



Legal Analysis Of Book Piracy

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ABSTRACT

Book piracy is an attempt to reproduce a book by printing, photocopying or other means without obtaining written permission from the author and publisher of the related book. The phenomenon of book piracy during the Covid 19 pandemic worsened the asional book industry. Publishers experienced a decline in physical book sales in offline stores, while online sales were overshadowed by the problem of piracy of literacy works in this case books. The ranking of piracy, especially copyright in Indonesia ranks third largest in the world. With the increase in information and technology today, cases of book piracy occur more and more and have increased every year

INTRODUCTION

Piracy in Indonesia seems to have become a culture and difficult to overcome. Even in every book, there are sanctions for violations in Article 113 of Law Number 28 of 2014 concerning copyright (hereinafter referred to as UUHC) related to the Prohibition of printing and publishing part or all of the contents of the book in any way and in any form without the permission of the author and related publishers, which means that copyright is protected by law. In Article 40 paragraph (1) letter (a) of the HC law, a book is one of the copyrighted creations. Protected works include works in the fields of science, art, and literature consisting of: books, pamphlets, published works, and all other written works.

The low appreciation of books and reading interest of the public resulted in the protection of book copyrighted works facing the problem of copyright infringement. Although there are already laws that regulate it, book piracy is increasingly mushrooming in the community. Therefore, it is necessary to socialize as a form of community service, in order to better know the rights and obligations between the

parties what can and should not be done to appreciate the creator.

Based on the brief introduction above, the author is interested to understand how the food law regarding the phenomenon of book piracy ?

METHOD

This research method is Empirical juridical approach using legislation, conceptual approach, principles and related theories. This study uses secondary data consisting of primary legal materials, in the form of legislation related to research problems.

RESULTS AND DISCUSSION

The Problem Of Book Piracy

Protection of copyright in the international sphere is contained in Article 27 (2) of the general declaration of Human Rights of the world, "everyone has the right to protection (for moral and material interests) obtained from scientific, literary or artistic creation in the case of him as the creator".¹ John Locke taught the concept of property in relation to human rights with his statement : " Life, Liberty and Property". Furthermore, according to Locke there are two kinds of Rights, namely:

- 1.Liberty rights that areas free of duty;
- 2.Claim right that areas where the rightholder is owed a duty by others;

Locke states that man must obtain the fruit of his labors or efforts, no matter what form his efforts take.

The scope of copyright protection according to national regulations in the UUHC includes art, literature and science, among others include: books, pamphlets, published works of writing and all other written works, lectures, speeches, and other similar creations, props made for the benefit of education and science, songs and/ or music with or without text, drama, musical drama, dance, choreography, wayang, and pantomime, works of fine art, works of Applied Art, Works of architecture, maps, works of batik or other motif art, works of photography, portraits, cinematographic works of translation, interpretation, adaptation, pastiche, database, adaptation, arrangement, modification and other works of transformation, Translation, Adaptation, arrangement, transformation or modification of traditional cultural expression works, video games and computer programs. (Article 40 paragraph (1) (HC law). Copyright as immaterial property is a property right that the object of its rights is intangible objects (objects not in body).

The first fundamental principle of copyright is the principle of expression of ideas. The first sentence stated in Article 2 of the Berne Convention for the Protection of Literary and Artistic Works 5 reads: "(1) the expression literary and artistic works shall include every production in the literary, scientific...." The word expression is usually associated with things related to ideas, concepts, ideas, methods. The second principle is the principle of originality is the main principle in addition to the principle of expression of ideas and the principle of creativity. The UUHC explanation states that copyright protection is not given to ideas or ideas because copyrighted works must have a distinctive form, be personal and show authenticity as creations that are born based on ability, creativity or expertise, so that the creation can be seen, read or heard.

Copyright protection is automatic when the idea is embodied in concrete /concrete, then the creation has been protected. It can also be said that copyright protects the expression of ideas in a tangible form. Copyright does not protect works that have not been realized in real form. (Article 41 letter a of the HC law).

Copyright infringement according to Rahmi Janed, arises if there are other parties who carry out what is the exclusive right of the creator or copyright holder without permission. A contrario can also be

considered a violation if the other party violates the norm of restriction (limitation) or fair use (Fair dealing). Forms of copyright infringement can be piracy and duplication. In UUHC Article 44 paragraph 1 and its explanation, Article 46 and Article 47 provide for copyright restrictions that do not harm the reasonable interests of the creator.

Book piracy is an attempt to reproduce a book by printing, photocopying or other means without obtaining written permission from the creator, and from the publisher of the related book. There are 3 (three) problems of book piracy:

1. Lacking public awareness, they consider that knowledge does belong to everyone, but valuing one's intellectualitarianism is also important.
2. Physical and digital piracy, starting from photocopying on campuses to piracy and selling books and e-books on websites and e-commerce.
3. Weak law enforcement, piracy is considered a complaint offense and the difficulty of the legal process for literature works that are hijacked abroad

The phenomenon of book piracy during the Covid 19 pandemic based on the IKAPI survey in April 2020 as follows : 25% : PDF format distributed for free, 54.2% : sales through marketplace/online, 20.8% : free PDF format and sales through marketplace. The Covid 19 pandemic has worsened the National Book Industry. Publishers experienced a decline in sales of physical books in offline/ off-line stores. While sales on online channels are overshadowed by the problem of piracy.

CONCLUSION

The legal protection of TikTok application users against copyright holders of songs uploaded on Tiktok includes a cooperation agreement contained in User Generated Content. Of course, this form of legal protection is based on the provisions of applicable laws and regulations in the form of special rules for musical works and recording artists that are part of Intellectual Property Rights. With this rule, a legal relationship will arise which will then give birth to legal consequences in the form of rights and obligations for Tiktok application users and copyright holders. The form of accountability from application users to copyright holders for songs uploaded on TikTok consists of moral rights responsibility and economic rights responsibility. Regarding the form of dispute resolution in case of legal problems of TikTok application users in this case, namely committing copyright violations, among others, which can be pursued through

mediation, arbitration, or through a lawsuit mechanism in court (the authority to resolve intellectual property disputes in the form of copyright is pursued through the Commercial Court).

The TikTok application, which is being loved by various circles in Indonesia today, turns out that in legal protection for Intellectual Property Rights (HKI) holders, especially Copyright against Song users on the TikTok application, there is still a fairly large gap, because as previously stated that in the terms and conditions TikTok seems to allow IPR violations. To respond to the occurrence of this IPR violation, the role of various related stakeholders is needed, in this case TikTok must be even more assertive, and educate their service users in an innovative and easy-to-understand way so that the message regarding IPR violations can be conveyed properly, and revsi against terms and conditions in order to provide a deterrent effect for users who use songs as the background of their videos without permission from the copyright owner. In addition, the government also conducts education on IPR to the community which is a preventive effort that can be done. If various preventive efforts have been carried out but there are still rampant violations, then the next step is to carry out strict law enforcement and provide a deterrent effect.

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