

## Online Sale of Pirated Books from a Legal and Moral Perspective

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### Abstract

The increase in online book sales without permission and copyright violations in Indonesia poses a major threat to written works. This problem requires normative legal and moral studies to find solutions that complement previous research. This article aims to analyze and describe the legal regulations for buying and selling pirated books online and explain that the act of pirating books for sale is a moral crime. Normative legal research was used, which produced prescriptive conclusions. The data in this article consists of the Copyright Law, Information and Electronic Transactions Law, and other technical regulations. These regulations are equipped with various supporting references that discuss copyright issues, moral rights, and integrative legal theory, which describes a comprehensive legal system for responding to regulatory violations. This article reveals that national legal policies are not sufficient to guarantee protection for authors and publishers against book piracy and even make it difficult to report this crime to the police so that the use of the criminal justice system becomes ineffective. Indonesian society's perception of book piracy must be improved from previously being a common practice to a moral crime that is financially detrimental, and to the good name of authors and publishers. This article suggests several changes to the regulatory structure. First, we determine the authenticity verification scheme for books sold in bookstores and on marketplace platforms. Second, eliminating the concept of *Klach Delict* in criminal provisions so that reporting the crime of book piracy can be done by anyone, especially publishers and the public, who observe copyright.

**Keywords:** Copy Right; Moral Right; Pirated Book.

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## INTRODUCTION

In 2019, eleven publishers affiliated with the Indonesian Publishers Association (IKAPI) announced significant losses due to book copyright violations. The estimated loss was IDR 116,050,000,000, even though IKAPI comprises 821 publishers (IKAPI, 2024). Studies show many pirated books are sold online in Indonesia (IKAPI, 2021). The Circular Letter from the Ministry of Communication and Informatics No. 5/2016 on the limits and responsibilities of e-commerce platform providers is why pirated book trade persists online in Indonesia. According to this letter, online marketplace providers are not liable for sellers' infringements, including pirated book sales. They can merely remove the offender's store if there is a complaint. This approach does not deter sellers, who can easily open new stores to continue their illicit trade. Thus, countries like the

USA have placed some of Indonesia's prominent online marketplaces under surveillance, suspecting them of facilitating intellectual property infringements, including pirated books (USTR, 2022).

Publishers and authors also complain about this. In 2019, Marchella Febrित्रisia Putri, author of "Nanti Kita Cerita Tentang Hari Ini", lamented the widespread piracy of her book. She witnessed pirated versions of her work sold online (Katadata, 2019). In 2021, renowned writer Tere Liye criticized those buying pirated books and online platforms that enable such sales (Tempo, 2021).

With the rampant online sale of pirated books, there might be a decline in the interest of translators, editors, designers, illustrators, printers, e-book developers, and publishers (CNN Indonesia, 2021). This outcome affects the entire Indonesian literary sector. However, a silver lining exists: Indonesia publishes the most books with at least 30,000 books annually among ASEAN members. Thus, solutions to the issue of pirated book trade online are crucial. This especially applies to the trade of pirated books conducted in online markets (Tempo, 2021).

Stakeholders in the book industry have made various efforts to prevent the sale of pirated books in online markets. In September 2021, the Operational Task Force for Addressing the Priority Watch List, consisting of the Directorate General of Intellectual Property of the Ministry of Law and Human Rights (DJKI Kemenkumham), the Directorate General of Customs and Excise of the Ministry of Finance, the Food and Drug Monitoring Agency, and the Criminal Investigation Agency of the Indonesian National Police, held a meeting with the E-Commerce Association of Indonesia (idEA). This agenda was established to reduce piracy and the sale of counterfeit goods in Indonesian online markets (PDKI, Intellectual Property Directorate, 2021). In the meeting, the idEA representative stated that online marketplace providers have taken various actions to prevent the sale of counterfeit goods and intellectual property piracy. Examples of these actions include establishing a dedicated website that accepts public complaints about products resulting from intellectual property violations, removing links (merchants) selling pirated goods, and creating educational content about intellectual property violations (Andrés, 2006).

