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BOOK REPROGRAPHY IN COPYRIGHT

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ABSTRACT

Books are evolving into one of the most important mass communication tools on the planet. As a result, buying books through manufacturing and distribution is a crucial form of mass communication. The research's purpose is to explore book reprography in copyright. The researchers used qualitative approach with literature study as the research design. The data were generated from different literature, mainly relevant books and scientific articles. The researchers discovered that, under copyright law, the creator's exclusive right arises immediately based on the declarative principle after a work is realized in tangible form, subject to limitations in accordance with statutory and regulatory conditions.

INTRODUCTION

Publishing books and other printed materials is an essential activity in any society. Every institution or center of knowledge dissemination systems has books. Books and other printed materials are required for independent cultures (El Shamsy, 2022). All over the world, books are becoming one of the most critical mass communication media. Hence, procuring books through production and distribution is an essential media means. New technologies have not surpassed books which makes them remain the most important (Ellul, 2021). However, unfortunately, the publication of books and other printed materials has never received the attention it deserves from the new government.

The availability of books can be said to have received no attention. However, books are an essential element of the development process of a country. Books are one of the most significant discoveries because they are the source of all the scientific information people want and are easy to store and carry (Dewey, 2011). Books can be defined as writing or printing on a piece of paper or other material and binding it to open in any part (Pressman, 2020). Most books have protective covers to protect the inside.

Books are one of the manifestations of written copyright. Published books need protection as a form of appreciation for their creators, although in practice, appreciation in financial form is more prominent than moral appreciation. Books are one of the essential means for the progress of a nation. However, until now, the world of books in Indonesia has not shown an encouraging climate. This is because the culture of reading among Indonesian people is still low. In addition, the legal protection given to the creators/authors of books still faces many obstacles.

Books are one of the works protected by copyright. Reproduction of books is regulated by law. Reproducing books other than by copyright holders or licensees is an act of copyright

infringement (Carroll, 2019; Finck & Moscon, 2019). An announcement or reproduction of a work cannot be done casually by everyone because copyright laws aim to protect the moral and economic rights of the work for copyright holders (Goold, 2021; Sturm et al., 2019). Book duplication can be categorized as copyright infringement because it violates copyright by duplicating the book without permission from the copyright holder (Abduh & Fajaruddin, 2021; Kimmons, 2020).

Books have their problems. Books cannot be separated from piracy, reprography, and unnatural duplication. Many cases of book piracy are encountered, such as piracy of literary works, books, and other sciences. Copyright piracy rank in Indonesia as the third biggest in the world (Antari et al., 2021; Ardianto, 2022). Piracy cases are becoming more common as information and technology advance, with a huge increase occurring each year. Piracy seems to have become a culture and is challenging to overcome, especially in Indonesia.

The types of piracy vary, carried out consciously or unconsciously, and it seems that most piracy can often be seen. So that in Indonesia, the act of book piracy is also effortless to find besides piracy of other commercial goods such as CDs, tapes, software programs, or whatever. Especially looking at the definition of book piracy that is usually listed in every book, which is an effort to reproduce books by printing, photocopying, or other means without getting written permission from the relevant book publisher (Antari et al., 2021), then there will be found many parties who consciously or unconsciously can be called hijackers. There are many circulating pirated books that are free to roam the market, including the streets. The network of book pirates is so neat and organized that it is difficult to trace their whereabouts.

Books in the society are still considered luxurious and expensive. So, piracy attempts always occur and are always carried out by irresponsible people who strive to seek benefits that will harm others. Both are done personally and organizationally. In other words, the problem of copyright infringement is not new in Indonesia. Starting from minor copyright violations (photocopying without the author's permission) to gross violations (duplicating and reselling), all of which can be referred to as a form of reprography of books (Goldstein, 2019; Lauwda et al., 2023). This happens precisely during increasing national development implementation activities, especially in the fields of science, art, and literature.

The low respect and treatment of books and the low copyright protection for book authors cause copyright infringement to reach dangerous levels and can damage the order of life of society in general and interest in creating. As if this case is difficult to dismantle, or indeed the government does not have the good faith to eradicate the practice of piracy in this country. This can be proven by the absence of raids or the existence of raids that are only a mere formality. The business of buying and selling pirated goods can be easily found in public places when in fact, the buying and selling violate the Law (Kennedy, 2020). However, the government and law enforcement officials are not so concerned about this. This is another form of weak law enforcement in Indonesia.

