Unlocking the Power of Intellectual Property: Safeguarding Books Against Piracy

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A. INTRODUCTION

The potential for creating intellectual property is inherent in every individual, with the ability to generate it at any given time and place (Disemadi, 2023). Even the simplest acts can serve as examples, such as a student crafting assignments, a writer transforming their imagination into a book, or young children expressing their ideas through drawings. These seemingly small endeavors have contributed to the emergence of the concept of Intellectual Property Rights, which aims to recognize and protect the fruits of intellectual labor from any form of infringement. Furthermore, it is essential to support the notion of Intellectual Property Rights due to the inherent economic value associated with

In today's world, where intellectual property can be generated from almost any human endeavor, it becomes imperative to establish robust guidelines for protecting intellectual property rights through legislation. One form of infringement that demands attention is book piracy—a practice that involves unauthorized sales of counterfeit books or the unauthorized conversion of books into e-books or audiobooks, with the perpetrators pocketing the profits for themselves. This article aims to delve into the crucial issue of safeguarding book copyrights for creators whose works have been illicitly transformed into audiobooks by irresponsible parties, examining the governing regulations under the Copyright Law. By employing normative legal research methods, this study will analyze secondary data and legal documents to uncover relevant legal facts. Adopting a conceptual, analytical, and statutory approach, the research will shed light on the mechanisms in place to combat book piracy and protect the rights of creators. Notably, YouTube, as a prominent platform, has implemented a robust YouTube Copyright Strike policy to combat copyright violations, offering a recourse for creators. Additionally, alternative dispute resolution methods, including non-litigation and litigation settlements, can be pursued to address these copyright infringements. The primary objective of this research is to enhance public understanding and provide legal certainty concerning the protection of intellectual property, particularly in the form of books. By addressing book piracy, we can fortify the rights of creators and foster a climate that respects and values intellectual property in all its forms.
When it comes to Copyright, the most known example in general of intellectual property regulated in the Copyright Law is scientific works in the form of books (Labetubun, 2019). Books are a source of knowledge for humans that comes from the results of someone’s thoughts which are written on several pages and then put together into lots of pages and the results of the writing can be intended for publication (Weley, 2023). In the past, books were usually published in the form of printed books. However, since technology’s development, books can now be obtained in digital form or e-books which can be downloaded from electronic media such as laptops, computers, cellphones, tablets, or Kindle. At the beginning of the development of technology, this indeed had a lot of positive impacts on human activities and creators of works, where everything became easy to handle. If we look back at the past, whenever people wanted to read a book for any purpose, they must come to the library or buy them at quite high prices. However, the approach method to gain information is much different nowadays. They could just browse through a website or the App Store and then buy it in Portable Document Format (PDF) file format, which of course makes the price of the book cost less and the book also cannot be damaged. On the other hand, digital books are environmentally friendly since they did not use paper which helps to support ‘go green’. Also, creators don’t have to go all the way to another city or country to promote their products because now it can be done practically through social media. However, over time, technological advances began to be misused by various parties (Kholiq, Puspanita & Thalib, 2022). Starting from, firstly, the case of book piracy which printed the original book into thousands of copies and sold it at a very cheap price due to the low quality of the paper. Surprisingly, it increases the number of buyers’ interest due to the attitude of the people who like everything cheap. It doesn’t matter whether the book is original or not, as long as the book still can be read. One example of a case like this occurred in Surabaya, which was originally founded by a group of street vendors who used to work as second-hand booksellers (Lambertus, 2021). They named the selling place ‘Kampoeng Ilmu
Surabaya’ which is located on Semarang Street, near Turi Train Station Market since 2008. Ironically, the Surabaya City Council once visited the place and instead advised students to buy books there (Lauren, 2019). Until now, ‘Kampoeng Ilmu Surabaya’ continues and always boasting by the local community without them realizing that what the booksellers were doing was illegal. Secondly, by pirating e-books which it can usually select and downloaded from illegal websites such as Z-library for free or buy them for less than Rp. 15,000 (fifteen thousand Rupiah) through an online shop such as Shopee or Tokopedia.