Since around the end of 2021, DJKI Kemenkumham has been working on regulations from the minister of law and human rights. These regulations will govern the forms of violations, penalties, and royalty payments for books or literary works (Radio Republik Indonesia, 2021). In early 2022, the Ministry of Tourism and Creative Economy (Kemenparekraf) collaborated with IKAPI and online market organizers to create a system to identify items for sale (Kontan, 2022).

Based on various reports mentioned, it is evident that multiple stakeholders concerned with book copyrights have collaborated to take measures against the sale of pirated books in online markets. However, these efforts have not been sufficient. Currently, the Law of the Republic of Indonesia Number 28 of 2014 regarding Copyrights (hereinafter referred to as Law No.28/2014) is the primary legislation in Indonesia governing book copyrights. Besides Law No.28/2014, there are several other laws addressing book copyrights. Two such laws are the Law of the Republic of Indonesia Number 3 of 2017 concerning the Book System (hereinafter referred to as Law No.3/2017) and the Law of the Republic of Indonesia Number 11 of 2008 regarding Electronic Information and Transactions, as amended by the Law of the Republic of Indonesia Number 19 of 2016 on Amendments to Law Number 11 of 2008 (hereinafter referred to as Law No.19/2016 in conjunction with Law No.11/2008).

To our understanding, book piracy is a legal violation. It is reprehensible but also contradicts morality, especially when the intent is to profit at the expense of others' hard work. Additionally, it is noteworthy that 2022 has been designated as the year of human rights by the Minister of Law and Human Rights (Saidin, 2019). Given the complexity of handling and resolving such cases, there is a crucial need to integrate moral considerations into the law. The state can certainly formulate regulations that not only prevent harm to others but also protect public morality deemed righteous by society. Thus, restrictions on certain actions do not necessarily have to involve harming others but can also violate public morals recognized by the community (Kimani, 2020; Olujide Ajidahun, 1998). The novelty presented in this initiative is that he has done a study related to the sale of pirate books from a legal and moral perspective, which has yet to be studied from both perspectives.

Regarding evidence of originality and novelty in this research, several previous studies can be presented as a form of comparing the position of this research with previous research. Among them is research conducted by Tiawati and Pura (2021) (Tiawati & Pura, 2021) which states that the reasons for the illegal buying and selling of electronic books are economic motives-and loopholes in Law Number 28 of 2014 concerning Copyright. Then, according to Muryatini & Atmaja (2022) (Muryatini & Atmaja, 2022), the Copyright Law uses the offense of complaints, which means that law enforcement officials cannot act proactively against copyright violations. It often happens that copyright holders do not know that their copyrighted work has been pirated. The effectiveness of law enforcement against the act of selling pirated books through e-marketplaces in Indonesia is currently ineffective. This fact is demonstrated by the large number of cases of pirated books currently being sold in e-marketplaces. The research conducted by

(Rejeki et al., 2023) states that, in practice, the implementation of duties by law enforcement officers such as police, prosecutors and judges needs to reach optimal levels. The current practice of implementing the law is still limited and has not been implemented effectively. Police, prosecutors, and courts must make copyright laws available to the public to change society's deep-rooted culture of copyright infringement. Meanwhile, awareness of the protection of the financial rights of creators and/or copyright holders is still minimal among retailers, buyers and even within the communities concerned.

Of the three studies above, they are still limited in discussing aspects of law enforcement from both the apparatus and consumer sides and none at all have been discussed from a moral and legal perspective. In this research, we took this research gap. By discussing moral and legal aspects, it is hoped that this can become part of the process to overcome the mentality and culture of people who prefer to buy pirated books both online and offline.

