



Legal Protection of Book Creators Against Digitalization in the Perspective of the Use of AI

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ABSTRACT

The development of artificial intelligence (AI) technology has made the process of digitizing books easier, such as converting printed books into digital form. While this makes it easier to access and store information, AI-assisted digitization also poses a risk of copyright infringement, mainly if it is carried out without permission from the author or the book's copyright holder. The problem is how the law in Indonesia, especially Law No. 28 of 2014 related to Copyright, protects book creators' rights in the face of digitalization practices involving AI. This research aims to question how the regulations governing copyright protection for books digitized with the help of AI and the implementation of Law No. 28 of 2014 concerning Copyright on the digitization of books with the help of AI. This research uses a normative juridical method, with a legislative approach and literature study. The results of the implementation of this study indicate that although copyright law has regulations for the protection of copyrighted works, including books, no regulation specifically discusses the use of AI in the digitization process. To protect copyright in the digital era, regulations must be strengthened and public awareness increased.

INTRODUCTION

Books have an important role in the scope of human life, from children, school students, to adults, books introduce and provide knowledge about the outside world. The role of books not only provides broad insights but also becomes a bridge that connects our relationships with the outside world. These books are generally packed with knowledge, but some are also created for entertainment purposes, such as novels, comics, and other works intended for various ages.

In this digital era, carrying physical books to various places is often considered troublesome because it is heavy and take up a lot of space. Along with the development of technology, there are various books circulating on the internet in digital formats that are easy to read anywhere. Basically, digital books are a method of reading that comes in electronic or softcopy form. These books can be easily found on websites that are on the internet.

Intellectual property rights (IPR) provide protection to every creator for the results of their copyrighted work and its use (Raden, 2024:202). The rapid development of science and technology, including the digitization of works of art, especially books, has changed the way these works are disseminated. Book digitization allows books to be accessed, read and distributed through electronic devices, but book digitization poses great challenges, especially in terms of copyright protection. Copyright is an exclusive right that is absolute in nature and valid throughout the life of the creator and a few years thereafter (Riswandi, 2004: 37). Although digitization facilitates access to books, many digital books are circulating without permission from their creators, which has the potential to violate intellectual property rights (Anthon, 2023). The digitization process without the author's consent can lead to plagiarism and copyright infringement.

On the other hand, technological advances have also given birth to new innovations in the form of *artificial* intelligence (AI). AI is now able to create, digitize, and even reproduce books quickly using just certain keywords or instructions. The presence of AI brings great benefits, but it also poses serious challenges in the protection of intellectual property rights, especially copyright on books. Legally, copyright is only granted to humans as creators, not to computer programs or AI systems (Calista, 2024). This creates confusion about who has the rights to the work that is generated or processed with the help of AI.

The ease of digitization and the use of AI does provide wide access to the public, but it also opens up new space for copyright infringement. Manipulation of book content, unauthorized duplication, and the creation of new works by AI require clear legal updates and affirmations. Therefore, there is a need for an in-depth study of legal protection for book creators against digitalization practices, especially in the perspective of the use of AI, so that creators' rights are still protected in the current digital era.

Previous research has shown that technological developments have made the dissemination of information faster and easier, especially through the internet. However, this convenience also opens up the opportunity for copyright infringement of various protected works. The digitization of artworks, including books, makes the content of works easier to manipulate, making it difficult to

distinguish between original works and which have been altered. In addition, the emergence of artificial intelligence (AI) technology also adds new problems. AI can create works without the help of the human mind, causing confusion in relation to intellectual property rights. Because, basically, intellectual property rights are given to humans as creators of works, not to programs or machines such as AI. Based on the above explanation, the author is interested in exploring the formulation of the problem that will be discussed in this study, namely how the regulations that regulate copyright protection for books that are digitized with the help of AI and how the implementation of Law No. 28 of 2014 is related to Copyright to the digitization of books with the help of AI.

LITERATUR REVIEW

Internet and Artificial Intelligence

The Internet is one of the fields of science and technology that is developing very quickly and significantly. The Internet is a global network that connects millions of computers and other devices through telecommunication systems. With the internet, humans can share, access, and process information and knowledge without space and time limitations. Technological advances provide all convenience for people who use it, from existing technology people can easily make profits from the internet, one of which is by digitizing books to be uploaded and accessed through the internet. This does provide benefits for publishers, but on the other hand it provides disadvantages for publishers because there is no permission to digitize the book. In other words, the uploaded book is illegal.

