



## Juridical analysis of piracy of books traded through the marketplace in the perspective of copyright protection in Indonesia

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### Abstract

Copyright infringement in Indonesia is rife, one of which is piracy of books that are printed freely without permission from the Author or Publisher. This case widens when sales are made online. Based on a survey by the Indonesian Publishers Association (IKAPI) in April 2020, 25% of PDF formats were distributed free of charge, then 54.2% sold pirated physical books through Marketplace, and 20.8% sold PDF format books. The Director General of Intellectual Property Rights as a government administrator in the field of law in cases of copyright infringement, the legal process can be pursued through complaint offenses. This means that the Issuer must first report it to the Director General of Intellectual Property Rights. If the marketplace does not filter, legal efforts to protect the rights of authors or publishers are not maximized. What legal remedies can be taken by parties who are harmed by piracy of books that are traded through the Marketplace. This study aims to explain and analyze legal protection against piracy of books traded through the Marketplace in the perspective of copyright protection in Indonesia, legal remedies that can be taken by parties who are harmed by piracy of books traded through the Marketplace and obstacles in law enforcement against book piracy. traded through the Marketplace.

This research is a normative juridical research, the approach used is a statute approach and a comparative approach. The data source is in the form of secondary data consisting of primary legal materials, secondary legal materials, and tertiary legal materials. Data collection techniques were carried out by systematically classifying and integrating three legal materials, both primary, secondary and tertiary. The data that has been collected is analyzed qualitatively then presented with a descriptive method then conclusions are drawn to answer the problems raised in this legal research.

The results of the study show that first, legal protection against piracy of books traded through the Marketplace in Law Number 28 of 2014 concerning Copyright can be repressive and preventive. Repressive legal protection is regulated in Article 114 of the Copyright Law, which means that you can be convicted and pay a criminal fine of one hundred million rupiah. Preventive legal protection is regulated in Article 55 of the Copyright Act, namely by reporting to the relevant institution. It is recommended that the Directorate General of Intellectual Property Rights under the auspices of the Ministry of Law and Human Rights, the Ministry of Communication and Information and Marketplace supervise sellers who offer books without a publisher's permission.

**Keywords:** copyright, piracy, marketplace

### Introduction

The development of the creative economy is one of Indonesia's mainstays to increase competitiveness in the global market. Information and communication technology is the main basis for running a business and developing various products. Behind the rapid development of the need for legal protection, in this case the role of the state is needed. Indonesia as a country that joins the World Trade Association (WTO) has ratified several international laws governing the protection of a person's work, one of which relates to copyright.

Specific rules regarding Copyright are regulated in Law Number 28 of 2014 concerning Copyright (hereinafter abbreviated as UUHC). The UUHC preamble states that Copyright has a strategic role in supporting national development and promoting public welfare as mandated by the 1945 Constitution. This means that there is great potential that the State can take advantage of from the development of Copyright, one of which is economic growth.

Copyright protection is basically the protection of the creator's moral and economic rights. The economic rights in question are part of objects, namely intangible objects

(immaterial objects). Objects in civil law can be distinguished into tangible objects (*lichamelijke zaken*) and intangible objects (*onlichamelijke zaken*) as explained in article 503 of the Civil Code. Apart from that, the limitation of objects in Article 499 of the Civil Code explains that according to the understanding of the law what is meant by objects is every item and every right that can be controlled by property rights.

IPR is a material right to an object originating from the work of the brain and the work of the ratio. On the one hand, the result of rational and rational human work, on the other hand, there is also emotional work. The combination of feelings and rational and emotional work results in a work called intellectual work. Saidin, *Legal Aspects of Intellectual Property Rights*, (Jakarta: Raja Grafindo Persada, 2015), p. 27.]<sup>[15]</sup>

According to Sri Walny Rahayu, "Intellectual property rights in any field such as science, art, and literature have a crucial role to support the development and prosperity of Indonesia. A creator through its abilities and skills can produce a creation of self-expression from its creativity and ideas. For this reason, the state should provide legal protection through recognition for the creator's reputation. It

is quite reasonable because the creator needs not only ability and skill, but also time, energy and money to produce an invention”

The definition of Copyright according to Article 1 paragraph (1) of Law Number 28 of 2014 concerning Copyright (hereinafter abbreviated as UUHC) is the exclusive right of the creator that arises automatically based on the declarative principle after a work is realized in tangible form without reducing restrictions in accordance with the provisions legislation. Gustine Fransiska Putri said that copyright allows a person or group of people to benefit from the use of their creations. This Copyright is granted and regulated by the state.

