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Legal Aspects of Copyright for Electronic Books (E-Books) as a Form of Intellectual Property Rights

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Abstract

The use of electronic books (e-books) is increasing along with advances in information technology. However, this growth presents a number of legal challenges related to copyright protection of intellectual works. This article describes the legal aspects of copyright related to e-books as a form of intellectual property rights. By examining the applicable legal framework, the author explores issues such as the exclusive rights of copyright holders, protection against illegal copying, as well as effective law enforcement mechanisms in the context of e-books. Through this analysis, it is hoped that it can provide a better understanding of legal protection for intellectual works in the form of e-books, as well as encourage the development of policies that support innovation and the creation of sustainable intellectual works in this digital era.

1. Introduction

Intellectual Property Rights (hereinafter abbreviated to IPR) originate and develop from an understanding of the need for a special form of appreciation for someone's intellectual work and the rights that arise from that work (Kadir, 2007). This IPR only exists when human intellectual abilities have formed something that can be seen, heard, read or used practically. IPR is a right that originates from the results of creative activities, a human thinking ability that is presented to the general public in various forms, which has benefits and is useful in supporting human life, and also has value that originates from the results of the brain's work or the results of rational work, where the results of work formulated as intellectual, so that when something is created based on the work of the brain it is formulated as IPR (Djumahana,2003).

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According to their nature, rights in IPR can be classified into two, namely Economic Rights and Moral Rights. Economic Rights are the right to obtain profits from intellectual property. It is said to be an Economic Right because IPR is an object that can be valued in money (Saidin, 2015). These economic rights are in the form of profits in the amount of money obtained from use by other parties based on a license. Economic rights are taken into account because IPR can be used/utilized by other parties in industry or trade to generate profits. One type of IPR that has significantly contributed to improving the quality of human resources is scientific work, especially in book form. The results of scientific work can be written in the form of a printed book or in the form of a digital book (e-Book) in the form of files (pdf, doc, txt) and can be downloaded and read via electronic devices. Each form of book has its advantages and disadvantages. One of the advantages of printed books circulating in large bookstores is that they have and include an International Serial Book Number (hereinafter referred to as ISBN).

By having an ISBN, printed books are still trusted as a reference for academics as a reference in compiling their scientific work. E-books are electronic versions of books that require electronic media (computer/laptop, smartphone, tablet, etc.) to be read (Kusniawan,2014) . Because e-books are electronic objects (more precisely digital objects), e-books automatically have the properties of digital objects. One example of the main characteristics that support the reproduction and distribution of digital objects is the ease with which they can be duplicated and distributed (especially with the rapid use of internet technology). This characteristic has led to a condition where the number of e-books in circulation currently far exceeds the number of print versions in circulation. Entering the digital era and the high need for society to obtain and share knowledge, it is no longer inevitable that people freely share electronic books, both interpersonally and openly to the public via websites, weblogs, or social media on the Internet network. , this reality occurs because of the views of some people who believe that the interests of society in gaining access to knowledge should be prioritized over the rights of copyright owners, especially economic rights.

There is an opinion that basically moral rights are actually more desired by creators than economic rights, as is the opinion of Catherine Colston in Ignatius Haryanto below: "In the concept of copyright as part of intellectual property rights, it is known that there are economic incentives or rewards for someone's work, However, what a creator wants more importantly is the reputation and integrity of the work produced. When a work is shown to the public, the creator wants his name to be attached to the work that has been produced." The aim of legal protection in efforts to protect copyright is to increase economic income while simultaneously fostering the creativity of creators in creating and ensuring the protection of one's copyrighted works, especially in the form of infringement of copyrighted works. The law recognizes that copyright exists from the moment the creation is completed. Creation as defined in the Copyright Law is the result of each creator's work in a unique form and shows its authenticity in the fields of science, art and literature. In accordance with the aim of copyright law protection, namely to prevent the occurrence of a legal event that is detrimental to the creator (Haryanto, 2014).