Continuing until now, there is a new method of pirating a book, such as converting it into audiobooks. Audiobook was part of copyrighted phonogram works and according to the Copyright Law in Article 1 number (14), it is stated that a phonogram is a sound fixation which is a combination of cinematography or other audio-visual creations. Meanwhile, the notion of an Audiobook itself is a book in the form of a voice that reads the contents of the entire book so that it can be understood by listening to the recording. At first, this audiobook was addressed to people who have eye disabilities, so that it can make it easier for those who use braille books (Handayani, 2016). However, in this day the form of audiobooks has developed into podcasts and has become in demand by the majority of individuals. Illegal audiobooks can be found easily on YouTube channels and even the videos show pictures containing the contents of the original book. In some of the most severe cases, the account doesn’t include the title of the book or the name of the author. As a consequence of this action, viewers can enjoy knowledge from original books only with internet quota and it can be said that this action is giving books to people for free and eliminating the economic rights of the author (Mike, 2019). The results of the author’s efforts for months or even years devoted to analytical, critical thinking, research, and the latest theories are not appreciated by the irresponsible party and society.

Illegal action by stealing the rights of the original creator is already written in Article 9 of the Copyright Law, which states that if a party does not have the rights to a particular work and performs an act of duplicating or commercializing the creation of the owner’s work without any permission, then the perpetrator is considered to have committed an illegal act (Fuadi & Diniyanto, 2022). However, due to the lack of understanding of public law regarding copyright protection, many parties carry out trade or commercial books illegally, whether it is done intentionally or unintentionally. Based on observations of those three illegal acts, the concept that becomes the equation is to plagiarize a work or creation. Plagiarism according to Meriam Webster’s Online Dictionary is “to steal and pass off (the ideas or words of another) as one’s own: use (another’s production) without crediting the source (... or) to commit literary theft present as new or original annidea or product derived from an existing source”.

To sum up, any party who takes a quote from a sentence that is in a source but does not include credit in writing is considered to have committed theft. Because without credit, the writing can be considered a new or original idea (Achmad & Roisah, 2020). Credit in the work also means obtaining permission from the original author for the publication of its work (Widianingtyas, 2019). This is because, even though his work has indeed been spread everywhere, it does not mean that people have the right to use his work arbitrarily. Therefore, if acts of book piracy like this become more frequent, then it is feared that it will reduce the interest of writers to continue working. In addition, the protection of Copyright Law in Indonesia is still weak and it gives the impression that there is no certainty for writers about their work. Based on the description of the background that has been explained, the core of this article will discuss how to protect the copyright of books for creators whose works are converted into audiobooks by other parties through observations of the Copyright Law as a guideline. The purpose contained in this research is to analyze and understand the regulation of copyright protection for books for creators whose works are converted into audiobooks by other parties through observations of the Copyright Law.

B. RESEARCH METHOD

The research methodology utilized in the study “Unlocking the Power of Intellectual Property: Safeguarding Books Against Piracy” is normative legal research. This method focuses on the analysis of legal theories, legislation, court decisions, and other legal documents to understand and interpret the law (Tan, 2021). Its aim is to explain what the law should be based on existing legal theories and concepts. In normative legal research, the researcher analyzes relevant legal documents, studies legal doctrines, and employs legal interpretation methods to comprehend the meanings and legal implications contained within. This type of research is not solely concerned with the actual occurrences in the field, but rather with how the law should be applied and interpreted based on existing legal principles. By employing an analytical and argumentative approach, normative legal research aims to develop robust legal arguments. The research findings typically manifest as legal analyses, policy recommendations, or legal interpretations that can serve as guidelines in the decision-making process. Normative legal research plays a vital role in developing the law and providing guidance in the formulation of legal policies. By analyzing legal theories and existing legislation, normative legal research contributes to addressing legal uncertainties, resolving conflicts in legal interpretation, and enhancing understanding of the underlying legal principles.
C. RESULTS AND DISCUSSIONS
Protecting the Copyright of Books Adapted into Audiobooks by Third Parties: Exploring Legal Safeguards

Today’s society is too addicted to sophisticated technology, so it affects the literature system like in the past, namely books in physical form have faded and have been replaced by e-books and audiobooks which are the main choices as learning media for modern society (Anwas, 2015). E-books and audiobooks are digital books obtained through electronic devices. The difference between these two types of books is that e-books are enjoyed by reading them while audiobooks are understood by listening to the recordings (Kurniyawan, 2016). Based on Article 40 paragraph (1) letter (n) of the Copyright Law, audiobooks are a form of adaptation. The definition of adaptation in the sentence above means changing one form of creation into another form (Amrikasati, 2015). The types of audiobooks themselves are divided into 2 forms, namely bridged books and unbridged books (Handayani, 2016). The difference between these two types is that in a bridged book, the reading of the contents of the book is not exactly the same but the meaning contained is still the same without any additions or subtractions (Handayani, 2016). Meanwhile, the unbridged book is read exactly the same as the contents of the book word for word (Handayani, 2016).

