



Law Enforcement Against the Distribution of Pirated Digital Books Under Law No. 28 of 2014 on Copyright

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Abstract

The rapid expansion of digital technology has transformed the circulation of literary works, particularly electronic books, while simultaneously intensifying copyright infringement through unauthorized digital reproduction and distribution across online platforms, electronic marketplaces, and decentralized cyber networks. This study examines the legal construction, enforcement mechanisms, and structural obstacles concerning the circulation of pirated digital books under Law Number 28 of 2014 concerning Copyright within Indonesia's contemporary digital ecosystem. Employing normative-juridical legal research, the study applies statutory, conceptual, and doctrinal approaches through qualitative analysis of legislation, legal doctrines, scholarly literature, and relevant regulatory frameworks governing copyright and electronic systems. The analysis demonstrates that Indonesian copyright law formally provides comprehensive protection for digital books through civil, criminal, and administrative enforcement mechanisms, yet operational effectiveness remains constrained by complaint-based criminal procedures, fragmented intermediary liability standards, technological enforcement limitations, and the normalization of digital piracy within online culture. The study further argues that effective copyright protection in cyberspace requires an integrated cyber-regulatory framework emphasizing preventive governance, intermediary accountability, technological supervision, and strengthened legal consciousness to ensure sustainable protection of intellectual property rights within digitally mediated environments.

Keywords: Copyright Enforcement, Digital Books, Digital Piracy, Intellectual Property, Cyber Regulation.



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INTRODUCTION

The rapid transformation of the global publishing ecosystem through digitization has fundamentally altered the structure of knowledge dissemination, intellectual property governance, and market circulation of literary works, particularly in relation to electronic books (e-books), which increasingly operate within transnational digital infrastructures characterized by algorithmic distribution, cloud-based storage, and borderless accessibility. While digitalization has democratized access to educational resources and expanded the commercial reach of publishers and authors, it has simultaneously intensified the vulnerability of copyrighted works to unauthorized reproduction, mass redistribution, and platform-mediated piracy operating through encrypted communication channels, peer-to-peer systems, online marketplaces, and anonymous hosting services. Contemporary copyright discourse increasingly recognizes that digital piracy no longer constitutes merely an economic infringement against rights holders, but rather reflects a structural crisis in the enforcement capacity of modern intellectual property regimes confronted by decentralized technological environments and asymmetrical regulatory adaptation. Within the Indonesian context, this challenge has become particularly acute due to the exponential growth of digital literacy consumption alongside the widespread normalization of unauthorized e-book circulation among internet users, especially students and academic communities, whose practices frequently blur the boundary between accessibility and illegality. The evolving character of digital piracy consequently demands a reassessment of the effectiveness of conventional copyright enforcement mechanisms under Law Number 28 of 2014 concerning Copyright, particularly regarding their ability to respond to technologically mediated

infringements occurring within fluid and rapidly mutating cyber environments (Simatupang, 2021; Apriyani et al., 2024; Elsilmie et al., 2024).

Existing scholarship has attempted to examine various dimensions of copyright protection in the digital sphere, although the majority of studies remain fragmented within sectoral or doctrinal frameworks that insufficiently capture the multidimensional complexity of digital book piracy enforcement. Simatupang (2021) emphasizes the necessity of adapting copyright protection mechanisms to digital environments by highlighting the inadequacy of traditional legal paradigms when confronted with cyber-based dissemination systems, yet the study primarily concentrates on normative interpretation without systematically interrogating enforcement efficacy in practical contexts. Sulastri and Junaida (2021) analyze legal protection for e-books distributed through Google Play Books and underline the significance of platform-based copyright governance, although their analysis remains confined to formal legal obligations rather than broader systemic enforcement failures. Rejeki et al. (2023) focus on copyright violations in the sale of pirated books under Indonesian Copyright Law and demonstrate the persistence of unlawful commercial reproduction despite existing sanctions, while Suprayogi and Zakiran (2023) extend the debate by examining the legal accountability of electronic service providers involved in facilitating pirated book transactions within electronic systems. Collectively, these studies reveal an emerging scholarly concern regarding the shifting locus of copyright infringement from conventional physical reproduction toward digitally mediated circulation networks, yet they simultaneously expose a persistent tendency within Indonesian legal scholarship to conceptualize piracy predominantly as an isolated legal violation rather than as a technologically embedded governance problem requiring integrated institutional responses.

A more critical examination of recent literature further demonstrates substantial conceptual inconsistencies concerning the definition, scope, and operationalization of digital piracy within Indonesian copyright law, particularly in relation to the evolving architecture of online dissemination. Kamila et al. (2024) argue that the statutory definition of piracy under the current copyright regime inadequately accommodates the technological realities of digital reproduction and fails to distinguish between conventional physical counterfeiting and decentralized cyber-based distribution systems, thereby generating interpretive ambiguities that weaken enforcement coherence. Christiano (2021), meanwhile, critically interrogates the transformation of copyright offenses under Law Number 28 of 2014, especially the shift in delict classification and its implications for deterrence effectiveness against academic book piracy, concluding that the modification of prosecutorial mechanisms may paradoxically reduce the preventive capacity of criminal sanctions in practice. Such findings expose a deeper structural problem within the Indonesian copyright framework, namely the persistence of doctrinal assumptions inherited from analog-era enforcement models despite the emergence of algorithmically accelerated digital dissemination systems that operate beyond territorial jurisdiction and conventional evidentiary logic. Existing studies also exhibit methodological limitations because they frequently rely upon descriptive normative approaches without integrating broader analyses of institutional coordination, technological surveillance limitations, cyber-anonymity mechanisms, or the socio-legal normalization of digital piracy practices among users.