Artificial Intelligence (AI) is a technology designed with the main goal of helping humans in completing various tasks, especially those related to information processing, decision-making, and problem solving. The early history of the development of AI technology began at the Dsrtnmouth conference that took place in 1956. In the historic conference, it was mentioned that three important figures, namely Allen Newell, Cliff Shaw, and Herbert Simon, succeeded in developing a computer program that could improve human ability to solve problems logically. This program is the initial milestone in the emergence of the concept of AI as a system that can mimic the way humans think. Since then, AI technology has continued to undergo significant valuable developments over time. One of the most important moments in the history of AI occurred in 1997, this success is clear evidence that AI has achieved very high analytical and strategic capabilities, to be able to compete and even surpass human intelligence in certain fields. More than that, AI is not only limited to the field of games or communication technology, but has also penetrated into the realm of art and culture. In recent times, various computer programs have been equipped with AI technology.

Printed Works

Printed works are basically one of a number of national cultural works that are the embodiment of creation, taste, and karsa of humans. The role of printed works is very important to provide development support, especially in

the development of education, science, and technology for the dissemination of information. The rise of digitization of books without permission violates the copyright and intellectual property rights of the book. Copyright is basically an exclusive thing owned by the creator, which arises automatically when his work is realized in a tangible form, in accordance with declarative principles and without any reduction of the restrictions regulated by law (Muchtar: 2009). With the existence of the Copyright Law, the state should provide more protection of copyright and intellectual property rights of books and other works of art, so that illegal digitization does not occur again and harms the creators and publishers of the books themselves.

Digitization of books can be carried out if permission has been obtained from the creator, in this case the rights holder can give a license for the use of copyrighted works. If the rights holder surrenders his copyright, there is a transfer of all economic rights that can be exploited from a work that is transferred to the righteous or rightholder with an approved time frame. The transfer of works so that it is legal, therefore, the law provides a foundation in the form of a license agreement that is required to be made in a written and special way.

Copyright

In the Copyright Law, every creator has two types of rights that can be monopolized in its use. These two rights are moral rights and economic rights. Economic rights have a certain time limit for their exclusive rights and can be transferred to others, while moral rights are permanently attached to the creator of the art as long as and as long as the work is still used even though the economic rights have expired and cannot be transferred to others (Pratama, 2016). In illegal digitization, of course, the economic rights and moral rights of the creator of the artwork of the book have been violated, the creator of the artwork has the right to claim ownership of the work and object to violations related to the work which can cause damage to the honor and reputation of the creator. The protection of economic rights and moral rights by the government is still weak, so there are many violations and are very detrimental to the creators of book artworks. Violations of economic and moral rights can be avoided by strengthening the protection of economic and moral rights as well as strengthening law enforcement as well. This has been a violation of Copyright and Intellectual Property Rights because it was done without a license agreement.

Intellectual property rights can be exploited by various economic rights. Licensing is a legal event just like agreements in general. The approval of the license and with it the licensee, with all the rights and obligations agreed upon by both parties, is a legal event. (Sulasno: 2012). Copyright Law No. 28 of 2014 is intended to protect authors and their creations from plagiarism and the recognition of irresponsible other parties. In accordance with the Copyright Law No. 28 of 2014, it is stated that: "Copyright is the exclusive right of the creator, which automatically arises after the realization of a tangible work, according to the declarative principle, without any easing of restrictions according to the provisions of laws and regulations." Giving recognition, respect, and

appreciation (Tina Rahmawati, 2023). Along with the development of the times in the era of digitalization, it can certainly have a positive impact and a negative impact on book copyright. The positive impact felt in the digitalization era is the ease of accessing various information anywhere and anytime, having a forum to build creativity as widely as possible, and increasing interest in literacy. The negative impact is the lack of creativity that causes book piracy and very easy access to piracy. Therefore, it is necessary to take actions or movements that build the government and the public to realize that the protection of copyrighted works for books is important. Because that way we can appreciate the copyrighted works of books and the authors also feel that their copyrights are protected.

METHODOLOGY

This research method is normative juridical, which is an approach that focuses on analysis in relation to laws and regulations, legal doctrines, and related literature that regulate copyright, especially in the context of book digitization and the use of artificial intelligence (AI). Data was obtained through a literature study by examining legal materials in primary categories such as Law Number 28 of 2014 related to Copyright, as well as legal materials in the secondary category that are relevant.

RESULT AND DISCUSSION

Regulations Governing Copyright Protection of Books Digitized with the Help of AI

Copyright owned by the creator to carry out certain arrangements for works or information. Law Number 28 of 2014 implements the regulation of copyright and provides legal sanctions for the violation of these rights. The development of Intellectual Property Rights in the ever-evolving Digital Era, Intellectual Property Rights is facing new challenges. The internet and information technology have facilitated the digitization and distribution of intellectual works on a large scale. However, Intellectual Property Rights remain relevant and important to protect the rights of creators and owners of works. This law can be a legal umbrella for creators and owners of works of art to protect the Intellectual Property Rights of their artworks.