It should be noted that the book is one of the protected objects of creation in Article 40 paragraph (1) letter a UUHC. Therefore the creator or copyright holder has economic rights which are exclusive rights. The economic right of the creator or copyright holder is the right to obtain economic benefits from the results of his creation, in this case a book creation. Arrangements for the prohibition of commercial use of economic rights of creation without the permission of the creator or copyright holder for the implementation of a work are stated in Article 9 paragraph (3) UUHC of 2014.

Copyright protection for books as stipulated in Article 9 paragraph (1) letter (a), letter (b), letter (e) and/or letter (g) UUHC that there are criminal sanctions in the event of copyright infringement as stipulated in Article 113 (especially in Article 113 paragraph (3)). The provisions referred to in Article 9 paragraph (1) letter a, letter b, letter e and/or letter g are that the Author or Copyright Holder has economic rights to carry out:

1. Publishing Works;
2. Reproduction of Works in all its forms;
3. Distribution of Works or copies thereof;
4. Announcement of Works.

For anyone who fulfills the element of violating Article 9 paragraph (1) letter a, letter b, letter e, and/or letter g for commercial use in the form of piracy, shall be punished with imprisonment for a maximum of 10 (ten) years and/or a maximum fine of Rp. 4,000,000,000.00 (four billion rupiah). Piracy in question is the illegal copying of Works and/or Related Rights products and the widespread distribution of goods resulting from the duplication to obtain economic benefits.

According to Article 144 of the UUHC, managers of trading venues are prohibited from allowing the sale and/or duplication of goods resulting from copyright infringement and/or related rights in the trading venues they manage. Legal protection for creators and copyright holders stipulates that any person who manages a trading place in all its forms who intentionally and knowingly allows the sale and/or duplication of goods resulting from copyright infringement and/or related rights at the trading place they manage, shall be punished with a fine. 100,000,000.00 (one hundred million rupiah) at most.

Book piracy is one of the most common forms of copyright infringement. Book piracy is increasingly common in society, book piracy is mostly carried out in big cities such as Jakarta, Surabaya and Yogyakarta. The goal is to make a profit in a short time by falsifying or imitating the book. The target of book piracy is rife in reference books, dictionaries, and popular textbooks. Copyright holders, in this case, are of course greatly disadvantaged because it can reduce sales

turnover and reduce consumer confidence in the quality of these products.

The phenomenon of book piracy has now entered the online market or Marketplace. According to Opiida, Marketplace is one of the providers of internet-based online media (web-based) which is a place for conducting business activities and transactions between buyers and sellers. Buyers can find as many suppliers as possible with the desired criteria, so that they get according to market prices. Based on a survey by the Indonesian Publishers Association (IKAPI) in April 2020, 25% of PDF formats were distributed free of charge, then 54.2% sold pirated physical books through Marketplace/online, and 20.8% sold PDF format books through Marketplace.

Then based on searches on the Marketplace there are 6 (six) sellers on Shopee, 6 (six) on Tokopedia; and 5 (five) at Bukalapak who are suspected of trading pirated books. Sellers on the Marketplace site have been detected selling pirated books in large quantities. They used to use descriptions in every book.

The Indonesian Publishers Association (IKAPI) as the organization that oversees publishers in Indonesia has made various efforts to sell: "non-original or 'kw", cheap and unreasonable prices because they exceed the price they should be. Tackling book piracy since 2007. Starting from direct raids by the Book Piracy Problem Management (PMPB) team, writing letters to the Director General of Intellectual Property Rights and the Indonesian E-commerce Association, campaigning through car free day events at the HI Roundabout and Ikapi social media, to working with PRCI to form a Copyright Concern Forum in the field of literacy.

It seems that these various efforts have not been able to stop book piracy which is increasingly rampant. Because of this, the Director General of Intellectual Property Rights and the Association of Intellectual Property Consultants said through discussions that they would be happy to help publishers who have experienced piracy. Moreover, the system used to proceed cases of book piracy to the realm of law is through complaint offenses in which publishers must first report them to the Director General of Intellectual Property Rights.