Looking at the description of what constitutes a creation as mentioned above, it can be seen that books are one of the protected creations, as are adaptations. In the Explanation section of Article 40 paragraph (1) letter n UUHC 2014, it is stated that what is meant by "adaptation" is changing the form of a creation into another form. Electronic Books (E-Books) are also protected works because they are adaptations of initial creations in the form of books, each of which has its own copyright after being realized in real form (. This is also as stated in Article 40 paragraph (2) UUHC 2014 which states: The creation as intended in paragraph (1) is protected as a separate work without prejudice to the copyright on the original work. Although Law Number 28 of 2014 concerning Copyright has provided legal protection for copyright, in its implementation many violations have occurred. copyright infringement and violations of these rights can be prosecuted for their actions.

There are several novels published by Stiletto Book Group that are also for sale and many best-selling novels from other publishers. The pirated e-book itself is priced at IDR 20. 000, - up to Rp. 100,000, - by paying credit to be able to join one of their media accounts. Usually e-book resellers sell on Instagram. E-books are easy and can be easily obtained in the hands of e-book lovers and are free for life. It cannot be denied that the price of books in shops today is quite expensive and there are rarely any discounts or discounts. Even if there are, that's if the shop is having a bazaar or warehouse clearance. However, today's teenagers prefer to get anything instantly (for free) without thinking about the impact on writers who are struggling to publish a work. Based on the background description above, the author is interested in examining the problem being studied "How electronic books (e-books) are regulated as copyright according to Law Number 28 of 2014 concerning Copyright."

2. Methods

The literature study method was carried out to carry out Comparison of existing legal frameworks for electronic books in various jurisdictions to find differences and similarities in copyright protection (Creswell, JW 2014). Analysis of significant legal cases involving copyright infringement of electronic books to understand the application of the law in practical situations . Interviews with legal experts, content creators, publishers, and e-book platform owners to gain first-hand insight into legal issues that arise in practice. survey of copyright holders, authors, and e-book readers to gain an understanding of their perceptions and experiences related to copyright protection and use of e-books (Yin, RK 2017). The data analysis used is data analysis from various sources to identify trends, challenges and opportunities in legal protection for electronic books (Flick, U. 2018).

3. Results and Discussion

The rapid development of information technology, especially computer programs and the internet, has had a huge influence on law especially those related to industry and copyright. In reality, it seems that society's current legal readiness and understanding cannot fully compensate for the access that arises from the use of information technology. Electronic books (abbreviated as electronic books or e-books) or digital books are electronic versions of books (Hamid, 2011).

If books generally consist of a collection of paper which can contain text or images, then electronic books contain digital information which can also be in the form of text or images. Electronic books are in demand because of their small size compared to books, and also generally have a search feature, so that words in electronic books can be quickly searched and found. There are various popular electronic book formats, including plain text, PDF, JPEG, Doc Lit and HTML. Each format has its own advantages and disadvantages, and also depends on the tool used to read the electronic book. One effort to preserve literature in book form, which is large in quantity and requires expensive maintenance costs, is to transfer it from book form to electronic book form. In this case, a lot of space and effort will be saved in maintaining the literature.

Amazon is one of the companies that develops electronic books. They use electronic books to become increasingly popular because they can be read anytime, anywhere with Kindle, one of the tablets they launched. Electronic books can be opened with various kinds of software including Adobe Acrobat, Microsoft Word and many more depending on the format you have. There are various electronic book formats that are widely used.

Popularity generally depends on the availability of a variety of electronic books in that format

and the ease with which the software used to read that type of format is obtained:

1. Plain Text is the simplest format that can be viewed in almost every software using a personal computer. For some car devices the format can be read using software which must be done first installed.
2. PDF has the advantage of being in a format that is ready for printing. The shape is similar to the shape of an actual book. Apart from that, there are also search features, table of contents, loading images, external links and also multimedia.
3. JPEG Like other image formats, the JPEG format has a large size compared to the text information it contains, therefore this format is generally popular not for electronic books which have a lot of text but for types of comic books or manga whose proportions are dominated by images.
4. LIT Format LIT is a format from Microsoft Reader that allows text in electronic books to be adjusted to the width of the mobile device screen used to read it. This format has the advantage of a letter shape that is comfortable to read
5. Docx Docx format a format from Microsoft Word which is very common nowadays and is spread on the Internet. This format is very widely used because of the large number of MS Word users and the output files are quite varied, making it very popular.
6. HTML In HTML format This image and text can be accommodated. The layout of the text and images can be adjusted, but the results on the screen sometimes do not match when printed
7. Format Open *Electronic Book Package* this format is also known as OPF Flip Book. OPF is an electronic book format based on XML created by an electronic book system. Electronic books in this format are known when FlipBooks as rendering software displays books in 3D format that can be opened (flipping). There is an ongoing project that seeks to make the OPF format readable using standard Internet browsers (e.g. Mozilla, Firefox, or Microsoft Internet Explorer), without the need for additional equipment (software, plugins). Currently, to view electronic books in OPF format so that you can actually get the feeling of opening the book (flipping experience), rendering software is required on the client or user side.

