piracy practices on Shopee. The focus is on understanding the impact of book piracy in e-commerce and evaluating the effectiveness of existing laws in protecting copyright on platforms like Shopee, with the aim of formulating better policy recommendations. The benefits of this research provide a better

understanding of the challenges of book piracy in electronic commerce for authors and copyright holders. The results are expected to aid the development of more effective policies to protect copyright online, as well as provide insight to consumers on legitimate and ethical trade practices in the digital world.

This research will explore the concepts of copyright, product piracy, and electronic commerce as a theoretical basis. The goal is to understand book piracy in online commerce, particularly on Shopee, and analyze the role of the law in protecting copyright. This research combines theoretical understanding with empirical analysis to provide a comprehensive picture of the issue, specifically on the Shopee platform. This sparked the researcher's interest to explore copyright protection by authors against book piracy on Shopee. Therefore, the title taken is “Copyright Protection Against Acts of Book Piracy (Reviewed from Shopee Sales)”.

METHOD

This article uses a normative (doctrinal) method and a library research approach to determine the results of the discussion. Sources such as books, journals, and articles are used to resolve the issues discussed. The article is intended for the general public and individuals who need information about copyright. Data is collected through legal documents and reading materials such as Copyright Law Number 28 of 2014 concerning copyright, law number 19 of 2016 concerning amendments to law number 11 of 2008 concerning information and electronic transactions, books, articles, and journals. Data analysis is done by doctrinal method using deductive logic.

DISCUSSION

Shopee is one of the marketplaces that implements “user generated” content in the sale of its products. This means that shopee is an online shopping platform that allows merchants to upload their products independently. Shopee as “user generated” has advantages and disadvantages. The advantages of “user generated” are: (1). High content engagement, as it

reflects personal experiences and viewpoints; (2). High level of diversity, as many users participate and produce content that is very diverse according to the topic, style and approach used; (3). There is interaction between users in various forms such as comments, likes and various similar experiences. Meanwhile, the weakness of “user generated” is that it is often used as a loophole in trading a product that violates legal provisions, such as the sale of pirated books.

Pirated books are books that are printed by unauthorized persons, who do not prioritize the quality of the book form as well as the original book which always prioritizes the quality of the book (6). Pirated books are usually sold in various ways, such as making the words “new quality book”, “cheap book”, “promotional edition book”, etc. Not only that, pirated books also often state that the book is a “pirated” book. There are differences between original books and pirated books including:

1. Different cover color. The cover of pirated books is usually thinner and has a different color, tends to be dull and does not have an embossing effect on the title. The quality of paper and ink is low. The paper quality of pirated books is usually blurry, ash-colored and the ink disappears quickly, making it unpleasant to read.
2. Unreasonable book prices. The price of pirated books is generally much cheaper than the original book and is usually not sealed or does not have the signature of the original author. If associated with the existence of Indonesian Copyright law, of course pirated books that are sold freely have violated the law. This is because books that are not their creations are traded freely, because in the context of the study, books are objects of creation that get full protection in law. (6)

According to the Intellectual Property Rights Act in Law No. 28 of 2014 concerning Copyright, copyright can be in digital or printed form (15). Books are one of the intellectual property of a person embodied in a tangible form that needs to be protected by the existence of copyright (7). Meanwhile, copyright according to Act No. 6 Year 1982 on Copyright is a rental rights or rental rights that put copyright infringement as a criminal act that provides an opportunity for copyright owners to defend his work. So it can be concluded that, the book is a copyrighted work of a person who is private because it arises from ideas that have been compiled

and realized in real form, and there is an action if the book is published (right to publish) and reproduced without permission (right to copy).

Based on these provisions, the researcher analyzes the copyright of books sold through Shopee, including:

1. Copyright is essentially an agreement between the creator and other parties who publish and reproduce the work. From this it can be seen that there are several logical consequences, including:
 - a. The government only acts as an administrator, but does not participate in issuing and granting patents. This means that there is a negative declarative meaning, where everyone who registers their work is the creator even if the work is an adaptation of someone else's work (Article 5).
 - b. Recognized copyright is an original work and in a real or fixed form (Article 12). However, in this case, many people also register their work using adaptations from several collections of works on behalf of personal work.
2. Although the law has imitatively defined the types of works protected against books in various fields, there are still people who pirate books for personal gain and violate Article 9 paragraph 3.
3. In general, copyright is not as monopolistic as patent rights, as there are a number of exceptions based on utilization for the benefit of society that do not constitute copyright infringement.