Meanwhile, the Ministry of Communication and Information emphasized the Government's commitment to protecting the intellectual property rights of book publishers. One way is through efforts to cut off access to content originating from book piracy. This is related to the increasing prevalence of book piracy on Marketplaces. "Ministry Kominfo also supports the protection of the intellectual property rights of book publishers. One of the efforts is through terminating access to content that is proven to violate. In the world of books in Indonesia, currently experiencing problems that are getting worse in terms of copyright infringement. This is because the growth of the online market, which should be a blessing for the publishing industry, has instead become a fertile ground for piracy that has even reached an industrial scale.

IKAPI hopes that the government will support the development of online marketplace infrastructure owned by publishers, through associations, for market development and resistance to piracy. IKAPI also proposes that the government realize the formation of an anti-piracy task force and show a firm side with copyright owners (IP) in fighting pirates both in online marketplaces and in

conventional book markets. In addition, IKAPI asked to accelerate the preparation of government regulations as derivatives of the Creative Economy Law on intellectual property rights as a strengthening effort to eradicate book piracy. This shows that piracy of intellectual works in the form of book piracy has become an industry in Indonesia.

Thus, the need for legal protection that must be given to copyright owners with the aim of providing security so that their copyright is protected. Legal protection can be divided into 2 (two), namely preventive and repressive legal protection. According to Maria Alfons quoted in Edi Setiadi and Kristian's book, "In preventive legal protection, the public is given the opportunity to submit objections or submit opinions before a government decision gets a definitive form and repressive protection aims to resolve disputes, including handling them in institutions Justice".

The process of resolving copyright disputes can be carried out in various ways, namely: alternative dispute resolution, arbitration and court (Article 95 paragraph 1 UUHC). The competent court is the Commercial Court, apart from the Commercial Court, it is not authorized to handle copyright dispute resolution. In Indonesia, the Alternative Dispute Resolution process is not limited by region and ideology, some adjustments have been made to make it more useful. because Indonesia has a very diverse society. Procedures must be made as effective as possible, made according to needs with various modifications to better suit the conditions of Indonesian society and Indonesia's relations with the international community.

Copyright is an Intellectual Property Right which is very important to protect, especially for research and development institutions and universities which produce a lot of scientific papers, books, and software (software). Uncertainty in a law in protecting copyright that has been granted by law, will have an impact on progress and the desire of copyright holders to provide their work to society and this is of course very detrimental to the Indonesian state from all sides.

### Formulation of the problem

How is the legal protection against piracy of books traded through the Marketplace in the perspective of Copyright protection in Indonesia and What legal remedies can be taken by parties who are harmed by piracy of books traded through the Marketplace?

### Research methods

#### 1. Types and Research Approaches

This study uses normative juridical research, namely research that aims to examine legal systematics, legal synchronization, and legal comparisons. According to Soerjono Soekanto on normative juridical research, a study is focused on studying and researching legal material, whereas according to Johnny Ibrahim normative juridical research focuses on studying the application of rules or norms in positive law, namely in the form of basic provisions regarding the concept of trading through cyberspace, the responsibility of providers services, the concept of consumer personal data protection, and the relationship between trade in pirated books through the Marketplace, as well as other literature relating to the scope of the issues discussed.

The approach used in this study is the statute approach (law approach). This approach through laws is carried out by

examining all laws and regulations that are related to the legal issues being handled. This research was also carried out through a comparative legal approach by comparing one legal institution from a legal system with other legal institutions. A comparative or comparative approach is carried out to compare the similarities and differences of two or more facts and the properties of the object under study based on a certain frame of mind. By using the comparative method researchers can find basic answers about causation by analyzing the factors that cause or occur a particular phenomenon.

### 2. Sources and Data Collection Techniques

The data source to be used in this study is secondary data based on library research. Data collection techniques in library research are carried out by tracing various written documents related to the research focus such as journals, books, articles and other written materials. As well as reporting from electronic and print media related to the problems discussed in the research.

