

**INTELLECTUAL PROPERTY PROTECTION
IN DIGITAL LIBRARY/E-LIBRARY**



**A THESIS SUBMITTED TO THE SHARI'A AND LAW FACULTY
STATE ISLAMIC UNIVERSITY SUNAN KALIJAGA YOGYAKARTA
AS A PARTIAL FULFILMENT OF THE REQUIREMENTS FOR
OBTAINING BACHELOR DEGREE IN LAW SCIENCE**

BY:

AZIZAH KARTIKA RANA

17103080063

ADVISOR:

SAIFUDDIN SHI., MSI.

**SHARI'A ECONOMICS LAW DEPARTMENT
SHARI'A AND LAW FACULTY
UIN SUNAN KALIJAGA YOGYAKARTA**

2022

ABSTRACT

In Indonesia, intellectual property is protected in law number 28 the year 2014 about Copyright. Internationally there are TRIPS agreement and Berne Convention. Islam itself had not given direct instruction about how intellectual property should be protected. Most Islamic scholars, except Hanafi, acknowledged that intellectual property had to be protected. Since Digital library deals with books and other IP-related materials it is prevalent that they should look out for their repositories.

This research endeavours to answer these questions: How is Intellectual Property protection implemented for E-Library? How is IP protection done in E-Library from the perspective of conventional law and Sharia law? This research used a normative approach that uses the law as its tool to dissect the practice of digital libraries. The characteristic of this research is descriptive-analytical which means describing and explaining the factors that made the intellectual property protection in digital libraries prominent.

In this research, the result shows that in real life some digital libraries still have problems with the intellectual property protection of their repository. From a conventional law perspective (law number 28 the year 2014, TRIPS agreement), only a handful of libraries violates the right of the authors. This happens because the library does not have sufficient restrictions on the materials that they have and because they act as the holder of the intellectual property by distributing the works on the internet for everyone to access. From an Islamic perspective, there are two opposing sides. From Hanafi perspective IP protection only made the dissemination of knowledge hampered. So there are almost half, of the samples, violate the sharia. *Jumhur Ulama* supported IP protection as it is more profitable for society. In this perspective *maqasid sharia* of IP protection are *hifz al aql* and *hifz al mal*. From the samples of libraries, the result is the same as the conventional law, as they support each other. The only difference is in the Sharia perspective there is no repercussion for violators in this world but they do still need to take responsibility in the next.

Keyword: *Intellectual property protection, digital library, e-library*

ABSTRAK

Di Indonesia, kekayaan intelektual dilindungi dalam Undang-Undang nomor 28 tahun 2014 tentang Hak Cipta. Secara internasional ada perjanjian TRIPS dan Konvensi Berne. Islam sendiri tidak memberikan instruksi langsung tentang bagaimana kekayaan intelektual harus dilindungi. Sebagian besar ulama Islam, kecuali Hanafi, mengakui bahwa kekayaan intelektual harus dilindungi. Karena perpustakaan digital berurusan dengan buku dan materi terkait HKI lainnya, mereka harus mengawasi repositori mereka.

Penelitian ini berusaha menjawab pertanyaan-pertanyaan berikut: Bagaimana penerapan perlindungan Kekayaan Intelektual untuk E-Library? Bagaimana perlindungan HKI yang dilakukan di E-Library dari perspektif hukum konvensional dan hukum Syariah? Penelitian ini menggunakan pendekatan normatif yang menggunakan hukum sebagai alat untuk membedah praktik perpustakaan digital. Penelitian ini bersifat deskriptif-analitis yang berarti mendeskripsikan dan menjelaskan faktor-faktor yang menjadikan perlindungan kekayaan intelektual di perpustakaan digital menonjol.