## RESEARCH PROBLEM

Online trade in pirated books, even though it constitutes a violation of copyright, is, in fact, still growing rapidly and harms the ecology of Indonesian literature, thus encouraging normative legal research and moral studies to find solutions. Legal system theory, morals, and integrative legal theory focusing on the substance and structure of book copyright laws and regulations, highlight the weaknesses of Indonesian society's legal and moral culture. On the other hand, if seen from integrative legal theory, the norms and values of book copyright law have been integrated. However, behavior and mentality of society are still lacking. Many people in Indonesia continue to pirate and trade books online. Indonesian people continue to buy pirated books online due to financial limitations and a lack of awareness of copyright (morality), which requires reporting to the Directorate General of Intellectual Property, the National Police, and the Ministry of Information and Electronic Transactions. Based on this phenomenon, the research questions in this study are as follows: (1) How does national legal policy guarantee the combating of pirated books online? (2) How is the relevance of determining book piracy as a moral crime?

## RESEARCH METHODS

This research aims to improve understanding of the complex copyright legal system and how people abide by copyright rules. Therefore, the method uses normative legal research that produces prescriptive conclusions. The approach used by the researchers was a legislative approach. To obtain the data to support the conclusion, the researchers study the cases that have already appeared in the

news published in the media, then the opinions of the experts on the case, analyzed by the researcher by referring and comparing with the applicable legal product, empirical as well as theoretical studies. Finally, the results of the analysis of such researchers can be used in a study to confirm its conclusions.

## DISCUSSION

### 1. Combating Pirated Books Online Through National Legal Policy

The Legal System Theory and Integrative Law Theory in Relation to the Sale of Pirated Books on Online Marketplaces. Friedman defined and described three aspects of a legal system. According to him, a strong legal system comprises three interrelated components: legal content, legal structure, and legal culture. The essence of the three components is *Legal Substance* which refers to the legal goods developed, choices taken, and laws set by government lawmakers, all founded on societal legitimacy. The legal substance is not limited to written norms, but also includes living law that has existed in society for centuries (Syafri Hariansah, 2022).

*Legal Structure* refers to the parties, institutions, or organizations determining how the law is effectively implemented. According to Indonesian Law No.8/1981, the legal system in Indonesia includes the police, prosecution, court, and prison institutions (Rado & Badilla, 2020). In addition to the police, the Ministry of Law and Human Rights has specialist officers who deal with copyright enforcement. The law can only be implemented if the enforcers are trustworthy, competent, and independent. Regardless of how excellent a rule is, without efficient law enforcement, justice is elusive.

*Legal Culture* refers to how society responds to the law. Legal culture refers to the social understanding of the law, how society conforms or submits to it, and how it carries out its responsibilities under it. Sudjana defined *legal culture* as attitudes and actions toward the law, and all variables that influence how the legal system fits into society's cultural framework (Sudjana, 2022). Friedman stressed that legal culture is an important component of the legal system, representing society's needs, attitudes, expectations, and perspectives on the law (Sudjana, 2022).

These three elements synergize and operate in tandem within the legal system, akin to a mechanical system's components. The legal structure supports and enables the system to operate, much like the components of a mechanical tool. In contrast, legal culture is likened to the system's usage containing substance and structure (Friedman, 2011). The legal content of copyright for books and the trading of pirated books in online markets is expressed in numerous laws, including Law No.28/2014, Law No.3/2017, and Law No.19/2016 jo Law No.11/2008. Furthermore,

Minister of Communication and Information Circular Letter No.5/2016 is part of the legal content, notwithstanding disagreements concerning its structure. Furthermore, what constitutes legal culture is the compliance of Indonesian society with copyright rules, the book system, electronic information, and transactions in relation to the issue of pirated book trading on online marketplaces. One of the factors is that among communities with low economic ability, the focus is on the low price of the goods (Chandrika & Dewanta, 2019).