Data collection techniques in this library research were carried out using documentary studies. A documentary study is a study that examines various documents, both those relating to laws and regulations as well as existing documents. Sources of legal materials used in normative juridical legal research include:

#### a. Primary legal material

Mukti Fajar and Yulianto Achmad, explained that primary legal material is legal material that is authoritative in nature, meaning it has authority, which is the result of actions or activities carried out by the competent institution. Primary legal material can be in the form of binding legal material, including in the form of:

1. The 1945 Constitution of the Republic of Indonesia;
2. Law Number 11 of 2008 concerning ITE;
3. Law Number 28 of 2014 concerning Copyright;
4. Civil Code (KUHperdata).

#### b. Secondary legal material

Secondary legal materials are materials that are closely related to primary legal materials that can help analyze and understand primary legal materials such as books, journals, expert writings, and research results.

#### c. Tertiary Legal Materials

Tertiary Legal Materials, namely legal materials that provide instructions and explanations of primary and secondary legal materials. The tertiary legal materials used in this study are in the form of Legal Dictionaries, Big Indonesian Dictionary, Encyclopedias as well as non-legal materials that are still relevant to this research and others.

### 3. Data analysis

In this study, data obtained through library research were analyzed using a qualitative approach, namely analysis by describing analytical descriptive, in the form of a description of the data collected based on the views of legal experts, legal literature, research results, laws and regulations. invitation so that an objective analysis can be obtained to answer the problems in this study.

## Discussion

### Legal Protection Against Piracy of Books Traded Through the Marketplace in the Perspective of Copyright Protection in Indonesia

The Government of Indonesia in its efforts to realize legal protection of copyrights continuously updates the Laws and Regulations in the field of copyrights to adapt to existing developments both in the economic and technological fields. However, legal facts show that copyright violations in the digital era are increasing rapidly. This can affect the interest of creators, especially writers, in publishing their work commercially.

Piracy that occurs in Indonesia has been organized and has become a profitable industry for certain parties. If traced further, there are 3 (three) main factors causing book piracy to increase every year, namely: the low economy and the lack of public appreciation of copyright; Weak government oversight; Actors who seek profit through book piracy. Especially the supervision factor, if neglected, the other two factors will take root and weaken the position of UUHC.

Article 58 UUHC specifically states that the copyright protection period is 70 (seventy) years for individual legal subjects and 50 (fifty) for legal entities after the death of the creator. The duration of time given is long enough so that if you do not get legal protection, the losses suffered by the Creator and heirs are very large. Coupled with technological developments that allow for an unlimited number of copies, legal protection must cover all possibilities that can have a negative impact.

Protection of the author's work as stated in the UUHC is by regulating moral and economic rights. An author can claim to be the author of a book of his work, and demand that his name be placed on his work. A writer also gets proper appreciation for the work he creates in the form of publishing, duplicating, translating, adapting and distributing. So if there are other parties who want to get the rights to the work, they must have permission from the author.

Even though the UUHC has guaranteed the protection of the rights of authors, facts in the field still find violations of copyright. Author copyright infringement that often occurs is the sale of pirated books. In fact, several cities such as Jakarta, Yogyakarta, Bandung and Semarang have special markets that sell pirated books. Several consortia of publishers, such as those in Yogyakarta, have campaigned for the Movement to combat the distribution of pirated books. This effort can at least neutralize the traders to accommodate pirated books.

Another problem that arises is the sale of books on the marketplace, changes in consumer interest in shopping have diverted business actors to develop their business online so that there is the potential for pirated books to also be available on the marketplace. In an e-commerce system, sellers and buyers can freely carry out transactions, so monitoring the rate of trade must go through a technology system.

The Indonesian government in anticipating the occurrence of a legal vacuum in the event of cyber crime has formed the ITE Law. Even though the development of digital technology will continue to innovate, at least there is a legal basis to provide protection for disadvantaged parties. Referring to the theory of legal protection, steps that can be taken are by applying two forms of protection, preventive and repressive. In the UUHC provisions related to

protection against copyright infringement through information technology-based facilities have been regulated in Articles 54 to 56 Chapter Copyright Content and Related Rights in Information and Communication Technology.

The form of preventive protection is stated in Article 54 UUHC, namely:

To prevent Copyright and Related Rights infringement through information technology-based means, the Government has the authority to:

- a. Supervision of the creation and distribution of content infringing on Copyright and Related Rights;
- b. Cooperation and coordination with various parties, both domestic and foreign in preventing the creation and dissemination of content infringing on Copyright and Related Rights; and
- c. Supervision of the act of recording using any media on Works and Related Rights products at the venue.