Copyright protection in Indonesia is regulated by Law Number 28 of 2014 in relation to Copyright. This law protects the rights of creators and copyright holders to their works, including in the form of works of art, literature, science, computer programs, music, films, and designs (Inggit: 2021). However, in practice, the existence of copyright in society is abused, for example such as digitizing books without the permission of the creator, this seems to be a common thing in society. The activity of reproducing creations by others without asking permission and violating intellectual property rights laws is oriented only for profit. One of them is an e-book. An e-book or electronic book is an electronic version of a printed book that can be read on a computer or handheld device that is designed in a special way. Sites that distribute e-books for free to the general public are then duplicated in the form of other e-books and then shared on illegal

sites, making it difficult to determine which parties carry out copyright infringement that results in e-book infringement.

Technology in society not only has cultural value, but also has the potential to provide economic value. To support the fulfillment of the needs of the ever-growing community, it is necessary to increase technological capabilities that are in line with the progress of science and technological developments from outside (Suyud: 2015). Technology has high cultural value but also has a very developed economic value so that it will meet the needs of society, but with the rapid development of technology, people must remain vigilant because with the development of technology does not always have a good impact on culture and society. Developments must be watched out for because they can cause crime and violations that develop as well.

AI helps in expanding the boundaries of human creativity, providing new inspiration. Law Number 28 of 2014 is related to Copyright which provides protection to original works made by humans. The use of technology, including AI, is the one who has the copyright rights to the person who makes the modification, although the copyright still applies to the original work, AI is not considered a legal subject in copyright regulation. In accordance with existing legal provisions, copyright is only granted to individual human beings who carry out creative activities. AI, while highly sophisticated, lacks the creativity or awareness that is recognized in copyright regulation.

The occurrence of duplication of book artwork is not an easy thing to solve because this can cause losses for creators. Copying books is contrary to Law Number 28 of 2014 Article 9 paragraph 3 which explains that "Duplication of books without permission from the creator or copyright owner, no one is allowed to copy and/or use their work commercially". The value of profits owned by creators is clearly legally violated by unauthorized digitization activities and the profits are obtained illegally by the parties who commit the violation.

With the existence of rights, one's will and one's interests will be protected. The rights obtained by a person through the law fosters ownership and exclusivity so that a person who has the right can prohibit or allow the use of the rights owned by him and obtain legal protection from the State for the intellectual property owned (Djulaeka: 2014). With the existence of rights owned by a person that are protected by the State, a person cannot easily take advantage of these rights, especially Intellectual Property Rights such as Copyrights which must be highly protected. Because there are still many violations faced by him with Intellectual Property Rights that cause losses for artists.

In accordance with Law Number 28 of 2014 in relation to Copyright, the Law states that: "a license is a permission granted by the Copyright holder or Related Rights Holder to another party to announce and/or reproduce his work or the product of his Related Rights with certain conditions". Although acknowledging the existence of a number of formats of Copyright transfer that are regulated in Article 8 which are formulated through the following points:

- a. "The Copyright Holder has the right to grant licenses to other parties based on the license agreement letter to carry out the act as intended

- in Article 9 Paragraph (1), Article 23 Paragraph (2), Article 24 Paragraph (2), and Article 25 Paragraph (3)
- b. Except for other agreements, the scope as intended in Paragraph (1) includes all acts as intended in Article 80 take place within the period of the license granted and apply to the entire territory of the Republic of Indonesia.
 - c. Unless otherwise agreed, the execution of the act as intended in paragraph (1) and paragraph (2) is accompanied by the obligation to provide royalties to the Copyright holder by the Licensee.
 - d. The amount of royalties that must be paid to the Copyright holder by the Licensee is based on the agreement of both parties based on the agreement of the professional organization."

In general, it can be said that the counter-performance that the licensor expects from the licensee is a form of payment or royalty. But not only at these limits, the obligations that must be carried out by the licensee. The licensor has an interest in ensuring that the intellectual property rights that are licensed to the licensee can be secured in its entirety, because the licensed IPR is a trade secret, the recipient is even obliged to maintain the trade secrets carried out by the licensee, including exercising rights that will not cause losses, either directly or indirectly, to the intellectual property obtained by the user by the licensor, both material and moral losses. (Rahmi: 2007)

Implementation of Law 28 of 2014 concerning Copyright against Illegal Digitization of Books with the Help of AI

The implementation of Book Copyright Protection is based on Law Number 28 of 2014 concerning Book Copyright: "is the object of a person's Intellectual Property Rights, the protection of which has been regulated in the Copyright Law. Books are a basic need for the community, especially in the field of education, including students and lecturers in the learning process". The Government of the Republic of Indonesia has promulgated Law Number 28 of 2014 related to Copyright, an instrument or legal device to guarantee the protection of works of art, one of which is in books (Lina Shabrina, 2017). In addition, the development of technology that develops very quickly affects aspects of life, one of which is the creation of works of art. Books assisted by AI are quite complex because of the difference between human and non-human creations. His reference is in "article 1 paragraph (3) of Law Number 28 of 2014 concerning Copyright" which states: "A work is any work of copyright in the fields of science, art, and literature that is produced from inspiration, ability, thoughts, imagination, dexterity, skills, and expertise expressed in real form". Only humans are recognized as creators legally. Therefore, AI cannot be a subject of law, so the works produced by AI purely without human intervention will not receive direct copyright protection.