Dalam penelitian ini, hasilnya menunjukkan bahwa dalam kehidupan nyata beberapa perpustakaan digital masih memiliki masalah dengan perlindungan kekayaan intelektual repositori mereka. Dari perspektif hukum konvensional (undang-undang nomor 28 tahun 2014, perjanjian TRIPS dan Konvensi Berne), hanya segelintir perpustakaan yang melanggar hak penulis. Hal ini terjadi karena perpustakaan tidak memiliki batasan yang memadai atas bahan-bahan yang dimilikinya dan karena mereka bertindak sebagai pemegang kekayaan intelektual dengan mendistribusikan karya-karyanya di internet agar dapat diakses oleh semua orang. Dalam perspektif Islam, ada dua sisi yang berlawanan. Dari perspektif Hanafi, perlindungan HKI hanya membuat penyebaran pengetahuan terhambat. Jadi hampir setengahnya dari sampel itu melanggar syariah. *Jumhur Ulama* mendukung perlindungan HKI karena lebih menguntungkan masyarakat. Dalam perspektif ini, *maqashid syariah* perlindungan HKI adalah *hifz al aql* dan *hifz al mal*. Dari sampel perpustakaan, hasilnya sama dengan hukum konvensional, karena saling mendukung. Satu-satunya perbedaan adalah dalam perspektif Syariah tidak ada akibat bagi pelanggar di dunia ini tetapi mereka masih harus bertanggung jawab di akhirat.

Kata kunci : *Perlindungan kekayaan intelektual, perpustakaan digital, e-library*

LETTER OF THESIS APPROVAL

Subject: The thesis of Azizah Kartika Rana

Dear.,
Dean of the Faculty of Sharia and Law
UIN Sunan Kalijaga
Yogyakarta

Assalamu'alaikum Wr. Wb

After reading, researching, and revising as well as recommend repair necessary, then we think that the thesis of:

Name : Azizah Kartika Rana
NIM : 17103080063
Title : Intellectual Property Protection in Digital Library/E-
Library

It can be submitted to the Sharia Economics Law Study Program (Muamalah) of Sharia and Law Faculty UIN Sunan Kalijaga Yogyakarta as one of the requirements for obtaining a bachelor's degree in Islamic Law.

With this, we hope that the thesis or final project mentioned above can immediately start munaqasyah. Thank you for your attention.

Wassalamu'alaikkum Wr. Wb.

Yogyakarta, May 17th 2022 AD.
16 Shawwal 1443 H.
advisor.



SAIFUDDIN, SHI., MSI.
NIP. 197807152009121004

THESIS LEGITIMACY PAGE



KEMENTERIAN AGAMA
UNIVERSITAS ISLAM NEGERI SUNAN KALIJAGA
FAKULTAS SYARIAH DAN HUKUM

Jl. Marsda Adisucipto Telp. (0274) 512840 Fax. (0274) 545614 Yogyakarta 55281

PENGESAHAN TUGAS AKHIR

Nomor : B-860/U.n.02/DS/PP.00.9/06/2022

Tugas Akhir dengan judul : INTELLECTUAL PROPERTY PROTECTION IN DIGITAL LIBRARY/E-LIBRARY

yang dipersiapkan dan disusun oleh:

Nama : AZIZAH KARTIKA RANA
Nomor Induk Mahasiswa : 17103080063
Telah diujikan pada : Senin, 06 Juni 2022
Nilai ujian Tugas Akhir : A

dinyatakan telah diterima oleh Fakultas Syari'ah dan Hukum UIN Sunan Kalijaga Yogyakarta

TIM UJIAN TUGAS AKHIR



Ketua Sidang

Saifuddin, SHI., MSI.
SIGNED

Valid ID: 62a6e129c03aa



Penguji I

Dr. Linda Darnela, S.Ag., M.Hum.
SIGNED

Valid ID: 62a6c04c96ac4



Penguji II

Shohibul Adhkar, M.H.
SIGNED

Valid ID: 62b083797627d



Yogyakarta, 06 Juni 2022

UIN Sunan Kalijaga
Dekan Fakultas Syari'ah dan Hukum

Prof. Dr. Drs. H. Makhrus, S.H., M.Hum.
SIGNED

Valid ID: 62b1134959475

AUTHENTICITY AND PLAGIARISM-FREE STATEMENT

STATEMENT OF AUTHENTICITY AND FREE Plagiarism

The undersigned below:

Name : Azizah Kartika Rana
NIM : 171030800 63
Study Program : Sharia Economic Law
Faculty : Sharia and Law
Thesis title : Intellectual Property Protection in Digital Library/
E-Library

Stating that this thesis as a whole is the result of my own work/research, except for the parts that are referenced by the source and free from plagiarism. If in the future it is proven that it is not my own work or plagiarism, then I am ready to be dealt with in accordance with the applicable legal provisions.