An E-book, as defined by the Oxford English Dictionary, is “an electronic version of a printed book that can be read on a personal computer or handheld device specifically designed for this purpose”. "E-Book is an electronic representation of a book which is usually published in printed form but this is in digital form." E-Books have two important characteristics, namely First, E-Books are digital. Second, E-Books require special reading equipment. E-books are dedicated to those who read electronic media or e-book devices either via computer or via cell phone which can be used to read this electronic book. Electronic books offer creative possibilities for expanding access as well as changes in learning behavior and academic research (Made. 2014).

E-book content can always be accessed regardless of time and place, it can be read on a PC (personal computer) or via a portable book reader. E-books have advantages in terms of accessibility, functionality, and cost-effectiveness. Due to the advantages of e-books, it is not surprising that currently many academics use e-books as part of their information experience and research habits. This is proven by a survey conducted by Springer in 2008, it was reported that users mostly access E-books for research and study purposes and the types of E-Books that are often used are reference works and textbooks. And most users get E-books through general search engines such as Google and also through online library catalogs. Among the users there are those who like E-books, but on the other hand there are still many users who prefer the use of printed books because they have the advantage of ease and enjoyment of reading. have expertise. Michael Hart and his Project Gutenberg were pioneers in pursuing the use of digital technology for textual materials. He started his project in 1971 by digitizing the Declaration of Independence (US proclamation of independence) using a standard known as the American Standard Code for Information Interchange (ASCII).

The technology was still simple and without consideration of the beauty of the display as can now

be done with various word processing programs. The goal is also simple: to provide as many digital texts as possible to the general public. Books made digital fall into the following categories:

a. "Light" literary books such as Alice in Wonderland,
b. Heavy literary books such as the works of Shakespeare, and
c. Reference books such as almanacs, encyclopedias, and dictionaries.

After scanner technology developed, librarians could order replicas of books that were no longer in print (out-of-print). Several publishing companies, such as Replica Books and Ingram's Lighting Source, began providing digital texts or scans of out-of-print book pages. As CD-ROM technology stabilized, digital texts of entire books became increasingly available.

Manufacturers are starting to also utilize retrieval technology so that e-books have advantages over printed books in terms of ease of searching for certain words or moving between pages. However, the interface of this e-book is still less attractive and makes it difficult for readers to enjoy the contents of the book as enjoyable as if they were reading a printed book. When transfer speeds on the Internet increased, e-books were distributed via this "fast track".

The development of e-book technology of course requires various new practices in librarianship. However, librarians must carefully pay attention to developments in e-journals and e-books so that they can prepare anticipatory plans if one day the need increases. The Indonesian government hopes that Indonesian society is a knowledge-based society because this is a national strategic policy mission, namely within the framework of Research and Development, the Ministry of Education and Culture.

The Indonesian Institute of Sciences also provides facilities for authors and the public to open access to various electronic books with open licenses. This facility has been opened under the name Electronic Books. Apart from scientific books, electronic books are also intended for 'scientific learning' books, such as diktats, textbooks, etc. In early 2000, the American technology giant Microsoft began converting all the books in the American Library of Congress into digital form. The largest library in the world has a collection of 115 million books, magazines, journals, in 450 languages. This is of course a breakthrough that means people don't have to tire of going to the library to study and look for references. Microsoft's decision is quite reasonable because interest in "reading" books, which brings publishers and consumers together, is growing.

