



LEGAL PROTECTION OF THE MORAL RIGHTS OF NOVEL AUTHORS ON ONLINE PLATFORMS

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Article history:	Abstract:
Received: July 4 th 2023 Accepted: August 4 th 2023 Published: September 6 th 2023	Novels published on online platforms are one of the copyrighted works that are quite widely violated by copyright, both economic and moral rights. The purpose of this study is to analyze the form of handling violations of the moral rights of novel authors on online platforms and to analyze the form of legal protection of the moral rights of novel authors on online platforms in the Copyright Law 2014. This study used normative juridical research methods. The results of research, handling or law enforcement against violations of the moral rights of novel authors are influenced by elements in the legal system, namely law enforcement, regulations governing moral rights in copyright, and culture or legal awareness of the community. Preventive Legal Protection of the moral rights of novel authors is regulated in the Copyright Law of 2014, Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions, and Circular Letter of the Minister of Communication and Information Number 5 of 2016. Repressive Legal Protection, sought in the event of a dispute over violations of moral rights, with settlement through non-litigation and litigation.

Keywords: Legal Protection, Moral Rights, Novelist, Online Platform

INTRODUCTION

Knowledge knowledge, technology, and work thriving arts and literature rapidly moment This created by the creators who exerted whole ability thinking and creativity For create unique and special work. Definition creator according to Constitution Number 28 of 2014 concerning Copyright (hereinafter called Copyright Act 2014) is a or some people who are individually or together produce something nature of creation distinctive and personal.

Creation is every results work create in the field knowledge knowledge, art and literature produced on inspiration, ability, thought, imagination, dexterity, skill, or expressed expertise in form real. Protected creation based on Article 40 paragraph (1) of the Copyright Law includes creation in field knowledge knowledge, art and literature can differentiated in some type creation that is type creation work write, type creation work other, type creation work art, kind creation audiovisual works, types creation dramatic and choreographic works, types creation work photography, type creation work composition music, and types creation work recording.

The advent of the internet had an impact to almost whole activity man including in field arts, literature and knowledge knowledge that becomes object protection right create. Such technology proceed

moment This make it easier for people free copy the work of others who have right create. Copy other people's work without permission, distort or No include Name creator is frequent cases happened. Actions the Of course raises loss for creator related with exclusive which includes moral rights and entitlements economy.

Economic rights is rights owned by a person creator For get profit on his creation. Economic rights in something work create is various form available rights exploited in a manner economical and is available rights separated from its creator. Moral rights are rights inherent in the creator, rights This still be in yourself creator although right its economy redirected. Moral rights are right somebody For acknowledged expression the individual as extension from his personality. Draft This originate from Ancient Greece and Ancient Rome under Emperor Justinian.

Literary works are one of them form creation people humans in Indonesia are protected by the Copyright Law. One literary works of interest many people are novel. A novel, both written and published in a manner physique as well as those written and published via an online platform, namely literary works that become part from Property Rights Intellectual and possessive right copyright protected by applicable law in Indonesia. Copyright about digital-based literary



works are arranged in Copyright Act 2014. and Act Invite Number 19 of 2016 Concerning Changes to the Law Number 11 of 2008 Concerning Information and Transactions Electronics. Whereas arrangement regarding online platforms is contained in the Circular Letter of the Minister of Communication and Information Number 5 of 2016 concerning Limitations and Responsibilities of Platform Providers and Merchants (Merchant) Trading through system electronics (Electronic Commerce) in the form of User Generated Content (UGC).

Violation right create on online platforms frequently happens , because of the readers can with easy enjoy results work from the writers for free. With only do registration yourself on the existing platform , readers Already can enjoy their novel story want . it raises very high chance for those parties who do not responsible answer For copy or disseminate without permission from writer . As for example , on online novel platforms often found results work a writer copied in a manner whole only just What is the name in novel characters changed , p the is action plagiarism . Plagiarists _ include Name they as author and claim that That is their writing . Actions the Of course it 's just very detrimental writer original . They No value results Work hard from novelist who has do research , determine theme , determine characters , determine the setting and plot story, along with other things are a must done by one person novelist For produce A interesting novels. With on purpose has violate right create writer without think about their consequences cause. Violation to right economy novelist often get more attention than violation to moral rights . Many don't realize that same moral rights importance with right economy . The most significant difference between moral rights and entitlements economy lies in that moral rights do not Can diverted Because is form award to si creator . Justification protection moral rights based on respect to personality creator, really very valid and basic . Moral rights are something deepest. As innermost being , moral rights are recognized as aspect essentials inherent in the person the creator must cherished , respected and protected .