The unresolved tensions within the current literature carry significant scientific and practical implications because ineffective copyright enforcement against digital book piracy not only undermines the economic sustainability of authors and publishers, but also weakens legal certainty, erodes public trust in intellectual property institutions, and destabilizes the broader ecosystem of creative industries operating within digital economies. The normalization of unauthorized e-book circulation among students and internet users increasingly reflects the emergence of a permissive digital culture in which intellectual property violations are socially tolerated due to perceptions of affordability, accessibility, and informational entitlement, despite the substantial moral and economic harm imposed upon rights holders. Elsilmie et al. (2024) demonstrate that the use of pirated digital books among university students has become deeply embedded within educational practices, revealing a disjunction between legal norms and social behavior that conventional enforcement mechanisms struggle to address effectively. At the same time, Sasti et al. (2026) underline the growing responsibility of digital marketplaces in facilitating or preventing the circulation of pirated books, thereby shifting the enforcement debate toward questions of intermediary liability and platform governance. These developments indicate that copyright enforcement can no longer be understood solely through punitive legal frameworks directed at individual offenders, since digital piracy increasingly operates through

complex networks involving users, marketplaces, hosting services, and algorithmic infrastructures that collectively shape the circulation of unlawful content.

Against this intellectual backdrop, the present study positions itself within the intersection between copyright law enforcement, digital governance, and cyber-regulatory transformation by critically examining how Law Number 28 of 2014 concerning Copyright is operationalized in addressing the circulation of pirated digital books within Indonesia's contemporary digital ecosystem. Unlike prior studies that predominantly isolate either doctrinal interpretation, platform liability, or sociological consumption patterns, this research seeks to integrate those dimensions into a unified analytical framework capable of assessing the relationship between normative regulation, institutional enforcement capacity, technological disruption, and societal legal consciousness. Such positioning becomes essential because the existing body of literature has yet to comprehensively explain why formally adequate copyright norms continue to experience substantial implementation failures in digital contexts characterized by anonymity, rapid file replication, and cross-platform dissemination. The present research therefore does not merely revisit copyright protection as a static legal doctrine, but interrogates the structural effectiveness of enforcement mechanisms within technologically dynamic environments where legal authority is continuously challenged by decentralized digital infrastructures and evolving user behavior patterns.

This study aims to analyze the legal protection afforded to digital books under Law Number 28 of 2014 concerning Copyright, to examine the forms and mechanisms of law enforcement applied against the circulation of pirated e-books in Indonesia, and to identify the structural obstacles limiting enforcement effectiveness within digital environments. The research contributes theoretically by reconstructing the relationship between copyright enforcement, cyber-governance, and digital legal culture within the Indonesian intellectual property regime, while methodologically offering an integrative normative approach that combines statutory analysis, conceptual interpretation, and critical examination of enforcement dynamics in technologically mediated contexts

RESEARCH METHODS

This study constitutes non-empirical legal research employing a normative-juridical approach focused on the examination of legal norms governing copyright protection in digital environments, particularly concerning the circulation of pirated electronic books under Law Number 28 of 2014 concerning Copyright. The research applies statutory, conceptual, and doctrinal approaches to analyze the legal construction of copyright enforcement within Indonesia's contemporary digital ecosystem. Primary legal materials consist of statutory regulations related to copyright, electronic systems, and digital transactions, including Law Number 28 of 2014 concerning Copyright and other relevant implementing regulations. Secondary legal materials comprise scholarly articles, legal journals, doctrinal commentaries, and academic literature addressing digital copyright infringement, cyberlaw, intellectual property enforcement, and intermediary liability in online platforms, while tertiary materials include legal dictionaries, encyclopedias, and authoritative references relevant to the conceptual clarification of copyright protection in cyberspace. Data collection was conducted through comprehensive library research and systematic document analysis by identifying, classifying, and reviewing legal sources relevant to the research problem.

The analytical framework of this research is grounded in qualitative legal analysis employing statutory interpretation, conceptual interpretation, and systematic legal reasoning to assess the effectiveness of copyright enforcement mechanisms against the circulation of pirated digital books. The study utilizes interpretative methods encompassing grammatical, systematic, and teleological interpretation to evaluate the coherence between normative legal provisions and the practical challenges emerging within digitally mediated environments characterized by anonymity, cross-border dissemination, and rapid technological transformation. Analytical emphasis is placed upon examining the interaction between legal certainty, law enforcement capacity, and digital governance structures in order to identify normative inconsistencies and enforcement limitations within the Indonesian copyright regime. The validity of the analysis is strengthened through doctrinal consistency, comparative examination of scholarly arguments, and critical synthesis of legal theories relating to copyright protection, cyber-regulation, and enforcement effectiveness, thereby enabling the formulation of comprehensive legal arguments concerning the structural challenges of combating digital book piracy in Indonesia.