However, on the other hand, physically bringing books is always a problem. For example, a book is lost or damaged. Not only that, the spread of information and knowledge originating from books from parts of Europe and America often experiences delays in arriving in Asian and African countries. Microsoft is actually not the first player to launch electronic books. Around the end of the nineties towards 2000, ebookcentral.com, Media, and Soft Book Press had started and even published electronic book devices. However, because at that time many publishers were not interested in making digital editions of books, Media and Soft Book Press had to sell Rocket Book, which is an electronic book reader device, for US$ 199 from the initial price. US$ 300, not only that, the existence of these two companies creates an intelligent, creative and competitive Indonesian society in a knowledge-based civilization. The implementation stages include mastering knowledge, increasing the ability of decision makers to absorb knowledge, increasing the education budget, improving the pro-knowledge curriculum, and building a bureaucratic system that stimulates society to be creative and innovate.

The factors that support the government's hopes are starting to be marked by the number of institutions/agencies and individuals appearing to provide data source services for various needs for scientific references, in this case in the form of scientific references which are certainly very helpful for anyone who needs a reference. to increase their knowledge about something. Legal sources of

electronic books in Indonesia include those released by the Department of National Education with the opening of Electronic School Books (BSE). BSE is a legal electronic book with an open license which includes textbooks from basic to advanced levels.

The copyright for books on BSE has been purchased by the Indonesian government through the Ministry of National Education, so they are free to download, reproduce, revise and buy and sell, but with a predetermined price limit. Moreover, all of these books have been assessed and passed the filters of assessors at the Center for Curriculum and Books, Research and Development Agency, Ministry of Education and Culture. The Indonesian Institute of Sciences also provides facilities for authors and the public to open access to various electronic books with open licenses. This facility has been opened under the name Electronic Books. Apart from scientific books, electronic books are also intended for 'scientific learning' books, such as diktats, textbooks, etc. In early 2000, the American technology giant Microsoft began converting all the books in the American Library of Congress into digital form.

The largest library in the world has a collection of 115 million books, magazines, journals, in 450 languages. This is of course a breakthrough that means people don't have to tire of going to the library to study and look for references. Microsoft's decision is quite reasonable because the interest in "reading" books, which brings publishers and consumers together, is increasing (Sabri. 2016). However, on the other hand, bringing in books physically is always a problem. For example, a book is lost or damaged. Not only that, the spread of information and knowledge originating from books from parts of Europe and America often experiences delays in arriving in Asian and African countries.

In the next development, Adobe, which is famous for its Fotosoft tool for managing photo displays, released Acrobat Reader. This reading device can be obtained on the Adobe.com homepage for free. Adobe has also developed an additional feature called CoolType, with this facility allowing book displays to be read on an LCD (liquid central display) screen. This screen is now used by many handheld computer providers. Currently, Android users are also spoiled with applications for reading books named Aldiko Book Reader. In fact, now Aldiko has reached version 2. On Aldiko Book Reader 2.0, changes were made, especially in the user interface, where users can easily access the latest books and best-sellers, better font choices, better text rendering and typography, and many more conveniences obtained for Android users. 16 There are three notes that are worth opening to see the development of Electronic Books in the world, not only the initial pioneering but a number of successes which has been carried out in the following three places: Project Gutenberg, is the largest and oldest digital book service that supports free electronic books.

To date, there are more than 25,000 digital books that can be easily found in its online catalog. Then at Cornell University. This facility provides open access to 368,128 electronic references in the fields of physics, mathematics, computer science and quantitative biology. This is based on the intentions of a number of scientists who care about the free dissemination of knowledge to the general public. In the past, these scientists presented their work in prestigious and paid electronic journals, but now these have been made free as well as the books published by these scientists. Then there is the million book project or what is known as The Million Book Project. This project was developed by Universal Library, which is a digital library pioneered by Carnegie Mellon University in the United States, Zhejiang University in China, the Institute of Science in India, and the Alexandria library in Egypt. This project contains references in 16 languages and the book collection has been around since the 16th century. Until now, the electronic book industry throughout the world is not yet as mature as conventional books, although sales of electronic books in the United States show superiority compared to printed books. This positive trend has apparently been able to bring the network of publishers and electronic book service providers, which previously were often less responsive to buyers, to now start to show their seriousness.

The law functions as a means of protecting human interests, so that human interests are

protected, so the law must be implemented. The implementation of the law can take place normally, peacefully, but it can also occur due to violations of the law. Laws that have been violated must be enforced, it is through law enforcement that the law becomes a reality.