Apart from e-books, audiobooks are considered simpler and can be understood easily by humans (Khairunnisa, Permata, & Sudaryat, 2023). The evidence of the audiobook’s effectiveness could be seen from the research results conducted on 31 students of the German language study program at Yogyakarta State University who are still in their 5th semester (Desriana & Budiningsih, 2018). Based on research that was held from 27th September 2016 to 18th October 2016, the audiobook product trial phase was carried out through several stages, namely the initial trial, the main trial, and finally the field trial (Desriana & Budiningsih, 2018). The final data of the three trials showing that 73% of German language study program students at Yogyakarta State University had achieved the minimum completeness criteria because they used behavioristic learning strategies with audiobooks and the percentage level was quite good (Desriana & Budiningsih, 2018). The conclusions that can be drawn from what has been explained above are; audiobooks are considered effective in the learning process which could be seen from a high level of individual interest in choosing audiobooks as a method of learning. This number of enthusiasts is the reason why many parties are interested in making audiobooks so they could get big profits from it. For instance, several accounts on YouTube that upload audiobooks can make millions of rupiah per month from the viewers and their AdSense. However, there are also those who just share audiobooks on YouTube without expecting money. But regardless of the purpose, publishing an audiobook to YouTube still violates copyright rules if there is no permission from the creator because in Article 9 paragraph (2) of the
Copyright Law it has been explained if there are parties who want to gain the economic rights from the adaptations in accordance with paragraph (1), must have a permit from the creator or copyright holder. In addition, when making audiobooks that are categorized as phonograms, Related Rights will appear (Amrikasati, 2015). Related Rights are the economic rights of the Phonogram Producer which are one of the exclusive rights described under Article 20 letter (c) of the Copyright Law. Followed by Article 1 number (7) of the Copyright Law which gives the understanding that a Phonogram Producer is a party that transforms a work by recording or adapting sound/voice for a performance or other activity, where he has full responsibility for the phonogram in connection that the first one who adapt it. In this case, what poses a danger to the original creator is that if a person or legal entity becomes a Phonogram Producer as a result of a license granted by the creator, then the Phonogram Producer will later have the right to obtain economic matters which are also related to the right to grant licensing, the right to carry it out yourself, the right to prohibit third parties others reproduce and/or distribute the photograph, as well as rent it to the public and provide the phonogram. So that the economic rights of the book's author could be reduced if many people prefer to understand the book from an audiobook rather than an e-book or physical book. Regarding the protection period for aspects of economic rights for the Phonogram Producer himself, it is 50 (fifty) years from the first time a phonogram is fixed or recorded (Usak, 2016).