RESULTS AND DISCUSSION

Legal Construction of Copyright Protection for Digital Books under Indonesian Copyright Law

The juridical status of digital books within the Indonesian copyright regime derives fundamentally from the systematic interpretation of Article 40 paragraph (1) letter a and letter n of Law Number 28 of 2014 concerning Copyright, which expressly categorizes books, literary works, and digital compilations as protected copyrighted creations possessing both economic and moral dimensions of protection. Grammatical interpretation of Article 1 point 1 demonstrates that copyright protection is attached not to the physical medium of dissemination but rather to the intellectual expression embodied within a tangible form capable of reproduction and communication to the public. Such construction becomes highly relevant in digital environments where copyrighted books circulate through electronic systems regulated simultaneously under Law Number 11 of 2008 concerning Electronic Information and Transactions as amended by Law Number 19 of 2016. Simatupang (2021) argues that the migration of copyrighted works from physical to digital platforms necessitates an adaptive interpretation of copyright norms because technological transformation modifies neither the originality requirement nor the exclusive rights attached to authorship. Damri, Erniwati, and Fitri (2025) similarly contend that electronic books remain juridically equivalent to printed books because Indonesian copyright law adheres to the principle of technological neutrality, whereby protection extends across evolving modes of dissemination without requiring separate legislative recognition for each technological format.

The doctrinal basis for protecting digital books also reflects the philosophical orientation of copyright law toward safeguarding creative labor and incentivizing intellectual production within increasingly digitized knowledge economies. Article 4 of Law Number 28 of 2014 establishes copyright as an exclusive right arising automatically based on declarative principles after a work is manifested in tangible form, thereby eliminating the necessity of formal registration as a constitutive element of protection. Systematic interpretation of Articles 5 through 9 further demonstrates that Indonesian copyright law adopts a dualistic protection model encompassing moral rights and economic rights simultaneously. Moral rights preserve the personal and reputational relationship between authors and their works, while economic rights grant exclusive authority to publish, reproduce, distribute, communicate, and commercially exploit copyrighted creations. Maharani (2024) emphasizes that digital piracy undermines not merely economic interests but also the juridical integrity of moral rights because unauthorized dissemination frequently removes attribution, modifies content, or obscures the identity of original creators within digital circulation networks.

The teleological orientation of Law Number 28 of 2014 reveals that copyright protection functions not exclusively as a private proprietary mechanism but also as an instrument for sustaining national cultural and educational development. Article 2 of the Copyright Law aligns copyright regulation with broader constitutional commitments embedded within Article 28C paragraph (1) and Article 28D paragraph (1) of the Constitution of the Republic of Indonesia of 1945, which recognize both the right to develop oneself through access to knowledge and the guarantee of legal certainty. Normative tension emerges when unrestricted digital dissemination is justified in the name of educational accessibility while simultaneously eroding the legal protection guaranteed to creators and publishers. Uyun (2023) identifies the emergence of a normalization culture surrounding digital piracy, particularly among students and online communities, where unauthorized downloading is socially perceived as ethically acceptable due to affordability considerations and widespread internet accessibility. Elsilmi et al. (2024) reinforce this argument by demonstrating that many users of pirated digital books no longer conceptualize unauthorized access as a copyright violation because digital duplication is perceived as materially non-depletive and technologically unavoidable.

Doctrinal ambiguity concerning the definition of piracy under Indonesian copyright law creates interpretative uncertainty regarding the distinction between private use, fair educational utilization, and unlawful commercial dissemination in digital environments. Article 113 of Law Number 28 of 2014 criminalizes unauthorized commercial exploitation of copyrighted works, yet the provision employs broad terminology susceptible to inconsistent application across technologically mediated contexts. Kamila, Permata, and Wijaya (2024) criticize the statutory definition of piracy for remaining excessively anchored in conventional reproduction paradigms, despite contemporary copyright infringement increasingly occurring through decentralized online sharing systems involving cloud storage, encrypted messaging applications, and algorithmically generated distribution links. The

absence of detailed implementing regulations addressing emerging technological modalities produces interpretative fragmentation among law enforcement institutions and digital intermediaries. Christiano (2021) notes that the transformation of copyright offenses into complaint-based delicts under the current law further weakens deterrence because prosecution depends substantially upon the initiative and procedural capacity of copyright holders rather than proactive state enforcement.

The interaction between copyright law and electronic systems regulation demonstrates that digital piracy cannot be analyzed solely within the framework of intellectual property doctrine because infringement increasingly occurs through integrated online infrastructures governed by cyberlaw principles. Government Regulation Number 71 of 2019 concerning the Implementation of Electronic Systems and Transactions imposes obligations upon electronic system operators to ensure legal compliance and prevent unlawful digital activities within their platforms. Article 5 paragraph (1) of Ministerial Regulation of the Ministry of Communication and Informatics Number 5 of 2020 concerning Private Electronic System Operators further requires platform providers to remove prohibited electronic information upon notification by competent authorities. Sulastris and Junaida (2021) argue that platform-based e-book distribution systems generate hybrid legal relationships involving copyright owners, intermediaries, and consumers, thereby requiring coordinated enforcement mechanisms extending beyond conventional author-versus-infringer paradigms. Suprayogi and Zakiran (2023) similarly contend that electronic service providers may incur legal responsibility when knowingly facilitating the sale or dissemination of pirated books through digital marketplaces operating within Indonesian jurisdiction.

Normative inconsistencies also emerge from the fragmented relationship between copyright law and regulations governing the national book system under Law Number 3 of 2017 concerning the Book System. Copyright regulation prioritizes proprietary exclusivity and commercial protection, whereas the Book System Law emphasizes educational accessibility, literacy development, and equitable distribution of knowledge resources across Indonesian society. Widowati (2026) explains that insufficient harmonization between these regulatory regimes produces conflicting legal orientations because excessive exclusivity may obstruct public access to educational materials, while excessive accessibility risks weakening copyright protection for authors and publishers. The issue becomes increasingly problematic in digital environments where electronic books can be reproduced infinitely at negligible cost through unauthorized technological mechanisms.