The article reads above indicating that the government is making efforts to monitor works created and distributed through digital media and also collaborating and coordinating with various parties to detect content that has the potential to infringe on copyright. One of the parties referred to is the developer, because their role in managing user data (users) can easily monitor all activities in the application.

Not limited to UUHC authorized institutions also accommodate supervision from the community. Article 55 paragraph (1) also states that, Everyone who knows Copyright and/or Related Rights violations through the electronic system for Commercial Use can report to the Minister. As stated on the website of the Directorate General of Intellectual Property (DJKI), the public can report copyright infringements through the DGIP website by filling out the available Complaint Report (BAP). This form of reporting is confidential, the reporter can declare himself anonymous. Efforts made aim to minimize copyright violations through digital platforms.

If traced, e-commerce platforms have their own policies in protecting intellectual property rights. In general, the rules listed are prohibitions and actions against copyright infringement and such as a warning notice appearing or an account that is detected is prohibited from accessing it (takedown). Applications such as Lazada and Alibaba even provide a special platform to receive reports of intellectual property rights infringement.

Meanwhile, the form of repressive protection is mentioned in Article 56 UUHC, namely:

The minister administering government affairs in the field of telecommunication and informatics based on the recommendations referred to in Article 55 paragraph (3) may close content, and/or access rights of users who violate Copyright and/or related Rights in the electronic system and render electronic system services inaccessible. accessed.

The Minister of Law and Human Rights as a government agency in charge of copyright protection in taking action against digital copyright infringements coordinates with the Minister of Communication and Informatics because the form of action taken is to close access to services for users. In Article 95 of Government Regulation no. 71 of 2019 concerning Implementation of Electronic Systems and Transactions, the actions referred to can be in the form of closing service access for users or instructing electronic system operators to cut off services for users. This means that the government can easily take further action if it finds or finds copyright infringement.

The case of selling pirated books on several e-commerce platforms, such as Shopee, Tokopedia and Lazada, still raises questions. In searching for the author on one of the marketplace websites, namely shopee, for the provisions of seller products, they are required to follow the policies made by the company, including that every product sold does not have the potential to violate copyright. Shopee even makes preventive policies by providing product violation reporting services and facilitating sellers to register their products as Intellectual Property.

The sanctions given to sellers who violate this policy will be subject to a penalty point system which has an impact on reducing store service facilities. If the accumulated points exceed 15 (fifteen) then the account will be restricted so that it will reduce sales performance. This point calculation is valid for 3 (three) months, if the seller improves store performance and reaches the target, after 28 days the seller will benefit from enjoying the facilities provided by the marketplace. This policy was made with the consideration that the seller has good faith in running his business.

*Marketplaces* Others like Tokopedia also have the same policy, namely supervision from the Tokopedia team and reporting from copyright holders or other parties. The form of sanction applied also uses a point/score system, but the number of determinations is different, namely 140. The sanction category is that if a penalty score of 20 is reached, the product sold will be removed by Tokopedia and the store's performance score will decrease. If the score increases to 40 similar products potentially cannot be sold by the store and if it reaches a score of 100 then the store will be moderated temporarily. If a score of 140 has been reached, the store will be permanently moderated, meaning the account is deleted.

The various policies described above show that there are legal efforts made by the marketplace to monitor copyright infringement. The form of protection also follows the pattern applied by UUHC, namely by carrying out supervision and taking action against sellers who violate copyright. Even though in the repressive stage the marketplace does not immediately delete the seller's account, the policies that are enforced can reduce the occurrence of copyright infringement. However, the terms and conditions will continue to be updated according to State policies.

Intellectual Property (IP) is basically protection that has been agreed upon by the International Trade Organization, so all companies are required to ratify its policies to protect the rights of a work. Even though this rule has been implemented, sometimes there are gaps that have not been able to accommodate the value of justice in it. As quoted from the Tirto.id news site, several writers' associations such as the Indonesian Writers' Association (Satupena) or Yogyakarta Pressindo Media Publisher see that the form of protection implemented by the marketplace does not have a positive impact. Closing an account is not a solution that can provide a deterrent effect, sellers can easily create a new account and sell the same product again.