In fact, books are also one of the objects of a person's Intellectual Property Rights, the protection of which is regulated in legislation. The most recent legislation on Intellectual Property is Copyright Law Number 28 of 2014. In determining the occurrence of infringement, Copyright

Law Number 28 of 2014 stipulates infringement if there is an act committed by someone against a copyrighted work whose copyright is exclusively owned by another person without the knowledge or permission of the other person who owns the right. Forms of book copyright infringement can be categorized as including photocopying of books that are then traded, illegal printing of books that are then sold at prices far below the original book, and illegal sale of electronic book files.

The placement of books as protected creations, mainly because they are related to four positive functions contained in books, namely: 1. Books as a medium or intermediary, meaning that books can be a background for us or an impetus to do something; 2. Books as property. It is intended that books are precious wealth, priceless because they are the source of knowledge; 3. Books as atmosphere creators. That is, books can be friends at any time in any situation and can create a familiar atmosphere to influence the development and character of a person to be good; 4—books as a source of creativity. Reading many books can encourage creativity rich in ideas and creativity, usually having broad insight. One of the factors of quality human resources is broad insight, and in fact, broad insight can be achieved by reading a lot.

The study's goal is to examine copyright issues related to book reprography. The researchers' research design included a literature review and a qualitative method. Data were derived from a variety of sources, primarily pertinent books and scholarly journals. The research is expected to add more knowledge regarding the topic discussed and become a reference for upcoming research in the same or similar field.

METHOD

The research design utilized by the researchers involved a qualitative method and a literature review. The data was gathered from a variety of sources, primarily pertinent books and academic journals. A number of literary sources, including books, journals, working papers, reports, and other resources relevant to using issues and achieving study objectives, were used to compile the information. To preparation for this systematic review, library materials were obtained via websites like Google, Google Scholar, Scopus, and other databases. The researchers investigated the most recent published sources.

RESULT AND DISCUSSION

Book Reprography

The phenomenon of reprography has become a daily problem that everyone has felt. Reprography is a form of activity that leads to the duplication of copies of the same size. In recent times, the above understanding has led even more broadly, namely, to become a process of printing and facsimile transmission as copying and duplication. Reprographic activities are now expanded to the reproduction of audio-visual archives and the reproduction of conventional archives, such as microfilm, transfer of media from paper to electronic, photo archives, etc.

Reprography is the activity of copying and repeating a document. In reprography, there are three main concepts: copying, duplication, and microscopy. Copying or making copies is

characterized by copies made as large as the original document in the form of one or more copies. In the past, the reprography process to obtain one or more copies of documents was carried out with a typewriter. Making a copy of the original document can be accounted for using carbon or without carbon. When using carbon, it can produce up to 10 pieces of coffee. More than that, the results will be blurred. Carbon-assisted doubling with a typewriter also depends on the thickness of the paper, the hardness of the typewriter knocks, and whether the carbon paper is used. This kind of method of doubling is still carried out in Indonesia. Another way of doubling without carbon can result in about five copies with the help of NCR or No Carbon Required paper. In this way, the reader types on a piece of paper that has been equipped with a particular material so that the typing results will be listed on the next hard. Coffee paper is not equipped with carbon but has been spiked with substances that function as carbon.

But nowadays, thanks to technological advances, reproduction can be done using printing machines or photocopies. It can even be produced in huge quantities. Reprography of its activities leads to the duplication of copies of the same size, which in recent times, the understanding has led even more broadly, namely, to be a process of printing and facsimile transmission as well as copying and duplication. Although the concept of duplication remains based on reprography, technological advances have redefined or redirected, which was initially just simple copying of paper, then underwent developments, which included reduction, color, and image editing, such as information reduction, color selection, and improving the image shape of an image. Similarly, technology has made electronic copy transmission and in-house printing possible for changes in the field of reprography.

The advent of new technologies for composition, reprography, printing, networking, and storage is perhaps the most critical development in publishing in the last two centuries. New technology has implications for facilitating efforts in reprography. According to Datus Smith, essentially, new technological innovations in publishing will allow the Third World to leapfrog existing technology and accelerate book development. Every new technological innovation has helped the development of book publishing in a country. But the implications of new technologies and for making choices about their use and role in publishing are beyond previously desirable expectations.

Reprography has allowed easy photocopying by copying, often in violation of copyright guidelines. Unlawful photocopying reprography is rampant against book sharing, and using reprographic techniques is expected. Reprography is used in conjunction with photo offset printing to produce unauthorized editions of many books quickly and cheaply, ranging from university texts and reference volumes to works of popular fiction. Thus, it is fair to say that the widespread use of photocopiers has been a boon for developing countries. In addition, the development of the internet also has an impact on efforts to duplicate, which leads to efforts to reproduce existing written works such as books. Printing technology allows and causes reprography to be carried out on a large scale. However, legal reprography carried out by publishers certainly requires very high financing due to the high Teknologi they must buy.