On the other hand, when obtaining permission for a book to be adapted, the other party should check the validity period of the book's copyright protection, which allows other parties to adapt their book without the need for the approval of the author or copyright owner (Layndra, Ramli, Damian & Maulana, 2022). According to Article 58 of the Copyright Law, the time limit for the entry into force of copyright protection for the author lasts as long as he lives and is added 70 (seventy) years starting from the death of the author as of January 1st of the following year and if the author of the book consists of several people, then copyright protection for books lasts from the time the last creator lives and is added 70 (seventy) years since his death commencing January 1st in the following year. It should also be noted that in book publications there is usually a publisher who is the transferor of rights and the copyright holder of the book. It is stated in Article 58 paragraph (3) of the Copyright Law that the validity period of copyright protection for copyright holders lasts for 50 (fifty) years starting from the first publication. Regarding the above arrangement, if the validity period from the side of the creator and copyright holder has expired then the book will have public domain status. It means that anyone can use the book and convert it to audiobooks as they want to but with one condition, namely the author's name must still be listed in every publication because moral rights are valid for all time according to Article 4 of the Copyright Law.
Several YouTube accounts in Indonesia that carry out illegal acts like this are Tutor Pedia+ which already has more than five thousand subscribers and AUDIOBOOK with more than seven thousand subscribers. Usually, these accounts upload audiobooks with Best Seller books so that they could attract audience interest. As an example, the AUDIOBOOK YouTube channel which shares audiobooks from the book ‘The Subtle Art of Not Giving a F*ck’ by Mark Manson and has already reached 55,000 viewers in one year. Based on research conducted on the YouTube platform, accounts that post audiobooks from Indonesian citizens are classified as fewer perpetrators than in other countries. This can be proven by the many YouTube accounts from abroad which have more subscribers, regularly post audiobook videos, and viewers who reach millions. Seeing this problem, YouTube has anticipated it with YouTube Copyright Strike for content that will be published by creator accounts as a form of implementing copyright protection (Ginting, 2020). YouTube Copyright Strike is a term for videos that are detected not using the originality of the uploader or using other people’s work (Darusman, 2021). If this happens, it will be difficult for the account owner to monetize his channel so he can’t make money from AdSense attached to his uploaded videos. In addition, in the latest YouTube policy provisions in August 2021, there are several conditions that must be met if a YouTube account is to be monetized, namely by having 4,000 broadcast hours for 12 months and having a minimum of 1,000 subscribers on the account (Budi, 2021). Therefore, based on the above settings, there should be no accounts on YouTube that upload illegal videos. However, another problem that comes is that the perpetrator usually has a trick so that the channel can be monetized, namely by buying a YouTube account instantly. Sales of YouTube accounts that meet the requirements could be found in online stores such as Shopee and Tokopedia. Usually, they sell the account at an estimated price of IDR 1,000,000.00 (one million Rupiah) to IDR 90,000,000.00 (ninety million Rupiah).
This illegal action can continue until someone else (such as the viewer on YouTube) realizes that it is an act that violates the regulation and they immediately make a report about it. However, if people aren't aware of copyright violations and actually enjoy these 'free books', these accounts can last for a long time and never stop producing benefits from it. Several ways to make a move of awareness can be done by opening the video that needs to be restricted, clicking on the three dots at the top of the right side of the video, selecting “Report” and then selecting the reason for reporting. Later on, the account owner will be given a maximum of 7 (seven) days to provide a response before the account is deactivated by YouTube because according to YouTube's settings, if three copyright reports have been received, YouTube has the right to stop the related channel, delete all videos on the channel and does not allow the perpetrator to create a new YouTube channel (Komunitas Youtube, n.d.).

On the other hand, the handling of copyright infringement through information technology, such as illegal audiobooks, should also be handled by the government (Gorda, Artami, Antari, Sudharma, & Moisa, 2022). The first thing that must be done by the government as a first step in copyright protection is to take oversight for the creation and distribution of illegal content in accordance with the Copyright Law, cooperate and coordinate with various parties concerned (national and international) in carrying out their roles for the prevention and dissemination of illegal content, as well as supervising the recording of works using every media (Yustisia, 2015). Protection of these moral rights is a mandatory duty for the government that can arise from the time the author or copyright holder registers his work to the Directorate General of Intellectual Property Rights or arises automatically. The desire to register a copyright for his work can be fulfilled in three ways, namely by coming directly to the Regional Office of the Ministry of Law and Human Rights, online by opening the official website, namely https://e-hakcipta.dgip.go.id/, or through the services of an intellectual property rights consultant. Later, the author will be asked to fill in personal data, provide a brief description of the book, submit two books that have been revised or confirmed for publication in bound form and prepare several documents such as a power of attorney (Rizky, 2021).