A book creation produced by someone with the help of AI but still directs, edits, and corrects the content is also allowed to get copyright and copyright protection. At the same time, if it is an entirely copyrighted work produced by AI without human intervention, then no legal subject can be claimed as the

creator. So there is no protection. Therefore, the urgency of relevant regulations needs to be considered in order to be able to implement regulations on how to manage AI Chatbots and ensure that AI is used ethically and does not result in losses to users, especially book creations (Ayuni Nilam, 2024). In fact, the implementation of Law 28 of 2014 related to the copyright of book works is not running properly; there are still rampant cases of piracy of books that are left, and the ease of access, of course, is very detrimental to the creator's rights. The law clearly states the protection of copyrights, but it has not been implemented in the current situation.

In Law Number 28 of 2014, it is also affirmed that: "Any person who fulfills the elements of duplicating and/or commercially using a work carried out in the form of piracy, shall be sentenced to imprisonment for a maximum of 10 (ten) years and/or a maximum fine of Rp4,000,000,000,- (four billion rupiah). In addition, any person who manages a trading place in all its forms who deliberately and knowingly allows the sale and/or duplication of goods resulting from copyright infringement at the trading place he manages, shall be punished with a maximum fine of IDR 100,000,000 (one hundred million rupiah)" (Nida Alfani, 2023). Illegal digitization of books on the internet without permission from the creator or publisher under article 9 paragraph (3) of Law Number 28 of 2014, which states that: "a person without the permission of the creator or copyright holder is prohibited from reproducing or commercially using the work". In article 113, sanctions are explained for those who reproduce or digitize without permission as referred to in "Article 9 paragraph (1) letter a (publication of works), letter b (duplication of documents in all forms), letter e (distribution of works or copies), and letter g (announcement of works)), for commercial use is punishable by imprisonment for a maximum of 4 (four) years and or a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah)".

As a form of protection against the owner of the related rights, the Copyright Law has provided various arrangements for the owner of the related rights to deal with the owner of the related rights. In order to effectively implement the Copyright Law, the protection that has been provided in the Copyright Law must be followed by consistent law enforcement by law enforcement officials under the provisions of the Copyright Law for the benefit of related rights owners in particular and the Indonesian people in general (Monika Suhayati, 2014). This is under the cases in many communities, where the duplication of books and the digitization of illegal books occur a lot. The lack of law enforcement and awareness from the community itself has resulted in the lack of strong legal protection faced by the creators of the book artwork. With the existence of laws and their enforcement, people should be more careful in choosing books that they want to read on the internet. Choosing books that are legal to read is one way to appreciate and encourage the creators of book artworks. The implementation of Law 28 of 2014 regarding the digitization of AI-based book artworks depends on human involvement in the creative process, If humans play an active role as directors, editors, and administrators, it can be said to be legitimate creators and their works receive protection. The law must be able to keep up with this development so that the rights of creators are still protected,

because the article contained in Law 28 of 2014 does not explain the existence of technology and digitalization factors. The law focuses more on the rights of creators only, so that the implementation of Law 28 of 2014 needs revisions and adjustments, especially in technology and digitalization because it is no longer relevant to the current situation where in our daily lives we cannot be separated from the existence of technology.

CONCLUSION AND RECOMMENDATION

Technological developments, especially artificial intelligence (AI), have brought major changes in the world of literacy by simplifying the process of digitizing books. However, this progress also poses legal challenges, particularly in copyright protection. Many digital books are digitized and distributed without the permission of the creator or copyright holder, which is a violation of Law Number 28 of 2014 concerning Copyright.

The Copyright Law has indeed protected book works, both in print and digital form. However, in practice, law enforcement is still weak, especially in the face of illegal digitalization carried out with the help of AI. In addition, the Copyright Law has not specifically regulated the use of AI in creating or digitizing works, thus confusing in determining who is entitled to works produced by AI.

In order for creators' rights to remain protected, additional revisions or regulations are needed that are more specific regarding the use of AI in book digitization. In addition, there is a need to increase public awareness about the importance of respecting copyright and stricter law enforcement to prevent copyright infringement in the digital era.

ADVANCED RESEARCH

Further research is needed to examine the legal implications of AI-assisted book digitization and to formulate specific regulations that clearly define copyright ownership and protection in the context of AI-generated or AI-digitized works.

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