Based on this, it is necessary to protect and appreciate a person's copyright through the application and strict implementation of the criminal law Article 113 paragraph (3), (4) and Article 114 related to book piracy that is detrimental to the copyrighted material (8). As for a number of sanctions that can be given for cases of book piracy carried out through various sales, especially through e-commerce Shopee, namely imprisonment for a maximum of 4 years and / or a maximum fine of IDR 1 billion, as well as paying compensation to copyright holders in accordance with articles 113 and 114(9). The purpose of strict application of these articles is to :

1. Encourage innovation and creativity to creators to continue to produce new works in fear of abuse.

2. Provide stronger protection to copyright holders and encourage respect for copyright, in order to make people aware of the importance of respecting intellectual work and prevent copyright infringement.

In supporting the implementation of this, a number of individuals and the academic community must also support the activities to reduce book piracy through Shopee, by (10):

1. The government should play an active role in preventing the act of reproducing or pirating books and selling them online, because it can have a negative impact on the original owner of the book and can reduce the level of sales competition in the market.
2. The government actively urges the public not to support the purchase of pirated books through unauthorized websites that are not licensed to reproduce and sell books.
3. Conduct regular socialization of copyright infringement on an ongoing basis to the academic community and students. In this case, lecturers can develop standard modules that are used for all courses to minimize copyright infringement.
4. Organizing and making intellectual property rights courses as compulsory courses with the aim that students can change and improve perceptions in respecting one's copyright

Based on this, it can be concluded that the sale of pirated books on Shopee has become a troubling phenomenon in the world of book actors in Indonesia. The ease of finding pirated books on Shopee clearly takes away the economic rights that can be obtained by authors and book publishers and also violates Copyright. Therefore, it is necessary to strictly enforce the law and take responsibility for Shopee as an ecommerce platform regarding the sale of pirated books.

Actions to Address the Behavior of Book Piracy Sold Through Shopee

Book piracy behavior that occurs on Shopee is the impact of technological advances in online commerce. This infringement violates the provisions in the Copyright Act (UUHC). Merchants or sellers often claim that their books are new or reproduced, which is a frequent form of infringement on the platform. The Copyright Act provides legal protection in dealing with these piracy cases (9).

Copyright Law Article 9 paragraph (3) which regulates the prohibition of piracy and Copyright Law Article 113 paragraph (3) on the criminal penalties of the perpetrators of piracy

that must be enforced by them(12). Due to the rampant acts of book piracy, this is a serious matter that must be followed up by the government and Shopee (9). The government is responsible for socializing the Copyright Act so that people understand the rules and sanctions. Lack of understanding of the Copyright Act is the cause of rampant copyright infringement. Public awareness of the law is important to support the enforcement of the Copyright Act. There are two types in society, namely (11):

1. Not knowing that the actions being carried out are included in acts that are against the law or prohibited by law. This is due to the lack of socialization about the Copyright Act in which there are clear prohibited acts and their threats.
2. Aware that the actions being carried out by others are acts that violate the Copyright Act, but the person still chooses to buy pirated books. This kind of society is a society that understands and knows about the law but has a very low level of awareness and obedience to the law.

Law Number 28 of 2014 concerning Copyright after being passed is a hope made to be effective. The rampant piracy of books traded on Shopee is a reality. In conclusion, the enforcement of the Copyright Law in Indonesia is still relatively low (11). In the liability due to book piracy behavior, there are two aspects, namely criminal and civil liability (13).

1. Civil Liability

An unlawful act is regulated in Article 1365 of the Civil Code, namely:

- a. The emergence of tort (PMH)
- b. The emergence of loss
- c. Emergence of Fault
- d. Causal Relation between Faults and Losses

The civil path can be taken if the creator aims to obtain compensation from the cost of the work infringed by the perpetrator. The creator can apply for a lawsuit in the form of compensation to the Commercial Court and legal efforts that can be taken are through cassation (14).

2. Criminal Liability

Creators, copyright holders, or heirs have the right to report book piracy that occurs on Shopee. Article 120 of the Copyright Act states that copyright infringement is a complaint offense. Only those parties can report copyright infringement, which can then be processed by the relevant authorities⁽¹⁴⁾. Shopee has a user report feature for buyers to provide feedback and report pirated book sales. This is Shopee's anticipatory step against rogue sellers. Shopee will remove products, close seller accounts and reduce the rights of sellers who practice piracy. (9).

CONCLUSION

Shopee is one of the marketplaces that implements "user generated" content in its product sales, allowing merchants to upload their own products. The advantages of this system include increasing content engagement, diversity, and interaction between users. However, this also opens a loophole for the sale of illegal products such as pirated books. Book piracy is carried out by individuals in order to achieve their own benefits without considering the side of copyright holders. Book piracy violates copyright law which is protected under Law No. 28 of 2014. This action harms the copyright owner economically. In the case of book piracy, there is legal responsibility both criminally and civilly, which is regulated in the copyright law Article 9 paragraph (3) and Article 113 paragraph (3). The implementation of this law is considered ineffective in dealing with the problem of book piracy. Meanwhile, what buyers can do is to use the user report feature where buyers can provide feedback and report pirated book sales so that Shopee as a platform provider can close the seller's account.

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