Continuation for parties who know that their work is being misused, then according to Article 55 of the Copyright Law it is written that related parties can report it to the Ministry of Law and Human Rights to block several parts or all of the media that has exceeded the limits of copyright regulation through the electronic system or by closing access to its electronic system services (Damian, 2005). The meaning of the word ‘party’ is analyzed based on the Joint Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 14 of 2015 and the Minister of Communication and Information Number 26 of 2015 concerning the Implementation of Closing Content and/or User Access Rights.
Violation of Copyright and/or Related Rights in the System Electronic in Article 2 paragraph (2) refers to the creator of the work, the copyright holder, the owner of the copyright license, the owner of the related rights, the National Collective Management Agency or the Collective Management Agency, associations that own the rights and several other relevant parties who also have the rights to creation. The regulatory side also regulates the process or procedure for reporting, both non-electronic and electronic starting from Article 3 to Article 12. For non-electronic reporting, the initial stage of reporting is to prepare several document requirements that must be fulfilled such as reporting data information, evidence of copyrights or results of related rights, websites that violate copyright, the type and title of content that contains copyright infringement, the type of violation, additional information regarding the content, a power of attorney if the report is assisted by a proxy, as well as several other required additional files. It should be underlined that in this non-electronic report, it is required to make a report in writing and fill out a report application form and also include uploads of scanned physical documents. After waiting for a period of 3 (three) days, the results of the report verification must get the exact status of the reported content. If proven violating, officials in the field of communication and informatics can follow up by closing or blocking the illegal content. To reactivate the content, the perpetrator can request the authorized government official in the legal department through the Directorate General of Intellectual Property Rights. To be noted, this can be granted if it meets the three criteria set out in Article 18 paragraph (2) of the Copyright Law, namely, there is no more copyright infringement, obtains permission from the original owner, and undergoes a mediation process with the content closure reporter and ends with a judge’s decision.

In Indonesia, the piracy of books into audiobooks can also be resolved in civil courts or criminal courts. And it can also be resolved in two ways at once if there is a copyright dispute based on the Copyright Law (Nugroho & Utama, 2020). However, it is written in Article 95 paragraphs (1) and (4) of the Copyright Law that one of the conditions for being able to use the court route is that the settlement of cases must be pursued through non-litigation methods first, such as negotiation and mediation. If the two parties are still at odds or do not reach an agreement, then it should use the last resort, which solves the problem through court. In cases like this, what is actually being disputed is regarding licensing and extending to economic rights. It is stated in Article 1 number 20 of the Copyright Law that a licensing license must be made in written form based on the approval of the creator of the book for the party concerned for the exercise of the author’s economic and copyright rights. Article 46 paragraph (1) and (2) of the Copyright Law also stipulates that in fact duplication of books for personal gain and publication has been carried out can be done without requiring the permission of the creator or the copyright holder, provided that the work is not used in its entirety. But in the
content of this YouTube audiobook, they use the entire content, don’t have legal proof of permission, and didn’t give any royalties to the original creator. This is what makes the creator or copyright holder angry and feel unappreciated. In a civil court with permanent legal force, if the perpetrator is proven to have violated copyright, then the copyright holder, creator, or heir must be compensated in whole or in part for the proceeds of commercial acquisitions in accordance with Article 99 paragraph (2) of the Copyright Law, which must then be paid in full a period of 6 months commencing from the passing of the verdict by the court as stipulated in Article 96 paragraph (3) of the Copyright Law. This compensation must also be included in the decision of the case court in accordance with Article 96 paragraph (2). Meanwhile, if based on a criminal case court decision it is proven that copyright and economic rights have been violated without the owner’s permission and commercialized, then a prison sentence of four years and/or a fine of up to Rp. 1,000,000,000.00 (one billion Rupiah) in accordance with Article 113 paragraph (3) of the Copyright Law. Followed by paragraph (4) if all elements of the violation are fulfilled according to paragraph (3) and there is an element of piracy, then the penalty is imprisonment for a maximum period of 10 years and/or a fine of up to Rp. 4,000,000,000.00 (four billion Rupiah). The demand for sanctions for these perpetrators is also based on the principle attached to material things, namely the principle of droit de suite or the principle of the right to follow the object (Chosyali, 2018). That is, copyright protection rights that become immaterial material rights will return to their property rights. It is this property that guarantees the original owner or creator is free to take any legal action who against his property (Chosyali, 2018).