Such communities view books solely in terms of price and do not consider authenticity, quality, or even the copyright of the book. Then, from the perspective of integrative legal theory, one of Indonesia's legal luminaries, Romli Atmasasmita, presented his thoughts in the form of a legal theory called integrative law theory. In the paradigm of integrative legal theory, the law essentially consists of three elements: norms (rules), behavior, and values. The three form the tripartite character of the Indonesian legal theory of social and bureaucratic engineering (Atmasasmita, 2019). Specifically, Artasasmita explains that the policies taken by the government are based on normative systems and logic, which, in this case, are principles. These principles and rules must be reflected in the formation of law (Atmasasmita, 2012). It is essential to understand that the integrative law theory is not static or passive. Instead, it is active, dynamic, and possesses high mobility, evolving alongside societal changes over time. This theory observes that within a legal system, there is an interactive and hierarchical connection between value systems, normative systems, and behavioral systems. These three are integrated into one system. Integrative law-theory scrutinize not only the role of law in society but also serves as a benchmark for assessing the success of law enforcement within the community.

The value, norm, and behavior systems are associated with the trading of pirated books in online markets. In this context, the value system embodies the copyright, an exclusive right granted by the state to creators and copyright holders of books. Copyright for books consists of moral and economic rights, which will be elaborated further in the subsequent sections (Wilkinson & Gerolami, 2009). The normative system, in this case, pertains to copyright regulations for books, outlined in laws such as Copy Right Law (2014), Bookkeeping System Law (2017), Electronic Information and Transaction Law (2008, 2016, & 2024), and Ministerial Circular Letter on Limitations and Responsibilities of Platform Providers and Merchants for Electronic Commerce in the Form of User Generated Content (2016).

The enactment of the Copyright Law (2014) stands as a significant breakthrough for the creative industry's progress (Riswandi, 2016). A harmonious

synergy between creators, copyright holders, and related rights holders is expected to be realized through this law. In its consideration, this law recognizes that copyright is intellectual property that covers the fields of science, art, and literature. Legal protection of copyright in Indonesia is based on the declarative principle that the rights are given to the creator as soon as his work is realized and announced in contrast to Intellectual Property Rights such as trademark rights and patents that use a constitutive registration system, required to register in advance the work of his copyright (Hutabarat & Ramli, 2018). Registration at the Directorate General of Intellectual Property is not mandatory, but for the purpose of strong evidence, the work should be registered (Margono, 2012).

Moral rights are inherent and eternally attached to the creator, offering various benefits to them. According to Article 5 Copy Right Law, the creator as the holder of moral rights, has the right to choose whether to include their name in the creation, to use an alias or pseudonym, to alter the creation appropriately, to change the title or subtitle, and to maintain their rights in the event of distortion, mutilation, modification, or any action damaging their honor or reputation. Moral rights are personal to the right of authorship, concerned with attribution and the integrity of the work, and a fundamental challenge to the strong economic considerations that dominate modern copyright discourse (Sundara Rajan, 2019). Moral rights cannot be revoked or annulled for any reason, even if copyright or related rights have been transferred (Hidayah, 2018). In contrast, economic rights refer to the rights of creators and copyright holders to commercially exploit their creations for economic benefit (Nkiko, 2014)

Books are essential for all segments of society at all ages, many people rely on books for their daily activities, including students, teachers, lecturers, and researchers. Books are intellectual property that has made a real contribution to improve the quality of human resources (Kusmawan, 2014). There is a certain period for legal protection of book economic rights stipulated in Article 58 of the Copyright Law, for books written by individuals or groups, economic rights are granted for 70 years, and books written by corporations for 50 years. Book piracy is an attempt to reproduce a book by printing, photocopying or other means without obtaining written permission from the author and publisher concerned (Njatrijani, 2020). Sanctions for those involved in piracy are imposed, such a maximum imprisonment of ten years and/or a maximum fine of four billion rupiah as Article 113 paragraph 4 of the Copyright Law. There is also a sanction provision that any person who manages a trading place that allows the sale or duplication of goods resulting from infringement of copyright or related rights in the place it manages may be subject to a maximum fine of one hundred million rupiah under Article 114 of the Copyright Act. This sanction is formulated with the consideration

that copyright is personal and civil giving rise to absolute rights for creators or copyright holders on the results of their copyright works, including the right to report or not copyright infringement (Amrani, 2019).