Copyright is the result or discovery of human creativity in the fields of art, literature and science. The issue of copyright is a very broad problem, because it not only concerns individual rights in the national environment, but it is a problem that has spread and been discussed in the international environment. The legal regulation of copyright is actually a recognition of exclusive rights, namely the right to enjoy the economic benefits of a work for oneself, to the exclusion of other people who cannot enjoy it without their consent. The law protects such monopolies and prevents others from unfairly benefiting from their creations. Creators can enjoy the fruits of their labor without any interference that could harm their interests through monopoly. It is hoped that the power of monopoly protection will become an incentive to spur creativity and develop society's innovative power, so that more and more diverse new creations can be born. There are at least several reasons why it is so important for all parties in Indonesia to pay serious attention to copyright, namely:

1. Copyright contains a culture of rational thinking, a culture of creative thinking, a culture of working and creating, and a culture of respecting the work or efforts of other people. These kinds of cultures are very necessary if we want to build a developed society or country.
2. World development has entered a new phase where goods with IPR in general and copyrighted goods in particular have become commodities with high economic value. The more countries produce copyrighted goods, the greater the opportunity to increase the country's foreign exchange. In the present and future, Indonesia will no longer only rely on export commodities originating from natural sources. Natural resources are limited and one day they will run out
3. The birth of the WTO which was followed by TRIPs was a drumbeat of free competition, even one-on-one competition between countries, and in reality it was competition between people. Human intelligence, creativity and speed of action are the keys to winning the competition. If our nation remains unconcerned with copyright culture, the culture of creation (which requires intelligence, creativity and speed of action) will never develop in Indonesia. If the culture of creation does not develop, then our nation will only be a buyer or consumer of foreign products (European, American, Japanese, Korean, etc.) as it has been up to now.

The enactment of the 2014 UUHC is an improvement made to the previous law. The aim of this improvement is of course directed at better protection given to creators and their creations. The increasingly rapid developments in the fields of science, technology, art and literature have created a need for increased protection and guarantees of legal certainty for creators, copyright holders and also owners of related rights. Indonesia's participation in various international agreements in the field of copyright and related rights also encourages Indonesia to apply them further in the national legal system, so that national authors and creators are able to compete internationally.

This is also included in some of the background to the birth of the 2014 UUHC replacing Law Number 19 of 2002 concerning Copyright. From this explanation, it can be seen that the real purpose of this law is to provide better protection for creators. This can be seen from the articles in the law which show the seriousness of the protection provided to creators, copyright holders and related rights owners. Not much of the implementation of UUHC 2014 can be seen in real terms in law enforcement in Indonesia. This is because this law has only been enforced since the end of 2014.

However, in theory we can see an illustration of the implementation of this law in protecting the rights of parties to copyright in Indonesia. There are several changes in the 2014 UUHC, including the protection of the economic and legal rights of creators and the information and communications technology industry, where in the previous law the issue of economic rights was placed in the general

explanation section. Meanwhile, in the 2014 UUHC, the economic rights of creators or copyright holders are regulated in a special article, namely Articles 8-11 of the 2014 UUHC, economic rights in Articles 12-15 of the 2014 UUHC, the transfer of which is regulated in Articles 16-19 of the 2014 UUHC. Thus, in terms of protection, also experienced significant changes where in the 2014 UUHC it was given for life and 70 years after death, whereas in Law Number 19 of 2002 concerning Copyright it was only given an additional 50 years after death.

4. Conclusion

Increasingly popular in the digital era. Legal protection of e-book copyright is becoming increasingly important along with the increasing use and distribution of e-books on various platforms. Through analysis of related legal aspects, it can be concluded that:

1. Copyright protection for electronic books is regulated by the legal framework applicable in various jurisdictions, although there are differences in effective implementation and protection.
2. Issues such as illegal copying, illegal distribution, and copyright infringement constitute major challenges in the regulation and enforcement of laws regarding e-books.
3. Continuous legal policy development is needed to overcome these challenges, taking into account technological developments and new practices in the distribution and consumption of e-books.
4. Collaborative efforts between copyright holders, publishers, e-book platforms, and governments are key to ensuring effective protection of e-book copyright.

Thus, an in-depth understanding of the legal aspects of electronic book copyright is important for all parties involved in the production, distribution and consumption of e-books to ensure fair and sustainable protection of intellectual works in this digital era.

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