RESEARCH METHOD

This research is normative juridical research, by examining library materials related to moral rights. The research approach uses a statutory regulation approach. Data source from study This taken from secondary data , which includes material primary law , materials law secondary and materials law tertiary . Collection technique material law done with method identify and inventory rule law positive , researching

material library (books , journals scientific reports results research), and sources material law other relevant with problem the law under study . Writer in processing and analyzing use method descriptive-analytical. On research expressed regulation applicable legislation will related with various theories the law becomes object from study

DISCUSSION

Handling Violations of Moral Rights of Novel Writers on Online Platforms

Information , documents , or results work creators present in digital form and can accessed online (online) with use Internet technology is very vulnerable For made object violations by parties who do not responsible answer . Appreciation to right economic and moral rights of creator often very ignored and considered No important by those who want to take profit for himself alone .

As protected creation right create , in A novel work , attached right economic and moral rights . throughout concerning right economics , the author as creator entitled exploit work he wrote , well through publishing in form physique or in digital form as on online platforms. Creator can obtain royalty from publishing the book or get an honorarium for loading written in the media. Temporary that is , the moral right to give guarantee protection to creator For be included his name in created and valued , with method No alter , distort , modify or potentially mutilating _ harm integrity creator . Form protection the become real and tangible if There is violation to second essence moral rights , that is right of paternity or right of integrity.

A good novelist successful novelist _ his work published in form physique or printed nor author of a successful novel his work published via online platforms You're welcome own moral rights protected by law positive Indonesia. In practice life daily violation to second essence a person's moral rights novel writers on online platforms frequently very happened . It's easy access for somebody For access and read something story online on the novel create platform violation to paternity right and or integrity rights a author of online novels is rife happened .

Paternity rights (paternity rights) is right novelist for unite , identify and claim results work he wrote This right is right special writer For acknowledged as creator with write name and/ or identity in work the novel , so his identity can known by the reading public his work . Additionally , in right This a the creator (novel writer) also has right For object to attribution from wrong creation as well as right For use Name his disguise .



Integrity rights (integrity rights) is right novelist for reject form distortion, mutilation, or modification others who don't official on his work and also for reject deed whatever can harm honor and worth himself, this right possible writer For object when There is a the publisher, for example, owns it permission For use his work such and without agreement from writer do modification or subtraction in form whatever. This right also gives writer For monitor form adaptation from his work.

A number of case violation right copyright on the online novel platform happened generally caused because of the readers can with easy enjoy results work from the writers for free. With only do registration themselves on existing platforms, dear readers Already can enjoy their novels want. it raises very high chance for parties who do not responsible answer For copy or disseminate without permission from writer. B share online novelist, transgression the Of course just harm them. Besides being harmed in a manner right economics, of course just they harmed in a manner moral rights. The work they do earn with difficult sucks sacrifice thought and time For make a novel with road Interesting story, be something that other people think is just just possible story at will copied and disseminated without permission.

Violations committed on online novel platforms, of course unsettling for writers, shadows work they will hijacked or plagiarized by the parties No responsible answer, create writer become reluctant For upload their novels Overcome The fears of the novel writers, the online novel platform has policy related protection right create for writers on their platform.

Policy about guarantee right copyright issued by these online platforms in accordance with provisions that have been set in the Circular Letter of the Minister of Communication and Information Number 5 Years 2016. Mentioned that goods and/ or loading services _ infringing content right riches intellectual forbidden For loaded in a platform. In accordance with regulation The, online novel platform in policy has banned the writers upload works that are not work original they Because matter the violate right riches intellectual.

General online novel platforms has serve terms and conditions for writers who will send or upload their novel works, for reminded the authors No haphazard send work them. Reporting tools are also provided so that platform users can convey complaint prohibited content, then do action to complaint violation right create, and do evaluation or monitoring novel writers who write on their platform.

Handling to violation right create specifically a person's moral rights creator If noticed not enough get

priority compared to with handling to violation right economy. Handling word own synonym workmanship, cultivation, management, action, completion. Handling can said is a process of action solution something case or violations committed by the parties authorized so that case or violations encountered can controlled and resolved something matters committed by the parties authorized is one from effort enforcement law.

Enforcement originate from the word erect which means standing, alert (no limp), straight direction to top, as high as a person standing; alone; as high as upright, fixed firm; still No changed. Enforcement means process, method, action uphold. because That enforcement law is a process, or method he did effort For upright or functioning norm law in a manner real. Enforcement law the goal is carry out rule normative law or characteristic rules written, specifically is regulation legislation in natural real.

Enforcement law in English called law enforcement, meanwhile called in Dutch with recht teopassing or rechtshandhaving, which includes understanding in the macro and micro sense. In understanding micro, enforcement law limited to examination in court, including the process of inquiry and investigation, prosecution, up to the conviction decision court. In a sense macro covers whole aspect life nation and state.