Parties that suffer due to the sale of pirated books online include authors, translators, and book adaptors as creators and/or copyright holders of written texts. Book designers and illustrators suffer losses if pirated books contain copyrighted book cover designs and illustrations. Printers, e-book developers, book publishers, and both conventional and online bookstores also suffer from the online sale of pirated books. The loss is reflected in decreased book sales due to reduced book purchases. These parties can report to the Directorate General of Intellectual Property or the Police individually or collectively. In 2019, 12 cases of piracy were reported by a consortium of publishers, recorded in Report No. LP/o634/VIII/2019/DIY/SPKT in Yogyakarta. (Morris et al., 2021). Yasmin (2022) revealed that 55.5% of students at a leading Islamic University in Bandung admitted to buying pirated books despite realizing that such purchases violate the law (Yasmine et al., 2022). Factors constraining law enforcement of the Copyright Act still need to be understood by the Investigator, such as copyright does not always have to be registered, and the interpretation of reporting that is only limited to the most disadvantaged person, namely the author. (Morris et al., 2021). These difficulties show that law enforcement against online book piracy under the Copyright Law stagnated.

Information technology systems facilitate trader's sale of pirated books in online marketplaces. The content in these systems is regulated by electronic information and transaction laws. First passed in 2008, this regulation was motivated by the government's desire to regulate the procedures and how to use information and electronic transactions properly to protect the rights of other citizens (Susanto et al., 2021). The revision of this regulation in 2016 showed that the government's focus on electronic information and transactions was on freedom of speech and made people use it to respond to upset social media posts. (Syahriar, 2021). Article 25 of this law stipulates that Electronic Information or Electronic Documents that are compiled and registered as intellectual works, such as copyright or other forms, must be protected; this substance does not create criminal provisions if violated and has not undergone changes or strengthening in the revisions made in 2016 and 2024. In practice, e-commerce platform providers cannot be held liable if it is proven that there are online book sales activities; however, these platforms provide moral responsibility based on public complaints to remove sales content (Yuswar et al., 2023). This practice shows that e-commerce platforms have not provided maximum copyright protection because they cannot prevent the infringement of economic rights on book authors (Dhityaenggarwangi



& Purnamasari, 2022). Thus, the Electronic Information and Transaction Law is insufficient to support the Copyright Law to eradicate the distribution and sale of pirated books online.

The last regulation that protects copyright from online book piracy is the 2016 Ministerial Circular Letter, a technical regulation to implement the Copyright Law and the Electronic Information and Transaction Law. This regulation lacks normative effectiveness because, in the hierarchy of laws and regulations in Indonesia, the Ministerial Circular Letter is considered binding for the Ministry only, not for the public at large (Amanita, 2019). Several things that are regulated about copyright in this technical regulation. First, prohibited content available on the platform includes goods or services that violate intellectual property rights. Second, it provides a reporting scheme, facilitating the public to report the content and respond immediately and even remove it since the reporting of the content infringes intellectual property (Winarsih & Oktaviarni, 2021).

This regulation does not provide substantive novelty as it tends to impose intellectual property reporting from public initiation. There needs to be more that existing regulations to reduce the demand for and supply of pirated books online. Referring to Lithuania, Gudinaičius and Grigas (2022) revealed that perpetrators of pirated book distribution are predominantly illegal website users with four channels: online bookstores, libraries, subscription service platforms, and academic online bookstores (Gudinaičius & Grigas, 2022). Another study explained that publishers' choice not to print e-books or make them available in minimal quantities further boosts book piracy statistics in these channels (Gudinaičius & Grigas, 2022). In Indonesia, Fitirasih et al. (2019) also revealed that students are motivated to use pirated books because of the benefits they receive, and they have no fear of sanctions for using them (Fitriasih et al., 2019). Those who choose to buy books legally are also not motivated by copyright infringement sanctions but by their moral and ethical beliefs (Hati et al., 2020). In other words, the guarantee of regulations to reduce book piracy does not lie in how many regulations are available and how the threats are regulated but rather in the extent to which the substance of these regulations is believed to be part of the ethics and morals of society.