The Association also believes that the government must take further steps to prevent the sale of pirated books online. Because the government has collected a royalty tax for artistic workers, including writers, in the amount of 15% in accordance with Article 23 of Law No. 36 of 2008 concerning Income Tax. When compared to the ratio of sales and payment processes that are uncertain, this figure is

large. So naturally there are demands from writers and publishers on the government's role in protecting their rights.

### **Legal Remedies That Can Be Taken By Parties Affected By Piracy Of Books That Are Traded Through The Marketplace**

Legal remedies that can be taken by copyright holders can be taken in the following steps:

#### **1. Make complaints and coordinate with Customs agencies in terms of global piracy**

This is contained in the provisions of Article 54 of Law Number 17 of 2006 concerning Amendments to Law Number 10 of 1995 concerning Customs, that:

At the request of the owner or holder of rights to a mark or copyright, the chairman of the commercial court may issue a written order to the customs and excise official to temporarily suspend the release of imported or exported goods from the customs area which, based on sufficient evidence, are suspected to be the result of trademark and copyright infringement. protected in Indonesia.

Therefore, on a written order, customs issues an order to suspend the release of export and import goods. A temporary suspension is issued in writing by customs to the importer, exporter or owner of the goods at the request of the owner or holder of the rights to the mark.

#### **2. Submit an application for a provisional injunction with the commercial court**

The request for a provisional injunction is submitted in writing to the Commercial Court, this is confirmed in the provisions of Article 95 of Law Number 20 of 2016 concerning Marks and Geographical Indications.

An application for a provisional injunction shall be submitted in writing to the Commercial Court in the jurisdiction where the Mark infringement occurred with the following requirements:

- a. Attach proof of brand ownership;
- b. Attaching evidence of strong initial indications of Mark infringement;
- c. Attach clear information regarding the goods and/or documents requested, searched for, collected, and secured for evidence purposes; and
- d. Submit collateral in the form of cash and/or bank guarantees in proportion to the value of the goods to be subject to provisional stipulation.

The stages in the case of an application for a temporary determination are listed in Article 96 of Law Number 20 of 2016 concerning Marks and Geographical Indications, namely:

- e. In the event that the application for an interim injunction has fulfilled the requirements referred to in Article 95, the clerk of the Commercial Court shall record the application for an interlocutory injunction and must submit the request within 1x24 (one twenty four) hours to the chairman of the Commercial Court.
- f. Within a maximum period of 2 (two) days from the date of receipt of the application for the interlocutory injunction as referred to in paragraph (1), the head of the Commercial Court shall appoint a judge of the Commercial Court to examine the application for the interlocutory injunction.

- g. Within a maximum period of 2 (two) days from the date of appointment as referred to in paragraph (2), the Commercial Court judge must decide whether to grant or reject the request for an interlocutory injunction.
- h. In the event that the application for an interim injunction is granted, the Commercial Court judge issues a court interim injunction.
- i. The court provisional decision letter as referred to in paragraph (4) shall be notified to the party subject to the court provisional decision within a maximum period of 1x24 (one twenty four) hours.
- j. In the event that the application for an interim injunction is rejected, the judge of the Commercial Court will notify the applicant for the interlocutory injunction with the reasons for the refusal

### 3. The aggrieved party or copyright owner files a civil lawsuit

Copyright owners whose creations are equated, falsified, illusioned, and pirated can file a lawsuit accompanied by strong evidence so that the lawsuit can be accepted. In the event that a civil lawsuit is filed with the Commercial Court by the owner of the infringed copyright in the form of:

- a. Claims for compensation, namely the payment of an amount of money as compensation for the violation committed.
- b. Cessation of all actions related to the use of the mark.

In a claim for compensation (damage), the plaintiff must be able to prove that the defendant's actions have resulted in a loss for himself and compensation is intended.

The government as the drafter and examiner of laws regulates copyright in Law Number 28 of the Republic of Indonesia of 2014 concerning Copyright. The copyright of the book is the copyright of Article 113 of the Criminal Code Chapter XVII (3) (4), Article 28, Article 114 and Article 120 of the Copyright Law of the Republic of Indonesia. In fact, law enforcement officials, in this case the police, prosecutors and judges, do not act efficiently in piracy cases which are reported crimes. The police and other law enforcement officials are limited in their ability to handle cases of copyright infringement if the complaint is made by the person concerned, because there is an article which states that infringement on product copyright is a crime against complaints.