Although there is an assumption that reprography that occurs can be beneficial in some book publishing activities, however, some others feel the impact resulting from book reprography can be seen from the weaker position of existing book publishing due to illegal reprography and low interest in reading caused by weakening purchasing power and low public appreciation for books because there is no proper protection before the state of books.

Efforts to reprography books, even the slightest in making reprography efforts, certainly have an impact on efforts to develop books. Reprographic efforts are also an indicator of understanding the underestimation of respecting the rights of writers—especially those related to economic rights that must be obtained by a writer. Reprography efforts also have an impact on the efforts of book publishing developers widely, lethargy in distributing books, and there has been no serious effort in tackling comprehensive piracy. In addition, reprographic efforts have created a lack of awareness in appreciating a highly copyrighted work, causing difficulties in realizing legal protection for creators of creators The culture of respecting book creations by not photocopying. The form of book reprography certainly weakens the development of books as a whole and translates the business climate of book publishing while hampering efforts to develop science.

Reprography of Books in Copyright

Book reprography on copyright is undoubtedly a forbidden form in this connection. Book reprography is done against copyright. The law within the scope of Copyright has indeed regulated various rights to the possibility of book reprography efforts so far. The development of science, technology, art, and literature is increasingly rapid, so it requires increased protection and guarantees of legal certainty for creators and/or copyright holders. And books become a type of work that gets protection from copyright law.

Books as copyrighted works must also be legally protected to avoid infringement. This protection has been regulated in Article 40, paragraph (1) of the Copyright Law. Thus, anyone who uses someone else's work that has been illegally recognized as copyrighted is an infringement. Book copyright infringement in Indonesia ranks 3rd after software and music. The form of book copyright infringement can vary, including copying through photocopying. Such violations are commonly referred to as piracy. Piracy of books, without permission from the copyright holder, can be done by anyone who needs the book as literature, both in minimal quantities (for one's own circle) and in large quantities (for business) as practiced by schools of various levels, even by libraries, copy centers, religious institutions, and cultural institutions.

In practice, there is still often illegal duplication of copyrighted works (especially books) carried out by the wider community, including by students, lecturers, and/or researchers who are interested in gaining access to use these copyrighted works. This phenomenon can be easily found in the growth of photocopying businesses around universities. This photocopying service business usually provides duplicated textbooks at the same time. Ironically, the photocopying service business openly dared to display the duplicated books, regardless of whether the authors of the books in question lecturers at universities in that location were also.

Law Number 28 of 2014 concerning Copyright, precisely in Article 9 paragraph (3), states: "Any person without the permission of the creator or copyright holder is prohibited from copying and/or commercial use of the work." Article 10 of the same law reads, "The manager of a trading place is prohibited from allowing the sale and/or duplication of goods resulting from copyright infringement and/or related rights in the trading place he manages."

Law No. 28 of 2014 concerning Copyright in Article 4 states that the creator has moral rights and economic rights, where moral rights are inherent rights of the creator Article 5 paragraph (1), and Article 8 it is explained that economic rights are the exclusive rights of the creator or copyright holder to obtain economic benefits. The creator or copyright holder has the economic right to publish, duplicate, translate, adapt, arrange, or transform, distribute, announce, perform, communicate, and rent the work. Thus, as far as economic rights are concerned, the author has the right to exploit his written work.

Law No. 28 of 2014 states in Article 4 that the creator has moral rights and economic rights, where moral rights are inherent rights of the creator Article 5 paragraph (1) and Article 8 it is explained that economic rights are the exclusive rights of creators or copyright holders to obtain economic benefits. The creator or copyright holder has the economic right to publish, duplicate, translate, adapt, arrange, or transform, distribute, announce, perform, communicate, and rent the work. Thus, as far as economic rights are concerned, the author has the right to exploit his written work. Through publishing in books and publishing in scientific publications and other popular magazines, creators can earn royalties from publishing their books or get honorariums for publishing articles in the media. If collected in sufficient quantities, of course, these writings can be recorded. Publishing like this will provide additional income for the creator.