## **2. Book Piracy: A Moral Crime**

It is simple to locate pirated copies of books in Indonesia. Those seeking may get inexpensive versions of nearly any title, old and new, foreign or Indonesian, from kiosks and stores in shopping malls to various e-commerce platforms that house sellers hawking unlawful items. Pirated books exist in multiple shapes and sizes, ranging from blatant photocopies to black-and-white scanned printouts and high-

quality replicas. Many pirated book dealers use digital messaging applications like Telegram to offer illegal versions of e-books. In contrast, book clubs distribute original e-book files or PDF copies to their members. Obtaining good reading material at the lowest possible cost, or even for free, feels like a triumph for many. Nevertheless, for this reason, the creative business is always fighting piracy, which is frequently perpetrated by literary admirers who should be supporting writers and the industries that support them (Vania, 2021).

The repercussions of piracy are extensive. Publishers who invest in transforming manuscripts into books lose their income, and authors lose their royalty payments. Before publishing, a book goes through an extensive process involving editors, designers, expert readers, and others, incurring significant costs. The rise of book piracy is concerning, and it is vital to trust law enforcement to act. Notably, literary festivals are gaining momentum. In Yogyakarta, for instance, there are events like the MocoSik Festival, Patjar Merah, Kampung Buku Jogja (KBJ), and the Islamic Book Fair (IBF) (Putri et al., 2022). It is unethical to purchase or read works of pirated literature. Regretfully, there is an increase in book piracy. International studies state that over 215 billion accesses to digital pirate websites were recorded globally in 2022. Books comprise 11.2% of pirated online content (Dhaliwal, 2023). Authors who invest their blood, sweat, and tears into their work suffer as a result of book piracy. Piracy is an immoral crime against them since their books are their assets. That is why people applaud the November 2022 closure of Z-library, an online library of illegal literature (Kjellström, 2021). This practice also serves as an example for law enforcement in Indonesia, where international law enforcement agents are beginning to be able to execute offenders of these offenses through coordination with diverse parties

The desire to protect the world's writers' income and facilitate new literature, which author's remuneration, is the backdrop of the pirate book abolition movement. Collaboration between the publishing industry, labor unions, and law enforcement can effectively eradicate copyright violations. Books theft, cannot be justified because the price is expensive, and ethically theft, is criminal and morally defamatory. One question can be asked for this, "will you take a book from a real bookstore because you cannot afford to buy it or do not want to pay for it? Does this also apply to digital books?" (William M. Kurtines, Jacob Gewirtz, 2014). Moral is defined as proper conduct, not only in our immediate social relations but also in our dealings with fellow citizens and the whole human race (Wulandari, 2020). The law cannot stand by itself without morality. Morality creates laws that guarantee order and comfort. (Faturachman et al., 2022). In this case, the movement to suppress the piracy of books must be spread as another form of moral movement.

Moral crimes are closely related to containing moral rights. In the context of moral rights, authors usually have interests unrelated to monetary issues in the work, primarily the goal of deciding whether their works should be made available to the public, to claim ownership, and to object to any possible use-considered to be detrimental to the integrity of the work (Magdariza, 2023). Moral rights are a characteristic of traditions that adhere to a civil law legal system, such as in Indonesia. Other legal systems, especially countries that adhere to common law, can provide protection for these rights through laws outside the Copyright regime, for example, under the rules of tort, unfair competition, and contract law (Moscati, 2021) (Nainggolan et al., 2022). This protection is a crucial element in European Copyright law and has become increasingly important with the advent of the Web, allowing it to become more globalized. Sometimes, moral rights are considered separate from the author's copyright, such as the statement, "Moral rights are a set of rights that are separate from the author's copyright on a piece". These rights are generally considered inalienable, meaning that they cannot be assigned or sold, and thus, they survive even if the copyright in the work has passed to another party.