Nabila and Melayu (2024) further observe that the moral dimensions of copyright protection recognized within Islamic legal scholarship reinforce the necessity of balancing societal educational interests with ethical obligations to respect intellectual labor and lawful ownership rights. The following normative mapping demonstrates the interrelationship between Indonesian copyright provisions and digital regulatory instruments relevant to the protection of electronic books from unlawful circulation:

Table 1. Normative Framework Governing Copyright Protection and Digital Piracy Enforcement in Indonesia

Legal Instrument	Relevant Provision	Normative Substance	Juridical Relevance to Digital Book Piracy
Law No. 28 of 2014 on Copyright	Article 9 paragraph (1)	Exclusive economic rights of authors	Prohibits unauthorized reproduction and distribution of e-books
Law No. 28 of 2014 on Copyright	Article 113 paragraphs (3)-(4)	Criminal sanctions for commercial piracy	Criminalizes unlawful digital dissemination for profit
Law No. 11 of 2008 jo. Law No. 19 of 2016 on EIT	Article 32	Prohibition of unlawful electronic transfer	Applies to unauthorized circulation of digital files
Government Regulation No. 71 of 2019	Article 5	Obligations of electronic system operators	Requires lawful governance of digital platforms

Legal Instrument	Relevant Provision	Normative Substance	Juridical Relevance to Digital Book Piracy
Ministerial Regulation No. 5 of 2020	Article 14	Takedown obligations	Enables removal of infringing digital content

The normative structure illustrated above indicates that Indonesian law already possesses a multi-layered framework capable of addressing digital copyright infringement through both intellectual property and cyber-regulatory instruments. Amin (2018) nevertheless argues that the existence of numerous legal instruments does not automatically guarantee effective enforcement because overlapping institutional authority and fragmented implementation frequently weaken normative coherence. Wibisono further explains that marketplace-based dissemination of pirated e-books exposes the insufficiency of traditional copyright doctrines premised upon direct infringement models, particularly when unlawful content circulates through intermediary-controlled digital infrastructures. Ikhsania et al. (2025) identify the increasing role of e-commerce platforms in facilitating the commercialization of pirated books, thereby expanding the legal relevance of intermediary liability doctrines within Indonesian copyright discourse. Doctrinal analysis consequently suggests that contemporary copyright protection requires reinterpretation through a digitally integrated governance framework capable of reconciling proprietary rights, intermediary accountability, and public access to knowledge within technologically dynamic environments.

The legal certainty principle embodied within Article 28D paragraph (1) of the Constitution requires that copyright norms provide predictable standards regarding the scope of prohibited digital conduct and the responsibilities of actors participating in electronic dissemination systems. Current statutory formulations nevertheless continue to exhibit conceptual ambiguity concerning liability allocation between primary infringers, platform operators, internet service providers, and users engaging in secondary dissemination activities. Djamarudin and Fuad (2024) observe that Indonesian marketplace regulation still lacks detailed operational standards governing preventive monitoring obligations, algorithmic filtering systems, and platform accountability mechanisms relating to copyright infringement. Muhammad, Permana, and Habibaty (2024) demonstrate through analysis of illegal streaming site blocking policies that administrative enforcement mechanisms often prioritize reactive takedown measures rather than systemic prevention capable of disrupting recurring patterns of unlawful digital circulation. Ningsih and Maharani (2019) similarly note in the context of online film piracy that technological adaptability among infringers frequently exceeds the procedural capacity of law enforcement institutions operating under territorially bounded legal frameworks.

Historical interpretation of Indonesian copyright development further reveals that many doctrinal assumptions embedded within Law Number 28 of 2014 remain heavily influenced by analog-era enforcement paradigms emphasizing tangible reproduction and geographically identifiable distribution systems. Muktar (2021) illustrates that earlier copyright enforcement models focused predominantly upon physical duplication through photocopying and printed reproduction, where infringing acts occurred within materially observable commercial environments. Digital piracy transforms this enforcement landscape by enabling instantaneous transnational dissemination through anonymous networks operating beyond conventional jurisdictional boundaries. Apriyani, Sutrisno, and Mulada (2024) contend that digital literacy growth unaccompanied by proportional legal literacy has intensified the vulnerability of copyrighted materials because technological accessibility accelerates unauthorized sharing practices across educational and social communities. The doctrinal challenge confronting Indonesian copyright law consequently concerns not merely the extension of existing norms into digital spaces, but the reconstruction of enforcement paradigms capable of addressing algorithmic dissemination systems, intermediary-driven circulation, and evolving social perceptions regarding intellectual property legitimacy within contemporary digital culture.

Juridical Analysis of Law Enforcement Mechanisms Against the Circulation of Pirated Digital Books in Indonesia

The enforcement architecture governing pirated digital books in Indonesia is structurally constructed through a combination of civil, criminal, and administrative mechanisms embedded within Law Number 28 of 2014 concerning Copyright and interconnected cyber-regulatory instruments

governing electronic systems and digital transactions. Article 95 paragraph (1) of the Copyright Law grants copyright holders the right to pursue civil remedies through compensation claims and injunctions against parties unlawfully reproducing or distributing copyrighted works within digital platforms. Criminal enforcement is simultaneously regulated under Article 113 paragraphs (2), (3), and (4), which prescribe imprisonment and monetary sanctions for unauthorized commercial exploitation of copyrighted material conducted through electronic means. Systematic interpretation of these provisions demonstrates that Indonesian copyright law formally adopts a cumulative enforcement model permitting parallel civil and criminal proceedings when infringement causes both proprietary and public legal harm. Rejeki, Iriyanti, and Dadang (2023) argue that the existence of multiple enforcement avenues reflects legislative recognition that digital piracy constitutes not merely a private contractual dispute but also a broader violation of public economic order and intellectual property governance.