Yogyakarta, 16 May 2022 AD.
15 Shawwal 1443 H.
Writer,




Azizah Kartika Rana
NIM. 17103080063

STATE ISLAMIC UNIVERSITY
SUNAN KALIJAGA
YOGYAKARTA

MOTTO

For those who said fantasies and fictions are useless,

*Sincerely, F*ck you.*

Is this allowed? Probably not, but I'll do it anyway.

Is it sacrilegious? Possibly.

Do I care? No.



~Luxtella_99

(The number is necessary, because otherwise,
it's a Streetlight Company in Slovenia.)

STATE ISLAMIC UNIVERSITY
SUNAN KALIJAGA
YOGYAKARTA

DEDICATION

By the grace that Allah SWT gave me, I could finish this thesis as part of the requirement for completing the studies I have done for the past four (five if we count the time I need to finish this research, but shush) years.

This research, I dedicated to my parents, who have nagged me non-stop (and I am grateful for that) to finish this piece, as they are the reason I always want to go home. They *are* my home. Also my sister (you are a pain but I love you, unfortunately).

The one person who asked for a “favour” from me, is to write this research in English to fulfil *her* dreams. Fatimatuz Zahroh, you are preciously weird, but I love you. Sitta for always respond to my questions and odd remarks in ungodly hours. Also Puput (the victim of my satire for almost ten years, and weirdest bubble of energy) that her, or rather her parents’, house I crashed every now and then just to pet her cats.

Thank you, sincerely, for all the love, support, and prayers that always went alongside me.

ARAB-LATIN TRANSLITERATION GUIDELINES

Transliterasi adalah pengalihan tulisan dari satu bahasa ke dalam tulisan bahasa lain. Dalam skripsi ini transliterasi yang dimaksud adalah pengalihan tulisan Bahasa Arab ke Bahasa Latin. Penulisan transliterasi Arab-Latin penyusunan skripsi ini berpedoman pada Surat Keputusan Bersama Menteri Agama dan Menteri Pendidikan dan Kebudayaan Republik Indonesia Nomor: 158 Tahun 1987 dan Nomor: 0543 b/U/1987.

A. Konsonan Tunggal

Huruf Arab	Nama	Huruf Latin	Keterangan
ا	Alif	Tidak dilambangkan	Tidak dilambangkan
ب	Ba'	B	Be
ت	Ta'	T	Te
ث	Sa'	Š	Es (dengan titik di atas)
ج	Jim	J	Je
ح	Ha'	Ḥ	Ha (dengan titik di bawah)
خ	Kha'	KH	Ka dan Ha
د	Dal	D	De
ذ	Zal	Ẓ	Z (dengan titik di atas)
ر	Ra'	R	Er
ز	Za'	Z	Zet
س	Sin	S	Es
ش	Syin	SY	Es dan Ye

ص	Sad	Ṣ	Es (dengan titik di bawah)
ض	Dad	Ḍ	De (dengan titik di bawah)
ط	Ta'	Ṭ	Te (dengan titik di bawah)
ظ	Za'	Ẓ	Zet (dengan titik di bawah)
ع	'Ain	‘	Koma terbalik di atas
غ	Gain	G	Ge
ف	Fa'	F	Ef
ق	Qaf	Q	Qi
ك	Kaf	K	Ka
ل	Lam	L	'El
م	Mim	M	'Em
ن	Nun	N	'En
و	Wawu	W	W
ه	Ha'	H	Ha
ء	Hamzah	’	Apostrof
ي	Ya'	Y	Ye

B. Konsonan Rangkap Karena *Syaddah* ditulis rangkap

مُتَعَدِّدَةٌ	Ditulis	<i>Muta'addidah</i>
عِدَّةٌ	Ditulis	<i>'iddah</i>

C. *Ta' Marbūtah* di akhir kata

1. Bila *ta' marbūtah* di baca mati ditulis dengan *h*, kecuali kata-kata Arab yang sudah terserap menjadi bahasa Indonesia, seperti salat, zakat dan sebagainya.