Moral rights are the right to oppose all changes in a copyrighted work that could harm the author's reputation. For example, books and papers similar to the original come from the author, not copies of other books or papers. In other words, moral rights are eternal ownership rights for the author. So far, the author has tried to find cases relating to violations of illegal translations in cyberspace. However, no cases have been reported to the authorities regarding this violation. Muso, a British anti-piracy company, reported that the number of visits to piracy websites worldwide reached 215 billion in 2022, and 27.5% were e-book piracy (Katadata, 2023). Thus, it is essential to conduct research on the possibility of a similar case occurring in Indonesia because this will be related to providing legal protection for bookwriters based on positive law in Indonesia. The cases in other countries mentioned above have illustrated how widespread violations of translation are and have become new international legal cases in the current digital era. This fact will be related to violations of moral rights in the Copyright regime in Indonesia.

The history of Copyright law begins with the issue of early privileges and the monopoly given to book printers. Initially, Copyright law was only intended for book copying activities (Prasad & Agarwalai, 2009). Copyright evolved along with the digital age, with the advent of the internet, scanners, digital cameras, smartphones, smart televisions, e-books, social media, and others, which resulted in easy replication, manipulation, reproduction, and dissemination of copyrighted material in digital formats in the digital space. (Adetunji & Okuonghae, 2022). Over time, these rights were used for translation activities and other uses, they remained subject to the Copyright regime. and Copyright has now evolved to include a wide

range of protection for other works, including maps, performances, paintings, photographs, sound recordings, motion pictures, and computer programs. Currently, national Copyright laws have been standardized to some extent through international and regional agreements such as the Berne Convention and the European Copyright Directive. Although there is consistency in Copyright law among nations, each jurisdiction has separate laws and regulations regarding Copyright. Some jurisdictions also recognize moral rights for creators, such as recognition of their work.

In relation to moral rights, there are different perceptions between adherents of civil law and common law systems. In the Civil Law System legal system, the focus is on protection of the Author, whereas in the Common Law System legal system, the focus is on the protection of Works (Nainggolan et al., 2022). The Civil Law System has an Author Right System approach that provides protection to the Creator and protection based on the Creator, more than the protection of the Creation itself. The Common Law System recognizes the "Copyright System" as the starting point of protection of the Creation. Copyright in this context is Copyright or Right to Copy or the right to reproduce creation. The copyright System views copyright as an economic instrument. An explicit formulation of the Author's Right will not be found, but more towards a restricted right to use the Creation (Jened, 2003).

The concept of morality is derived from the Civil Law System, especially in France and Germany, recognized as a manifestation of human recognition of the work of others whose non-economic nature is such as the right of paternity, the right to the name of the creator and the right of integrity, and the right to prohibit others from modifying their work. (Wijaya, 2003). Thus, raising the issue of the protection of violations of moral rights as a deterrence against moral crimes in Indonesia, which is dominant in the character of the Civil Law System, is relevant. This provides protection for the moral rights of book authors which are regulated through Copyright law, particularly Article 24 of the Copyright Law. Referring to Article 4 paragraphs (1) and (2) of the Copyright Law, this means that these rights are generally considered inalienable, which means they cannot be given or sold, and thus, these rights will remain intact, even though the copyright to the work has been sold. Therefore, this moral right is the eternal ownership of the author. Copyright law in Indonesia regulates translations into other languages if the book is for the purposes of education, science, as well as research and development activities regarding works in the fields of science and literature.