Stukur law is institution supporting law upright system law. this part related with order law, institutions law, apparatus enforcer law and authority, device law, and process as well performance they in implement and enforce law. In practice enforcement law right create found Still Lots weakness, because weak apparatus enforcer law especially related in a manner direct with right create Still not enough role. As a result, quality enforcement law right create become not enough it's satisfying.

Apparatus enforcer law in understanding wide is institution enforcer law, meanwhile in the narrow sense, apparatus enforcer law is police, prosecutors, and judges. In maintenance system Justice criminal, necessary ranks apparatus enforcer professional, competent, honest and wise law. The enforcers law own not quite enough answer enforce authority law and enforce justice. Professionalism enforcer law can seen from level mastery knowledge the law, the skills and personality of the enforcers law in operate duties and authority in working. Enforcer law called professional Because ability think and act surpass law written without injure mark justice. In upholding justice, demanded ability enforcer law criticize law and practice law for the sake of discovery what should _ done as a



professional . Quality commitment depends ability build self-image positive and becoming reflection importance self-esteem as value .

In practice enforcement law to violation right creation , incomprehension apparatus enforcer law on substance problems handled tend make they put case violation right create with focus violation right economy .

this time regulation about enforcement law to violation right create arranged in Copyright Act 2014. Article 5 of the Copyright Act 2014 regulates that moral rights are right from creator For maintain right in matter happen distortion creation, mutilation creation , modification creation or nature thing harm honor or reputation. Article 98 of the 2014 Copyright Law confirms that moral rights will forever attached to the creator nor owner right related (perpetrator show), though right economy creator and/ or right economy perpetrator show has switch . Because that , if happen violation to moral rights of the creator and/ or perpetrator show , they can sue the violating party these moral rights to court (in matter This Court Commerce).

Quality culture law determine quality enforcement law. Culture law (culture work) from apparatus enforcer good law will produce enforcement effective and efficient law . Officers enforcer law Already should capable release self from culture apparatus lasting law this is rated No fair and bad by society . In enforcement law to violation moral rights of creators , authorities enforcer law should Can more understand about regulation about right create specifically moral rights , because in practice one's moral rights creator often considered No too important than right economy . Complaint about violation to right copyright , for example in case plagiarism , often considered as something trivial .

Culture law public identical with understanding awareness law , that is awareness law from subject law in a manner overall . Awareness law can interpreted as awareness somebody or something group public to rules or applicable law . Awareness law is needed by a society . this aims to ensure order , peace , tranquility and justice can embodied in association between fellow . Without own awareness high law , purpose the will be very difficult achieved .

In case finish problem law right create through track justice , consciousness law public still very lacking . this because part big public think that when they finish problem law through track court so matter That will bring they to in a difficult process , remember many cost and time required in the judicial process that . Besides that public No Like litigation in court No Because exists

awareness culture that resolved in a manner family outside court Far more well , but because the average society not Again trust in the enforcement process law as well as enforcers the law .

Copyright Law is one of them law writing and existence Already quite a while, however in implementation during This Still Lots happen violation . The amount violation that occurred describe level awareness law community in the field right create Still classified low The low level awareness law public the caused part big public Still many have n't know , understand , appreciate and obey Copyright Act .

Legal Protection of the Moral Rights of Novel Writers on Online Platforms in the 2014 Copyright Law

Confession to a person's moral rights creator is something form appreciation and respect public to creator on his creativity . Own moral rights can tracked origin its existence until to Ancient Roman times when start born draft confession to individual certain as the " author " above works it produces and prohibitions for other party for plagiarized - no multiply - works that . Christian Church later adopt system confession on draft to - the author of such and dominate system patronage on works art in the century middle . In century middle in Europe , a artist usually No characteristic independent in produce something works , but are below support a certain patron or promoter , usually church or nobles , who will finance the artist 's life with rewards works produced art , where results work art the still acknowledged as results the artist 's timely work will raise reputation as well as position bid si artist in front the promoter . The artists Then develop characteristic the particularities and characteristics of each of them are deeply personal works them , as well become part from integrity they as a artist . Close relationship pattern _ between Creator and Creation sort of this is what happens next put foundation base development confession will Moral Rights in Europe , which then widespread until moment this .

Although own history sufficient development long, Moral Rights themselves can say rather late become an integral part of system Copyright law . Related provisions with protection of new Moral Rights enter to in Berne Convention at the time done revision to convention in Rome in 1928 , with entry Article 6bis which contains obligations of member states For give creator right to 1) claim the status as Creator from something Creation or works , and 2) object on all form reduction , mutilation , or change others , or other actions that done to work si Creator who can harm honor nor reputation si creator .