حِكْمَةٌ	Ditulis	<i>Hikmah</i>
جِزْيَةٌ	Ditulis	<i>Jizyah</i>

2. Bila *ta' marbūtah* diikuti dengan kata sandang “*al*” serta bacaan kedua itu terpisah, maka ditulis dengan *h*

كَرَامَةُ الْأَوْلِيَاءِ	Ditulis	<i>Karāmah al-auliya'</i>
--------------------------	---------	---------------------------

3. Bila *ta' marbūtah* hidup dengan *harakat fathah, kasrah dan dammah* ditulis *t*

زَكَاةُ الْفِطْرِ	Ditulis	<i>Zakāt al-fiṭr</i>
-------------------	---------	----------------------

D. Vokal Pendek

ـَ	<i>Fathah</i>	Ditulis	A
ـِ	<i>Kasrah</i>	Ditulis	I
ـُ	<i>Dammah</i>	Ditulis	U

E. Vokal Panjang

1	<i>fathah+alif</i>	Ditulis	<i>Ā</i>
	جَاهِلِيَّة	Ditulis	<i>Jāhiliyyah</i>
2	<i>fathah+ya' mati</i>	Ditulis	<i>Ā</i>
	تَنْسَى	Ditulis	<i>Tansā</i>
3	<i>Kasrah+ya' Mati</i>	Ditulis	<i>Ī</i>
	كَرِيم	Ditulis	<i>Karīm</i>
4	<i>ḍammah+wawu mati</i>	Ditulis	<i>Ū</i>
	فُرُوض	Ditulis	<i>Furūḍ</i>

F. Vokal Rangkap

1	<i>fathah+ya' mati</i>	Ditulis	<i>Ai</i>
	بَيْنَكُمْ	Ditulis	<i>Bainakum</i>
2	<i>fathah+wawu mati</i>	Ditulis	<i>Au</i>
	قَوْل	Ditulis	<i>Qaul</i>

G. Vokal pendek yang berurutan dalam satu kata

Penulisan vokal pendek yang berurutan dalam satu kata dipisahkan dengan tanda apostrof (‘)

1	أَنْتُمْ	Ditulis	<i>a'antum</i>
2	لَيْنُ شَكَرْتُمْ	Ditulis	<i>la'in syakartum</i>

H. Kata Sandang Alif+Lām

1. Bila kata sandang *Alif+Lām* diikuti huruf *qamariyyah* ditulis dengan *al*.

الْقُرْآن	Ditulis	<i>Al-Qur'ān</i>
الْقِيَّاس	Ditulis	<i>Al-Qiyās</i>

2. Bila kata sandang *Alif+Lām* diikuti *Syamsiyyah* ditulis dengan menggunakan huruf *Syamsiyyah* yang mengikutinya, serta dihilangkan huruf *l* (el)-nya.

السَّمَاء	Ditulis	<i>as-Samā'</i>
الشَّمْس	Ditulis	<i>asy-Syams</i>

I. Huruf Besar

Penulisan huruf besar disesuaikan dengan Ejaan Yang Disempurnakan (EYD).

J. Penulisan Kata-kata dalam Rangkaian Kalimat

Kata-kata dalam rangkaian kalimat ditulis menurut bunyi atau pengucapannya.

ذوي الفروض	Ditulis	<i>Żawî al-furūd</i>
أهل السنة	Ditulis	<i>Ahl as-Sunnah</i>

K. Pengecualian

Sistem transliterasi ini tidak berlaku pada:

- a. Kosakata Arab yang lazim dalam Bahasa Indonesia dan terdapat dalam Kamus Umum Bahasa Indonesia, misalnya: al-Qur'an, hadis, mazhab, syariat, lafaz.
- b. Judul buku yang menggunakan kata Arab, namun sudah dilatinkan oleh penerbit, seperti judul buku Al-Hijab, Fiqh Mawaris, Fiqh Jinayah dan sebagainya.
- c. Nama pengarang yang menggunakan nama Arab, tapi berasal dari negara yang menggunakan huruf latin, misalnya Quraish Shihab, Ahmad Syukri Soleh dan sebagainya.
- d. Nama penerbit di Indonesia yang menggunakan kata Arab, misalnya Hidayah, Mizan, Taufiq dan sebagainya.