The juridical effectiveness of criminal sanctions under Law Number 28 of 2014 remains doctrinally contested because the transformation of copyright infringement into a complaint-based offense significantly alters the prosecutorial dynamics of copyright enforcement in digital environments. Article 120 of the Copyright Law establishes that copyright-related criminal offenses may only be prosecuted upon complaint by the injured party, thereby reducing the autonomous intervention capacity of law enforcement authorities. Christiano (2021) critically observes that this legislative transformation weakens deterrence against academic and digital book piracy because many copyright holders lack sufficient institutional resources, procedural literacy, or economic incentives to initiate formal complaints against diffuse online infringers. The complaint-based mechanism becomes particularly problematic in cyberspace where infringing content may be reproduced repeatedly across multiple anonymous accounts within extremely short periods of time. Teleological interpretation suggests that although the complaint-based model aims to prevent excessive criminalization of copyright disputes, its practical operation may inadvertently privilege infringers by imposing substantial procedural burdens upon rights holders operating within technologically fragmented environments.

Administrative enforcement through digital content blocking and takedown procedures increasingly occupies a central role within Indonesian copyright governance because conventional criminal litigation frequently proves incapable of responding rapidly to technologically accelerated dissemination patterns. Article 54 of Law Number 28 of 2014 authorizes the government to supervise the dissemination of copyright-infringing content through information technology facilities, while Article 56 permits cooperation with relevant institutions to prevent unlawful distribution activities. Ministerial Regulation of the Ministry of Communication and Informatics Number 5 of 2020 further empowers authorities to require private electronic system operators to remove prohibited electronic information containing unlawful content. Muhammad, Permana, and Habibaty (2024) explain that blocking mechanisms originally developed for illegal streaming platforms have gradually expanded into broader digital copyright enforcement strategies involving websites, file-sharing services, and online marketplaces. Ningsih and Maharani (2019) nevertheless note that administrative blocking remains structurally vulnerable because infringing platforms frequently reappear through alternative domains, mirror sites, or encrypted dissemination channels operating beyond effective territorial supervision.

The role of intermediary liability within digital copyright enforcement has become increasingly significant due to the growing dominance of e-commerce platforms, online marketplaces, and electronic service providers in facilitating the circulation of electronic books. Government Regulation Number 80 of 2019 concerning Trading Through Electronic Systems imposes obligations upon digital platform operators to ensure lawful commercial activities and prevent prohibited transactions occurring within their systems. Article 15 of Law Number 11 of 2008 concerning Electronic Information and Transactions further establishes that electronic system operators bear responsibility for maintaining reliable and secure operational systems compliant with applicable legal norms. Suprayogi and Zakiran (2023) argue that marketplace operators may incur indirect liability when failing to implement adequate monitoring mechanisms against pirated digital books sold or distributed through their platforms. Sasti et al. (2026) similarly contend that intermediary responsibility within digital copyright governance must extend beyond passive notice-and-takedown compliance toward proactive preventive supervision incorporating algorithmic detection systems and stricter verification procedures for digital content sellers.

Normative interpretation of intermediary liability reveals that Indonesian law still lacks a comprehensive safe harbor doctrine capable of clearly distinguishing between neutral platform facilitation and contributory infringement arising from platform negligence or deliberate inaction. Article 10 of Government Regulation Number 71 of 2019 concerning Electronic Systems and Transactions requires electronic system operators to ensure that their systems do not contain or facilitate prohibited content, although the regulation provides limited operational guidance concerning copyright-specific enforcement standards. Djamaludin and Fuad (2024) observe that marketplace governance in Indonesia continues to rely heavily upon reactive complaint-based moderation systems, despite the algorithmic architecture of digital platforms frequently amplifying the visibility and commercial reach of infringing materials. Wibisono argues that the absence of explicit intermediary liability standards produces legal uncertainty regarding the threshold at which platform operators become legally responsible for recurring copyright violations conducted by third-party users. Comparative interpretation with international copyright regimes demonstrates that Indonesian regulation remains relatively underdeveloped regarding obligations to implement automated filtering systems, repeat infringer policies, and transparent copyright enforcement procedures within platform governance structures.

Judicial interpretation of copyright infringement in digital contexts also reflects continuing tensions between formal statutory protection and practical enforcement limitations within cyberspace. Supreme Court jurisprudence concerning intellectual property disputes generally affirms that unauthorized digital reproduction constitutes actionable infringement irrespective of the technological medium employed for dissemination. Judicial reasoning frequently relies upon systematic interpretation of Article 9 paragraph (3) of Law Number 28 of 2014, which explicitly prohibits reproduction and commercial use of copyrighted works without authorization from the copyright holder. Amelia and Putri (2025) explain that despite increasingly sophisticated statutory protection for e-books, judicial enforcement continues to face evidentiary difficulties concerning attribution, territorial jurisdiction, and digital authentication.