If a work of books, written works, songs, or music without or with text is transferred indefinitely or with a sale agreement, then the copyright passes to the creator when the agreement reaches a period of 25 years. This is stated in Article 18 of the Copyright Law. Where books are protected creations in the fields of science, art, and literature (contained in Article 40, paragraph 1 letter a), the use, retrieval, duplication, and/or alteration of a work and/or related rights product in whole or in substantial part is not considered copyright infringement if the source is mentioned and included in full for the purposes of education, research, writing scientific papers, preparing reports, writing criticisms or reviewing a problem without harming the reasonable interests of the creator or copyright holder Article 44 paragraph (1) point a Security and administration of government, legislature, and judiciary letter b, lectures for educational and scientific purposes letter c, performances/performances that are free of charge as long as they do not harm the creator (letter d). Reproduction for personal interest of a work that has been announced can only be made as many as 1 () copy can be made without the permission of the creator or copyright holder. Article 46 paragraph (1) but duplication for personal interest does not cover all or substantial part of the book or music notation Article 46 paragraph (2) point b. The validity period of economic rights in copyright on a bookwork is valid for life plus 70 years after death. This is stated in Article 58, paragraph (2) of the Copyright Law.

Moral rights guarantee protection for the creator to be named in work and to be rewarded for his work by not altering or exploiting potentially harmful to the creator. The form of protection will become natural and tangible if there is a violation of the two inseparable essentials of moral rights, namely, the right to paternity and the right to integrity. When a violation occurs, the creator can exercise his right, that is, to demand that the violator restore his rights and interests. The exercise of these rights is facilitated by appropriate prosecution mechanisms in the event of adverse rights violations.

Legal protection is an effort regulated by law to prevent violations of intellectual property rights by unauthorized persons. In the event of a violation, the violator must be prosecuted, and if proven to have committed an infringement, he will be punished in accordance with the provisions of the law in the field of intellectual property rights violated. The law in the field of intellectual property rights regulates the types of violations and the threat of punishment, both civil and criminal.

Indonesia, as an adherent of the Civil Law System, then Law No. 28 of 2014 concerning Copyright in its formation points from the creator. In Indonesia, copyright protection is only given to a copyrighted work that already has a distinctive form (material form), is personal, shows its authenticity born based on ability, creativity, or expertise (mental effort) so that it manifests as a creation that can be seen, read, or heard.

Copyright protection of works in Indonesia based on Law Number 28 of 2014 applies automatically from the moment a work is announced. This is stated in Article 59 paragraph (1), which reads: valid for 50 (fifty) years from the first announcement.

Legal protection provided to copyrighted works is intended to stimulate the creativity of creators always to create a work that is useful and can be commercialized. If this copyrighted work has not been exploited or there has not been a binding interaction between the creator and the user, the work has not been able to produce maximum economic value. Therefore, it is essential to have a correct understanding of how to treat copyrighted works so that they are maintained and protected. Protection of works can be done by recording works. This is stated in Article 64 paragraph (1) of Law Number 28 of 2014, which reads: The Minister organizes the recording and deletion of works and related rights products.

Books are one of the works protected by copyright. Reproduction or reproduction of books is regulated by law. Reproduction or reproduction of books other than by copyright holders or licensees is an act of copyright infringement. Announcement or reproduction of a work cannot be done casually by everyone because there are copyright laws that aim to protect the moral and economic rights of the work for copyright holders. Book duplication can be categorized as copyright infringement because it violates copyright by duplicating the book without permission from the copyright holder.

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The regulation of books as one of the works protected by various national laws and regulations and international copyright conventions indicates that the presence of books as works that must be protected is clearly recognized. This is because books that are the intellectual property of a creator, in addition to having economic meaning for those who exploit them, also have significance for the spiritual and material development of a nation.

Copyright in copyright law is the exclusive right of the creator that arises automatically based on the declarative principle after a work is realized in tangible form without prejudice to restrictions in accordance with the provisions of laws and regulations. The creation in question is the result of copyrights in the fields of science, art, and literature produced by inspiration, ability, thought, imagination, dexterity, skill, or expertise expressed in tangible form. The copyright holder is the creator as the copyright owner, the party who legally received the right from the creator, or another party who further received the right from the party who received the right legally.

Agreeing on an agreement between the author and the book publisher is the first process in a book publication. The book publishing agreement must not contradict Article 1320 of the Civil Code, namely the existence of an agreement between the author and the publisher, the legal competence of the author or publisher, the existence of objects, and clauses that are halal or a cause that is not prohibited. The content of a book publishing agreement must clearly regulate the transfer of economic rights of a copyrighted work from the author to the book publisher who will exploit it. Transfer efforts with the aim of exploiting written works must be regulated clearly and transparently in the content of the relevant book publishing agreement.