STATE ISLAMIC UNIVERSITY
SUNAN KALIJAGA
YOGYAKARTA

FOREWORD

Assalamualaikum, Wr. Wb.

All praise is due to Allah SWT. who has provided convenience, smoothness and blessing so that composer could complete The research entitled **Intellectual Property Protection In Digital Library/E-Library**. Shalawat and greetings may always be bestowed on the Prophet Muhammad SAW. who is a role model for the whole world along with family, friends and the ummah until the end of life.

This thesis was prepared and submitted to fulfill one of the requirements to achieve Strata I degree in the Sharia Economics Law Study Program, Faculty of Sharia and Law, UIN Sunan Kalijaga Yogyakarta. In process composing this thesis, composer get guidance, help, motivation, prayers and support from various party, by because that with all humility the author would like to say thank you to:

1. Mr. Prof. Dr. Phil. Al Makin, S.Ag., MA as Chancellor of the State Islamic University Sunan Kalijaga Yogyakarta,
2. Mr. Prof. Dr. H. Makhrus, SH, M. Hum. as Dean of the Sharia and Law Faculty,
3. Mr. Dr. Gusnam Haris, S.Ag., M.Ag. as Head of Sharia Economic Law Study Program,
4. Mr. Saifuddin SHI., MSI. as Academic Advisory Lecturer as well as Thesis Advisory Lecturer, who has provided direction, guidance, support and convenience in preparing the thesis,
5. All Lecturers of UIN Sunan Kalijaga, especially the Faculty of Sharia

and Law of the Sharia Economic Law Study Program, who have provided a lot of useful knowledge,

6. Administrative Staff of the Faculty of Sharia and Law as well as Administrative Staff of the Sharia Economics Law Study Program, who have assisted the administration in the preparation of this thesis,
7. Both parents and big sister who always give love, affection and everything,
8. Best friends who give encouragement, motivation, assistance and always there to remind that they are always be there through anything,
9. Comrades in Islamic Economic Law class 2017, who have accompanied the struggle and process together in learning and seeking knowledge,
10. And all parties who have ever been present in life and contributed to their support and assistance.



STATE ISLAMIC UNIVERSITY
SUNAN KALIJAGA
YOGYAKARTA

Hopefully the good deeds of the parties who have provided assistance to the authors will receive a reward and blessing from Allah SWT. The author realizes that there are still many shortcomings in the preparation of this thesis, so constructive criticism and suggestions will be gladly accepted for the improvement of the research. Thus, I hope this thesis can be useful for writers and readers.

Wassalamualaikum, Wr. Wb.

Yogyakarta, May 17th, 2022 AD.

16 Shawwāl 1443 H.

Author,



Azizah Kartika Rana
NIM. 17103080063



STATE ISLAMIC UNIVERSITY
SUNAN KALIJAGA
YOGYAKARTA

TABLE OF CONTENTS

ABSTRACT	ii
ABSTRAK	iii
LETTER OF THESIS APPROVAL.....	iv
THESIS LEGITIMACY PAGE	v
AUTHENTICITY AND PLAGIARISM-FREE STATEMENT.....	vi
MOTTO.....	vii
DEDICATION.....	viii
ARAB-LATIN TRANSLITERLATION GUIDELINES	ix
FOREWORD.....	xv
TABLE OF CONTENTS.....	xviii
LIST OF FIGURES	xx
LIST OF TABLES.....	xxi
CHAPTER I INTRODUCTION	1
A. Background of Research.....	1
B. Research Problems.....	4
C. Aim and Significance.....	4
D. Literature Review	5
E. Theoretical Framework	9
F. Research Method.....	13
G. Research Systematics.....	14
CHAPTER II INTELLECTUAL PROPERTY	16
A. Basics of Intellectual Property	16
B. Intellectual Property in Islam	23
CHAPTER III E-LIBRARY/ DIGITAL LIBRARY	31
A. Basics of Digital Library/ E-Library	31
B. Types of Digital Library Today.....	41
CHAPTER IV ANALYSIS OF INTELLECTUAL PROPERTY PROTECTION IN E-LIBRARY/ DIGITAL LIBRARY	56
A. Analysis of IP Protection implementation in Digital Library	56
B. Analysis of IP protection in Digital Library by Conventional and Sharia Law.	59
CHAPTER V CONCLUDING REMARK	78