Doctrinal analysis consequently indicates that judicial protection for digital books remains formally strong yet operationally constrained by technological conditions exceeding the evidentiary assumptions embedded within conventional litigation procedures. The following table illustrates the normative classification of enforcement mechanisms applicable to pirated digital books under Indonesian law and their corresponding juridical limitations in practical implementation:

Table 2. Classification of Copyright Enforcement Mechanisms and Juridical Limitations in Addressing Pirated Digital Books in Indonesia

Enforcement Mechanism	Legal Basis	Enforcement Form	Principal Juridical Limitation
Civil Enforcement	Article 95 Law No. 28/2014	Compensation and injunction claims	High litigation costs and procedural complexity
Criminal Enforcement	Articles 113 & 120 Law No. 28/2014	Imprisonment and fines	Complaint-based offense weakens deterrence
Administrative Blocking	Articles 54-56 Law No. 28/2014	Website blocking and content takedown	Rapid reappearance of infringing domains
Intermediary Supervision	PP No. 71/2019 & PP No. 80/2019	Platform monitoring obligations	Absence of detailed safe harbor standards
Electronic System Compliance	Ministerial Regulation No. 5/2020	Removal of prohibited content	Reactive enforcement dependent on reports

The normative mapping above demonstrates that Indonesian copyright enforcement formally incorporates multi-dimensional regulatory instruments extending beyond traditional criminal punishment toward administrative and intermediary-based governance mechanisms. Amin (2018) nevertheless emphasizes that enforcement effectiveness depends substantially upon institutional coordination and technological adaptability rather than the mere existence of statutory sanctions.

Ikhsania et al. (2025) observe that online marketplaces often prioritize transactional efficiency and platform expansion over rigorous copyright verification procedures, thereby indirectly facilitating the circulation of pirated books through algorithmically optimized commercial infrastructures. Nabila and Melayu (2024) further explain that inadequate enforcement not only produces economic losses for authors but also undermines broader ethical principles concerning fairness, intellectual labor, and lawful ownership recognized within both secular and Islamic legal traditions. The persistence of digital piracy despite increasingly sophisticated legal instruments consequently suggests that enforcement failure originates not exclusively from normative insufficiency but also from structural weaknesses within institutional governance and technological supervision systems.

Doctrinal evaluation of enforcement policy further indicates that Indonesian copyright governance continues to prioritize reactive suppression rather than preventive regulation capable of addressing systemic patterns of digital infringement before widespread dissemination occurs. Article 55 of Law Number 28 of 2014 authorizes copyright holders to report infringing electronic content to the Minister, yet enforcement mechanisms remain heavily dependent upon individual complaints and post-publication intervention. Kamila, Permata, and Wijaya (2024) criticize this reactive orientation because technologically mediated piracy networks operate with extraordinary speed, allowing unauthorized digital books to circulate extensively before administrative measures can be implemented effectively. Apriyani, Sutrisno, and Mulada (2024) similarly argue that Indonesian digital copyright governance still lacks integrated technological infrastructure capable of conducting continuous monitoring, automated detection, and cross-platform enforcement coordination against infringing content. Teleological interpretation suggests that effective digital copyright enforcement requires preventive governance structures combining legal authority, technological surveillance, intermediary accountability, and public legal awareness within a coherent institutional framework.

The interaction between copyright enforcement and digital governance ultimately reveals that contemporary piracy cannot be addressed adequately through conventional territorial legal paradigms grounded exclusively in direct offender liability and post hoc punishment. Technological decentralization enables infringing actors to operate anonymously through foreign servers, encrypted communication channels, and decentralized file-sharing systems that substantially weaken the coercive reach of national legal authority. Uyun (2023) explains that the normalization of digital piracy within online culture further diminishes the social legitimacy of copyright enforcement because unauthorized dissemination increasingly becomes perceived as an ordinary informational practice rather than a juridically punishable act. Muktar (2021) demonstrates that the transformation from physical photocopy-based piracy toward digitally networked dissemination fundamentally alters the scale, speed, and reproducibility of infringement, thereby requiring corresponding transformation within enforcement doctrine and institutional strategy. Juridical analysis consequently confirms that effective enforcement against pirated digital books requires reconstructing copyright governance from a static punitive model into an integrated cyber-regulatory system capable of responding dynamically to evolving technological infrastructures, intermediary architectures, and socio-digital behavioral patterns.

Structural Obstacles and Normative Reconstruction of Copyright Enforcement in the Digital Environment

The principal obstacle confronting copyright enforcement against pirated digital books in Indonesia originates from the structural incompatibility between territorially bounded legal systems and technologically borderless modes of digital dissemination operating through decentralized electronic infrastructures. Law Number 28 of 2014 concerning Copyright was enacted within a legal paradigm still substantially influenced by conventional assumptions regarding identifiable infringers, localized commercial circulation, and materially observable reproduction processes. Digital piracy transforms these assumptions by enabling instantaneous replication and transnational distribution through anonymous accounts, encrypted platforms, cloud storage systems, and algorithmically generated sharing networks. Article 32 paragraph (1) of Law Number 11 of 2008 concerning Electronic Information and Transactions formally prohibits unauthorized transfer or manipulation of electronic information belonging to others, yet enforcement difficulties emerge because digital dissemination frequently occurs through fragmented technological pathways obscuring attribution and territorial jurisdiction. Simatupang (2021) argues that Indonesian copyright enforcement remains institutionally constrained because normative regulation has developed more slowly than the technological evolution

of cyberspace, thereby producing a widening gap between legal formalism and digital operational realities.