It has been seen in the previous explanation that there are many legal arrangements that have regulated the copyright protection of books. Accompanied by real steps in court to execute illegal acts committed by perpetrators by imposing appropriate sanctions. But even so, there are still people who ignore this rule solely because they want to steals the economic rights of book owners or creators. So, after a repressive effort that becomes the final protection in the form of imposing sanctions such as imprisonment, administrative sanctions, or additional penalties that can be given. There must also be preventive measures to prevent violations before they occur, for example by conducting socialization which can be done in galleries or bookstores. Given that the two places are filled with various intellectual property that should be protected and there will be a lot of visitors in these places. Another way is that they can also attach or display all kinds of warnings against the protection of intellectual property (Rama & Dharmawan, 2019). Finally, the need for government and community integrity to optimize the protection of intellectual property rights so that writers or creators feel safe in publishing their work and continue to be enthusiastic about releasing their new ideas. It should be remembered that the more people in Indonesia create
intellectual property, the more developed the country and its human resources will be.

This study has examined the issue of protecting the copyright of books that have been adapted into audiobooks by third parties. The research has shed light on the importance of implementing legal safeguards to safeguard the rights of book creators and combat book piracy. The findings indicate that copyright laws, such as the Copyright Law (Law Number 28 of 2014), provide exclusive rights to creators, including both moral rights and economic rights. Moral rights ensure that the creator’s identity remains attached to the work, even if the rights are transferred to another party. Meanwhile, economic rights grant creators the ability to benefit economically from their intellectual property. However, challenges arise when third parties convert books into audiobooks without obtaining the necessary permissions, particularly when the original copyright protection period has expired. In such cases, permission for publication may not be required, but it is still crucial to attribute the author’s name due to moral rights that have no time limit of protection under Article 4 of the Copyright Law. The research has highlighted that unauthorized adaptation of books into audiobooks, especially when the original copyright holders are still protected, constitutes book piracy under Article 9 of the Copyright Law. This type of infringement occurs when individuals upload audiobook videos and original content on platforms like YouTube without seeking permission or sharing royalties with the original owners.

To address book piracy and protect the rights of creators, various measures can be taken. These include reporting copyright infringements to platforms like YouTube to deactivate or remove infringing content, utilizing legal provisions such as Copyright Law to report violations to the Ministry of Law and Human Rights, and seeking alternative dispute resolution methods like negotiation, mediation, and conciliation. Additionally, when negotiations or mediation fail, legal recourse through the court system can be pursued, where perpetrators proven to have infringed copyright may face imprisonment and/or fines. The penalties outlined in Copyright Law underscore the severity of piracy, particularly when elements of commercialization and lack of permission are present. In addition to repressive measures, preventive actions can also be employed. These include raising awareness about intellectual property rights through campaigns, conducting outreach programs, and implementing small-scale initiatives such as commemorative posters in bookstores or other locations that celebrate the works of creators. These efforts aim to enhance public understanding of intellectual property rights and discourage the unauthorized use of copyrighted materials. It is crucial to strengthen legal safeguards and enforce copyright protection to preserve the integrity of books adapted into audiobooks by third parties. By doing so, creators’ rights are respected, piracy is deterred, and a conducive environment for intellectual property innovation and creativity is fostered.
D. CONCLUSION

The growing popularity of audiobooks, originally intended for individuals with visual impairments, has raised concerns about copyright infringement and book piracy. When converting a book into an audiobook, permission from the original copyright owner is required, unless the copyright has expired. However, many individuals upload audiobook content on platforms like YouTube without obtaining permission, leading to copyright violations. Such actions are categorized as book piracy under the Copyright Law. To combat the piracy of audiobooks for commercial purposes, there are several ways to penalize infringers. Firstly, reporting copyright infringement to YouTube can result in the deactivation of the violator’s channel and removal of all infringing content. Reporting should occur three times by different individuals, and if unresolved within seven days, YouTube’s Copyright Strike policy comes into effect. Secondly, reporting the violation to the Ministry of Law and Human Rights can lead to the blocking or closure of the content based on the Copyright Law. Non-litigation methods like negotiation, mediation, and conciliation can be pursued as well, as stated in Copyright Law. This may involve reaching agreements on royalties, compensation, and obtaining permission for uploading audiobook content to YouTube. If negotiations fail, legal action can be pursued through the courts, with potential imprisonment and fines as penalties. In addition to repressive measures, preventive actions should be taken. These include creating commemorative posters in bookstores or galleries to raise awareness of intellectual property rights and conducting outreach and campaigns to increase understanding of copyright laws. By combining repressive and preventive measures, efforts can be made to deter book piracy and protect the rights of authors and copyright holders.

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**COMPETING INTEREST**

None.