A. Conclusion	78
B. Recommendation/Suggestion	81
BIBLIOGRAPHY.....	85
APPENDIXES.....	xxii



LIST OF FIGURES

FIGURE 1: FREE-EBOOKS	42
FIGURE 2: PROJECT GUTTENBERG	43
FIGURE 3: OPEN LIBRARY	44
FIGURE 4: INTERNET ARCHIVE.....	45
FIGURE 5: PERPUSTAKAAN NASIONAL RI.....	46
FIGURE 6: Z-LIBRARY	47
FIGURE 7: LIBRARY OF CONGRESS.....	48
FIGURE 8: AUDIBLE.....	49
FIGURE 9: KINDLE BOOKS	50
FIGURE 10: PDF DRIVE.....	51
FIGURE 11: UIN SUNAN KALIJAGA DIGITAL LIBRARY	52
FIGURE 12: BOOKSEE.....	53
FIGURE 13: HATHITRUST DIGITAL LIBRARY	54
FIGURE 14: GOOGLE BOOKS	55



LIST OF TABLES

TABLE 1: KINDS OF BOOKS IN DIGITAL LIBRARIES.....	57
TABLE 2: RESTRICTIONS IN THE DIGITAL LIBRARIES.....	58
TABLE 3: VIOLATIONS IN DIGITAL LIBRARIES WITHIN CONVENTIONAL LAW.....	62
TABLE 4: VIOLATIONS IN DIGITAL LIBRARIES WITHIN SHARIA (ACCORDING TO HANAFI SCHOLARS).....	68
TABLE 5: VIOLATIONS IN DIGITAL LIBRARIES WITHIN SHARIA (ACCORDING TO JUMHUR ULAMA).....	74



STATE ISLAMIC UNIVERSITY
SUNAN KALIJAGA
YOGYAKARTA

CHAPTER I

INTRODUCTION

A. Background of Research

We are all familiar with libraries, places where a collection of books can be read and borrowed. Not only books, but libraries also contained other information sources for references or study. As the world evolve, libraries also developed. Electronic libraries emerged in 1990, but the idea preceded its emergence and was first introduced by H.G. Wells, a science-fiction author, in his collection of essays called *World Brain* (1938) in the world encyclopaedia that stated “The time is close at hand when any student, in any part of the world, will be able to sit with his projector in his own study at his or her convenience to examine any book, any document, in an exact replica.” The thought was touching and doable but walled by legal barriers.¹ There are so many digital libraries across the world today. Each university usually has its own digital library, and our library is no exception. Digital libraries like Google Books and HathiTrust Digital Library could present the “exact replica” but only parts of it due to copyrights restriction. However, institution members of HathiTrust could access the full version of those books, but unfortunately, most of those members are U.S.-based universities.²

¹ Iris Xie and Krystyna K. Matusiak, *Discover Digital Libraries: Theory and Practice* (Cambridge: Elsevier Inc., 2016), pg.1

² Hathi Trust Digital Library Members Community, <https://www.hathitrust.org/community>, accessed on April 9, 2021.

E-library was and still an underrated gem. Knowledge is laid there just on the tips on your finger away to reach. Some people did not like the e-book or digital format to read but to think about it if you can read some real manuscripts as Alexander Hamilton notes or the 1864 Diary of Samuel J. Gibson, a soldier of 103rd Pennsylvania Infantry Regiment in American Civil War, that got kept as a prisoner of war at Andersonville in Georgia.³ Even though the manuscript is not in your hand you can still access the content which is the most important. Convenience is something we took for granted.

From what we can see, a library is a place where we can find resources and references. Not just in written references but in other forms like pictures and sounds. E-Library or Digital Libraries today are especially useful. We do not have to go anywhere to read a book, so long we have an internet connection we can access any kind of book in any library across the world. Authors generally had been protected by regulations provided by the government. In Indonesia, intellectual property is protected in law number 28 the year 2014 about copyright. MUI had also released a fatwa number 1 in the year 2003 about the protection of intellectual property. Although fatwas are not a direct rule but guidance they contained verses of the Quran and hadith about copyright in general.