Normative obstacles also arise from the absence of harmonized regulatory integration between copyright legislation, electronic system governance, and marketplace supervision mechanisms governing digital commercial activity. Government Regulation Number 80 of 2019 concerning Trading Through Electronic Systems regulates online commercial transactions and imposes obligations upon electronic commerce operators to ensure lawful conduct within digital marketplaces, although its provisions concerning copyright enforcement remain relatively general and procedurally underdeveloped. Article 22 of the regulation requires platform providers to maintain responsible governance systems, yet no detailed operational standard specifically addresses automated copyright verification, repeat infringer monitoring, or algorithmic suppression of pirated digital books. Djamaludin and Fuad (2024) observe that this regulatory fragmentation permits online marketplaces to rely predominantly upon reactive moderation systems dependent upon complaints from rights holders rather than preventive monitoring structures capable of identifying unlawful content proactively. Ikhsania et al. (2025) further contend that the rapid expansion of Indonesian e-commerce ecosystems has not been accompanied by proportional strengthening of copyright supervision standards, thereby allowing pirated books to circulate commercially within mainstream digital marketplaces under conditions of limited institutional oversight.

The structural weakness of complaint-based criminal enforcement mechanisms constitutes another significant obstacle diminishing the deterrent capacity of Indonesian copyright law within digital environments characterized by mass and repetitive infringement. Article 120 of Law Number 28 of 2014 categorizes copyright offenses as *delik aduan*, requiring formal complaints from injured parties before criminal proceedings may commence. Christiano (2021) criticizes this legislative approach because copyright holders frequently lack the procedural resources, technological expertise, and economic capacity necessary to pursue large-scale digital infringers operating anonymously across multiple online platforms. The complaint-based system also creates asymmetrical burdens where copyright owners must continuously monitor cyberspace and initiate enforcement individually against proliferating infringing actors. Amin (2018) explains that criminal enforcement loses much of its preventive function when the operational costs of initiating legal proceedings exceed the anticipated benefits obtainable through litigation, particularly within rapidly evolving digital piracy ecosystems characterized by low entry barriers and minimal risk of detection.

Socio-legal obstacles emerge from the normalization of unauthorized digital consumption practices within Indonesian online culture, particularly among students and educational communities seeking inexpensive access to academic materials. Uyun (2023) identifies the emergence of a permissive digital morality in which the unauthorized downloading and sharing of electronic books becomes socially tolerated due to perceptions that knowledge accessibility possesses greater ethical value than proprietary exclusivity. Elsilmie et al. (2024) similarly demonstrate that many students no longer perceive digital piracy as a serious legal violation because electronic files are considered infinitely reproducible and technologically detached from traditional concepts of ownership depletion. Such socio-cultural attitudes substantially weaken the normative authority of copyright law because enforcement legitimacy depends not exclusively upon statutory coercion but also upon societal recognition of intellectual property as a legally protected interest deserving respect. Teleological interpretation of copyright regulation consequently reveals that effective protection requires not merely punitive sanctions but also the cultivation of legal consciousness capable of reconciling educational accessibility with respect for intellectual labor and lawful commercial distribution.

Institutional limitations concerning technological expertise and cyber-enforcement capacity further exacerbate the ineffectiveness of copyright protection against pirated digital books. Article 54 of Law Number 28 of 2014 authorizes governmental supervision over copyright infringement conducted through information technology facilities, although practical implementation depends heavily upon inter-agency coordination involving the Ministry of Communication and Informatics, law enforcement authorities, cybercrime divisions, and electronic system operators. Apriyani, Sutrisno, and Mulada (2024) explain that many enforcement institutions continue to experience significant deficiencies in digital forensic capabilities, real-time monitoring infrastructure, and technical expertise necessary to investigate technologically sophisticated infringement networks. Muhammad, Permana, and Habibaty (2024) observe in the context of illegal streaming site blocking that administrative

enforcement often struggles to keep pace with the rapid adaptability of infringing platforms capable of migrating across domains and servers within extremely short periods. Structural analysis therefore indicates that the technological asymmetry between state enforcement institutions and digitally networked infringers substantially undermines the operational effectiveness of existing copyright enforcement mechanisms.

Doctrinal inconsistency regarding intermediary liability standards also contributes significantly to enforcement uncertainty within Indonesia's digital copyright regime. Article 15 of Law Number 11 of 2008 concerning Electronic Information and Transactions establishes general obligations for electronic system operators to ensure reliable and secure operation, yet the statute does not provide comprehensive guidance concerning the extent of platform responsibility for third-party copyright infringement. Sasti et al. (2026) argue that the absence of explicit safe harbor provisions and detailed intermediary liability standards creates interpretative ambiguity regarding the threshold at which digital marketplaces become legally responsible for recurring circulation of pirated books. Wibisono similarly explains that platform operators frequently invoke neutrality defenses despite algorithmic recommendation systems, advertising structures, and commercial transaction facilitation mechanisms substantially contributing to the visibility and profitability of infringing content.