Copyright law in Indonesia provides protection for authors rather than publishers. Hence, the author can have the right to acknowledge ownership of a

work and the right to refuse distortion, mutilation, or modification of his work. So, looking at the cases above, carrying out translations without permission is strictly prohibited. Therefore, this law provides prevention and protection for the moral rights of book authors. However, this law does not clearly regulate intended for the public interest and published electronically.

Copyright laws in Indonesia provide protection for authors over publishers. A creator may have the right to acknowledge the ownership of the creation and a right to refuse distortion, mutilation, or modification because copyright allows its holder to restrict the copying of an unauthorized creation. (Abduh & Fajaruddin, 2021). This law provides precautions and protection for the moral rights of the author of the book, but its weaknesses do not explicitly regulate the books of translation. A translated book has been recognized as a derivative work copyright, although it is not explicitly recognized that the translator as the creator of the work has moral and economic rights, as a consequence of which there is practically never a copyright clause for the translation. (Nurhayati et al., 2023).

As a moral crime, infringement of copyright must renew criminal sanctions on the weight and subject side. The advantage of using the criminal justice system is that the victim does not have to pay the costs of civil matters and state administration because it is borne by the police and the prosecutor, then can be to the nearest police without having to take him to Jakarta (Commercial Court). The piracy of books is explicitly regulated in Article 113, paragraph (4) of the Copyright Act, with the threat of maximum imprisonment of ten years and a maximum fine of four billion rupiah. Those who manage the sale of books and provide books for piracy under Article 114 are also subject to criminal sanctions, although without imprisonment, but a maximum fine of one hundred million rupiah. The complexity of financing for the perpetrators of the piracy of books is not only due to the lack of public awareness and cooperation between the publisher and the police but also because of the absence of a specialized agency assigned to check the circulation of pirate books regularly. (Primaningrum & Rofikah, 2020).

The Copyright Act designs the use of criminal sanctions as an *ultimum remedium*, meaning the victims of the piracy of books are placed in an effort to optimize the settlement civilly. (Arifardhani, 2020). All these obstacles ultimately reveal the weaknesses of the legal system and the lack of public awareness of the importance of respect for copyright (Setiono & Bramantyo, 2023). Since Covid-19 spread, book piracy has occurred with free distributed pdf patterns (25%), sales through marketplaces (54.2%), and a combination of both (20.8%) (Njatrijani, 2020). The categorization of offenses against copyright as a *klach delict* has made it difficult to deal with the piracy of books, resulting in the losses caused by this

improvement exceeding 100 trillion rupiah per year. (Christiano, 2021). Thus, there is still a need to change the norms of criminal procedure in order to optimize the deterrence of these moral crimes.

## CONCLUSION

The study revealed that national legal policies have yet to be able to guarantee the suppression of online piracy. This crime is also a global issue, meaning it is difficult to do in principle and has yet to find the ideal design for optimum outcomes. In Indonesia, the piracy of books is prohibited because of a lack of moral awareness to respect the economic and moral rights of authors and publishers. This practice is worsened by using *klacht delict* so that only the author himself has to report the crime of piracy. The financial losses caused by the piracy of books reached a hundred trillion a year. The implications can impact minimal writing and minimal establishing publishing agencies while the rise in literacy is linear with the advancement of civilisation. From an integrative theoretical perspective, the piracy of books is viewed as a phenomenon that reveals regulation only as an ideal behavior and values believed by the government, not as the ideal behaviour of society because the moral values of society rather show piracy as a normal habit.

The author suggests that the obliged party in Indonesia should improve its handling of copyright offenses related to book removal, both online and offline. This includes conducting routine socialization and more rigorous prosecution of such offenses. The author also suggests maximizing the verification process for copyright work in online and offline bookstores, and forming institutions or associations in each city to prevent data collection related to removed books from being handed over to the copyright holder. It is necessary to consider removing the *Klach Delict* qualification to make the criminal justice system more effective in reducing piracy crimes. This will enable anyone, including publishers, to report this crime to the police presenting the author or obtaining the author's approval.

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