Book duplication is regulated in Law No. 28 of 2014 concerning Copyright, namely Article 47 letter a, which states that every library or archive institution that is not for commercial purposes can make 1 (one) copy of the work or part of the work without the permission of the creator or copyright holder by 1. Reproduction of reprographic writings that have been announced, summarized, or summarized to satisfy someone's request, provided that a. The library or archival institution warrants that such copies will only be used for educational or research purposes, b. The doubling is done separately, and if done repeatedly, it must be an unrelated event, and c. The Collective Management Institute does not grant licenses to libraries or archival institutions regarding duplication. 2. Copies are made for maintenance, replacement of necessary copies, or replacement of copies if copies are lost, damaged, or destroyed from the permanent collection in libraries or other archival institutions, provided that. A library or archival institution cannot obtain a copy under reasonable conditions, or b. The creation of such copies is done separately, or if done repeatedly, the creation of copies must be unrelated events. 3. Making copies is intended for

communication or exchange of information between libraries, archival institutions, and between libraries and archival institutions.

Copying books is getting more manageable due to technological advances in photocopying. Copying books initially could only be done by publishers according to the agreement between the publisher and the author, but now it can be done by photocopy business actors. Photocopy business actors can duplicate copyrighted works in the form of books as original but fake (asphalt), with or without permission from the publisher as the copyright holder. The quality of pirated books is far from expectations. In addition to being prone to damage, the pages are often turned upside down, even empty. On the other hand, buying original books is not just looking for quality but also appreciating the hard work of the author of the book.

Rights possessed by creators other than economic rights are moral rights. Moral rights are those rights that protect the personal interests of the creator. This concept of moral rights comes from the continental legal system that is from France. According to continental law, author rights (droit d‟auteur, author rights) are divided into economic rights to obtain benefits of economic value, such as money, and moral rights that concern the protection of the creator's reputation. Moral rights are equal to the economic rights of creators over their creations. Ownership of copyright can be transferred to another party, but the moral rights remain inseparable from the creator. Moral rights are special and eternal rights that the creator has over his creation and are not separated from the creator. This moral right has three foundations: the right of publication, the right of paternity, and the right of integrity. Komen and Verkade state that the moral rights that a creator has include: the prohibition of making changes in the work, the prohibition of changing the title, the prohibition of changing the determination of the creator, and the right to make changes.

The reason for the rise of book piracy lies in the problem of price and limited books on the market. Pirated books, sought-after books, such as books used by universities. It is undeniable that the price of books printed by official publishers is much more expensive than pirated books on the market. This is related to a reasonably long production chain and requires costs that are not cheap, ranging from publishers, paper manufacturers, printing, distributors, and expeditions to bookstores or agents. Beyond that, for every copy of the book sold, the publisher is obliged to pay royalties to the author of the book. This is still coupled with the many taxes that must be borne by publishers and printing companies, such as taxes on paper, printing cost taxes, book taxes, author income taxes, and others. The entire cost is then accumulated into the price of a book.

Article 4 of Law No. 28 of 2014 concerning Copyright states that copyright consists of moral rights and economic rights, namely a) Moral rights. Moral rights are inherent rights of the creator, namely the right always to include the name of the creator in each of his works and the right to the integrity of his work, which cannot be removed or deleted, even though copyright or related rights have been transferred, b) Economic rights, Economic rights are rights possessed by a creator to benefit from his creation. This economic right in each law on copyright is always different, both the terminology, the type of rights it covers, and the scope of each type of economic right. Article 8 of Law No. 28 of 2014 on Copyright defines economic rights as the exclusive right of the creator or copyright holder to obtain economic benefits for the work.

CONCLUSION

Copyright infringement is a serious issue in Indonesia. Under Indonesian law, compensation for copyright infringement is limited to material damages only and there is no specific statutory formula or method for their calculation. The New Copyright Law makes copyright infringements in music, film, and original online content illegal. Any cases related to alleged violations toward intellectual property rights are mostly handled at the Court of Commerce (Pengadilan Niaga). However, there are still reports of weak law enforcement in Indonesia regarding piracy

Copyright in copyright law is the exclusive right of the creator that arises automatically based on the declarative principle after a work is realized in tangible form without prejudice to restrictions in accordance with the provisions of laws and regulations. The creation in question is the result of copyrights in the fields of science, art, and literature produced by inspiration, ability, thought, imagination, dexterity, skill, or expertise expressed in tangible form. The copyright holder is the creator as the copyright owner, the party who legally received the right from the creator, or another party who further received the right from the party who received the right legally.

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