Comparative analysis with international digital copyright regimes demonstrates that Indonesian law remains relatively underdeveloped concerning obligations to implement preventive filtering technologies, transparent copyright enforcement protocols, and repeat infringer termination policies within intermediary governance systems. The following table illustrates the principal structural obstacles affecting the effectiveness of copyright enforcement against pirated digital books within Indonesia's contemporary digital ecosystem:

Table 3. Structural Barriers Affecting the Effectiveness of Copyright Enforcement Against Digital Book Piracy in Indonesia

Structural Obstacle	Relevant Legal Instrument	Juridical Consequence	Enforcement Impact
Complaint-based offense system	Article 120 Law No. 28/2014	Dependence on rights holder complaints	Weak criminal deterrence
Weak intermediary liability standards	Law No. 11/2008 & PP No. 71/2019	Ambiguous platform accountability	Ineffective marketplace supervision
Technological enforcement limitations	Article 54 Law No. 28/2014	Limited cyber-investigation capacity	Slow identification of infringers
Socio-cultural normalization of piracy	Constitutional access-to-knowledge discourse	Reduced social legitimacy of enforcement	Persistent digital piracy demand
Regulatory fragmentation	Multiple overlapping regulations	Inconsistent institutional coordination	Reactive rather than preventive enforcement

The juridical mapping above demonstrates that copyright enforcement obstacles derive not from a singular normative deficiency but from interconnected structural weaknesses involving legal doctrine, institutional coordination, technological capacity, and socio-cultural legitimacy. Widowati (2026) argues that the fragmentation between copyright law and broader book governance regulation produces inconsistent policy priorities concerning educational accessibility and proprietary exclusivity. Nabila and Melayu (2024) further explain that ethical dimensions of intellectual property protection remain insufficiently internalized within digital consumer culture, despite doctrinal recognition that unauthorized commercial exploitation constitutes both legal and moral harm against creators. Amelia and Putri (2025) observe that legislative reforms enhancing formal protection for electronic books have not yet produced proportional improvements in operational enforcement effectiveness due to persistent institutional and technological limitations. Systematic interpretation consequently indicates that the challenge confronting Indonesian copyright law concerns the reconstruction of integrated digital

governance capable of synchronizing normative clarity, intermediary responsibility, cyber-enforcement infrastructure, and public legal awareness within a coherent regulatory framework.

Normative reconstruction of copyright enforcement consequently requires moving beyond conventional punitive paradigms toward preventive and technologically integrated governance models capable of responding dynamically to evolving digital infrastructures. Article 56 of Law Number 28 of 2014 already authorizes cooperation between governmental institutions and relevant stakeholders for preventing copyright infringement conducted through information technology facilities. Kamila, Permata, and Wijaya (2024) argue that future legislative reform should redefine digital piracy more comprehensively in order to accommodate decentralized dissemination patterns, cloud-based storage systems, and algorithmically facilitated sharing mechanisms characterizing contemporary cyberspace. Suprayogi and Zakiran (2023) contend that electronic system operators should bear affirmative obligations to implement proactive monitoring technologies, copyright verification systems, and transparent dispute resolution mechanisms capable of suppressing unlawful circulation before mass dissemination occurs. Doctrinal reconstruction therefore requires integrating copyright protection into broader cyber-governance strategies emphasizing preventive technological regulation, intermediary accountability, and cross-sectoral coordination rather than relying exclusively upon post hoc criminal prosecution.

Theoretical analysis ultimately demonstrates that effective copyright enforcement within digital environments depends upon the harmonization of proprietary protection, technological governance, and societal legal consciousness within an adaptive regulatory ecosystem capable of responding to rapidly evolving informational infrastructures. Muktar (2021) illustrates that earlier enforcement models designed for physical photocopy-based piracy become increasingly inadequate when infringement occurs through decentralized digital replication systems operating instantaneously across territorial boundaries. Maharani (2024) emphasizes that protection of authors' economic rights possesses broader constitutional significance because intellectual creativity contributes directly to educational development, cultural sustainability, and national economic growth within knowledge-based societies. Damri, Erniwati, and Fitri (2025) similarly argue that legal certainty concerning e-book protection remains indispensable for sustaining public confidence in digital publishing industries and encouraging continuous creative production within technologically mediated markets. Juridical analysis consequently confirms that the future effectiveness of Indonesian copyright law will depend substantially upon its capacity to reconstruct enforcement doctrine from a static analog-oriented framework into an integrated cyber-regulatory system balancing innovation, accessibility, intermediary governance, and robust protection of intellectual property rights within the digital era.

CONCLUSION

The juridical analysis demonstrates that digital books constitute protected copyrighted works under Law Number 28 of 2014 concerning Copyright, wherein the protection framework encompasses both moral and economic rights extending across technologically mediated forms of dissemination within cyberspace. Indonesian copyright law has formally established a multidimensional enforcement structure through civil remedies, criminal sanctions, administrative blocking mechanisms, and intermediary governance regulations integrated with electronic system supervision under related statutory instruments. Normative evaluation nevertheless reveals that the operational effectiveness of such enforcement mechanisms remains substantially weakened by structural obstacles involving complaint-based criminal procedures, fragmented intermediary liability standards, technological asymmetry between law enforcement institutions and digital infringers, limited cyber-investigative capacity, and the socio-cultural normalization of unauthorized digital consumption practices. The interaction between copyright law and rapidly evolving digital infrastructures further exposes the inadequacy of analog-oriented enforcement paradigms when confronted with decentralized, transnational, and algorithmically accelerated dissemination systems characteristic of contemporary cyberspace. Effective protection of digital books consequently requires normative reconstruction toward an integrated cyber-regulatory model emphasizing preventive technological governance, harmonized intermediary accountability, institutional coordination, adaptive legal interpretation, and strengthened public legal consciousness capable of balancing intellectual property protection with lawful access to knowledge within Indonesia's digital society.

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