There are 2 (two) types of complaint offenses, namely absolute and relative. In this case the determination of complaint offenses is not entirely related to thinking as an effort/prevention (preventive). The formulation of branded crime is important because on the one hand it is the basis for handling applications in the criminal justice system so that it is more effective and efficient as a form of criminal law enforcement to support business economic processes, especially norms and values in the field of IPR, while the public prefers dispute resolution through legal route.

Settlement of copyright infringement can be done by filing a lawsuit to the Commercial Court. As regulated in Article 95 of the Copyright Law:

- 1. Copyright dispute settlement can be done through alternative dispute resolution, arbitration or court.
- 2. The competent court as referred to in paragraph (1) is the Commercial Court.

- 3. Other courts other than the Commercial Court as referred to in paragraph (1) are not authorized to handle copyright dispute resolution.
- 4. Apart from infringement of copyright and/or related rights in the form of piracy, as long as the parties to the dispute are known to exist and/or are located in the territory of the Unitary State of the Republic of Indonesia, they must first seek settlement of the dispute through mediation.

In a book copyright infringement suit, there is also a temporary stipulation or injunction. This temporary stipulation is issued by the Commercial Court at the request of the party whose rights have been infringed as a means of preventing the continuation of copyright infringement. Article 99 paragraph (3) letter a of the Copyright Law also states that the author also has the right to request confiscation of the published object or the results of the reproduction of the work.

The commercial court's decision must be pronounced in a hearing open to the public. The decision must be pronounced no later than 90 days after the lawsuit is registered. If the said period cannot be fulfilled, with the approval of the chairman of the supreme court, this period can be extended for 30 (thirty) days. Meanwhile, the bailiff must convey the decision of the commercial court to the parties no later than 14 days after the decision is read.

The importance of socialization and a new regulation related to copyright because in fact a regulation was created to keep up with the times, therefore even though the socialization has been carried out in stages by law enforcement officials, violations still occur, therefore there is a need for strict rules that carry a cruel impression in every threat of punishment so that the perpetrators of violations can be reduced. They did their best on the case, but when they discovered the book was being pirated and sold, they couldn't do much. This occurs because the results are unsatisfactory when reporting illegal copies to law enforcement, the police.

Even if legal action is taken, this will happen, over and over again, and it is hopeless. It is not the pirated manufacturers or wholesalers who are the centers or suppliers of pirated books, but the smaller ones who act as intermediaries in pirated book transactions. Needless to say, it took time, effort and money to solve this case. However, cases of piracy have been repeated.

This makes it clear that the lack of public understanding related to copyright infringement and normalizing such violations, it is still very rare for merchants, buyers, and the community itself to find awareness of taking action to protect the financial rights of creators and copyright owners. Demands for conditions and increasing financial needs require people to commit copyright infringement by pirating other people's works and enjoying the pirated works of others in the form of pirated books. There are even some of them who have evaluated works of art starting from themselves.

### Conclusion

Legal protection against piracy of books traded through the Marketplace in the perspective of Copyright protection in Indonesia. Law Number 28 of 2014 concerning Copyright provides authority protection to writers. This regulation supports the protection of creators in the form of exclusive rights. Article 10 of the Copyright Law states that trade managers, both conventional and online or marketplace,

should not allow the sale of copies of goods or distribution. Article 55 of the Copyright Law states that anyone who is aware of any violations can only be reported to the relevant institution. Penalties for violations are regulated by Article 114 of the Copyright Act.

Legal protection is divided into two types, namely repressive legal protection and preventive legal protection.

- a. Repressive legal protection, namely legal protection that is carried out after the act or violation has been committed, in the form of fines, imprisonment and punishment.
- b. Preventive legal protection is legal protection in the form of prevention of violations committed directly by related government officials.

Legal remedies that can be taken by parties who are harmed by piracy of books traded through the Marketplace.

- a. File a lawsuit with the Commercial Court
- b. Submitting a provisional ruling to the Commercial Court that is useful as a means or preventing the continuation of copyright infringement.
- c. Requesting confiscation of books and proceeds from copyright infringement.

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