Legal Protection is protection will honor and dignity man as well as confession to rights basic human beings owned by the subject law based on provision law from arbitrariness, which originates from Pancasila and the rule of law concept. In relation with protection law for the people, Philipus M. Hadjon distinguish two types means protection law, namely:

1. Protection Means. On protection law preventive this, subject law given chance For submit object or his opinion before something decision government get definitive form. Protection preventive law aim For prevent happening dispute
2. Repressive Legal Protection Means. Protection law repressive aim For finish dispute. Handling protection law by the General Court and the Judiciary State Administration in Indonesia includes category protection repressive laws.

Related protection law to The moral rights of online novel writers exist effort protection law preventive and repressive. Preventive efforts with created it Constitution Number 28 of 2014 concerning Copyright that owns objective prevent various type form violation related a person's moral rights creator. Concept protection the moral rights of online platform novel writers in Indonesia are regulated in a number of chapter Copyright Law 2014, namely in Articles 5- 7.

A novelist on online platforms, rights his morals protected by the 2014 Copyright Law Article 5 paragraph (1) which states that moral rights constitute inherent rights in a manner eternal in itself Creator to: stay include or No include his name on the copy in connection with usage His creation For general; use Name alias or disguise; change His creation in accordance with propriety in society; change title and child title creation; and maintain right in matter happen distortion Creation, mutilation Creation, modification Creation, or nature thing harm honor self or reputation. In effort For give more protection Again to moral rights, a person creator can own information Copyright management and/ or information Electronic Copyright. Information Copyright management and and information electronic Copyright owned by a person creator, prohibited removed, changed, or damaged. For violators right create in matter destruction technology safety can worn penalty criminal as arranged in article 112 of the Copyright Law, with provision as following: Everyone who is with without right do deed as intended in Article 7 paragraph (3) and/ or article 52 for Use By Commercial, criminal with criminal imprisonment for a maximum of 2 (two) years and/ or criminal a maximum fine of IDR 300,000,000.00 (three hundred million rupiah).

With he arranged about use technology safety in Copyright Act 2014 and sanctions for people who remove, change, or damage technology safety the show that use technology safety as one of the internal strategies protection right create is enough thing important For done. For creators the result work he created is at in digital form of use technology safety Of course just bring benefit in protection right create them.

Protection law repressive aim For finish dispute that has been happened. As A right material, that is immaterial objects, then right create can switch and redirect. According to Article 98 paragraph (1) of the 2014 Copyright Law Transfer of Copyright whole Creation to the other party doesn't reduce right Creator or expert his heir For sue everyone who with intentionally and without rights and without agreement Violating creator creator's moral rights as intended in Article 5 paragraph (1). Violation to moral rights give position law for creator For finish dispute violation moral rights through mechanism law. In offense their moral rights, accordingly with regulations in the 2014 Copyright Law Article 95, author can finish dispute that they experience through alternative solution dispute, arbitration, or court. competent court in judge dispute the is Court Commerce. Court other besides Court Commerce No authorized handle solution Copyright disputes.

Novelists are entitled submit change make a loss to perpetrator violation, p This in accordance inside settings Article 99 of the 2014 Copyright Law that Author, Copyright Holder, or Owner of Related Rights entitled submit lawsuit change make a loss to Court Commerce on Copyright infringement or Related Rights products. Lawsuit change make a loss can form request For deliver whole or part income earned from maintenance lectures, meetings scientific, show or exhibition the work which is results Copyright infringement or Related Rights products. Novelist can _ submit request that the perpetrator violation deliver whole or part the income he earns from broadcast work write which is results violation right copyright.

CONCLUSION

Handling or enforcement law to violation The novel writer's moral rights are influenced by the elements in system law that is apparatus enforcer law, governing regulations about moral rights in right creation, and culture or awareness law society. Lack of understanding and appreciation to right create especially moral rights make rampant violation to a person's moral rights creator. Preventive Legal Protection against The moral rights of novel writers are



regulated in Copyright Act 2014, Act Invite Number 19 of 2016 Concerning Changes to the Law Number 11 of 2008 Concerning Information and Transactions Electronics , and Circular Letter from the Minister of Communication and Information Number 5 of 2016. Repressive legal protection , sought in matter happen dispute on violation moral rights , a person online platform novel writers can maintain right with submit various effort solution through non- litigation and litigation . Need enhancement understanding or source skills Power apparatus enforcer law in the field of Copyright in particular related moral rights and improvement awareness law public through knowledge and understanding about law right create as well as value results work from a creator , so can materialized enforcement fair and transparent laws on violation right create specifically in violation moral rights . Copyright Act or provision its implementation need more updates follow development technology moment This with load about protection on work digital creation on online platforms, remembering mature this is the mode and type violation right create the more develop

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