Intellectual property is essentially the embodiment of one's creativity or knowledge to create something that could be categorised as their representation. Because what should be protected by intellectual property is one's version of an idea but not the idea itself.

³ Accessed on Friday, April 23 2021, through The Library of Congress, www.loc.gov

Like everything in life people start to misuse the media. These libraries are accessible anywhere so long you have an internet connection. But with so many platforms cramped up on the internet there is no means for boundary and evaluation. Like in real life, books, essays, and other papers could be stolen by an irresponsible party. This act is considered an infringement.

An act of infringement is done by violating exclusive rights that could only be beheld by the author. In a different country, the statement of each regulation would be different but the core should be the same. In Indonesia, those rights are included in regulation number 28 of the year 2014 about copyright. Some of those rights include moral rights that are attached to the author like using their real name or alias; changing the name of their work(s); etc., economical rights that means an author has the right to get monetary gain by their work(s) such like the publishing, translating, adapting of their work, etc.⁴ These rights made sure authors' creations are protected and do not inflict loss.

The problem that caught the attention is how IP protection should be applied in the E-Library. Some other libraries should not have any problem since there are restrictions to accessing the whole manuscript unless we paid for the book. But even the most prestigious library could still be fallen into infringement.⁵

Islam itself had not given direct instruction about how intellectual property should be protected. Most scholars, except Hanafi, acknowledged that intellectual property had to be protected. Intellectual property is considered intangible property

⁴ Law number 28 the year 2014 about Copyright articles 5, 9

⁵ "Court Filing Ends AG vs. HathiTrust Copyright Litigation" <https://www.authorsguild.org/industry-advocacy/court-filing-ends-ag-v-hathitrust-copyright-litigation/>, accessed in May 3, 2021

and Hanafi argues that only tangible property (that can only be experienced by one of five senses) could be counted as private property.⁶ Quran and Sunnah only regulate the aspect of real property and it shows the importance of acknowledging one's private property and the consequences of unjustly taking others' property.⁷

B. Research Problems

As described above, there are things that we could research further. They are

1. How is Intellectual Property protection implemented for E-Library?
2. How is IP protection done in E-Library from the perspective of conventional law and Sharia law?

C. Aim and Significance

This research focuses on how e-libraries protect their repository. So aims of this research are:

The theoretical purpose is supposed to fulfil answers to the research problems. As to understand more about the depth of e-library's IP protection. This protection, theoretically, would not only give light to questions but also give authors a general idea of what should expect as to their rights.

⁶ Bashar .H. Malkawi, *The Alliance Between Islamic Law and Intellectual Property: Structure and Practice* Volume 10, Issue 3 Spring 2013, Article 4 (University of St. Thomas Law Journal, 2013), p. 624

⁷ Bukhari and Muslim, *Mishkat al-Masabih* 2938. Accessed through Sunnah.com, Thursday, April 29, 2021

As to practical aspects of it would be, if anyone bothered to actually read this research, to evaluate if these E-Libraries are deliberately or unintentionally doing the act of infringement, or if it is not.

D. Literature Review

Some of these kinds of literature are books, essays, papers and other research about intellectual property protection in both Islam and state regulations.

The first reading material is a paper written by Bashar H. Malkawi, "The Alliance Between Islamic Law and Intellectual Property: Structure and Practice."⁸ This paper is especially interesting because it addresses how Islam perceives intellectual property. As the title suggests, the alliance between Intellectual Property (IP) and Islamic Law is not exactly as foreign as we might think. Since IP protection is not strictly dictated by Quran and Sunnah, it became a hot debate between scholars and jurists. Muslims believe that nothing in this world is really our own, everything belongs to Allah and we only lent this world and its content for a while. This paper focuses on IP protection practices in Arab countries and some comparisons among other countries. Also, how does Islam perceive IP as actual property? It also addressed the contradiction between IP protection and the Islamic teaching about how knowledge should not be held in but should be disseminated. Malkawi stated, that this had been especially difficult in Arab countries where poverty still reigns, and when it comes to the public interest, where this knowledge is needed for students to learn. There are fatwas about the viewing

⁸ Bashar .H. Malkawi, "The Alliance Between Islamic Law and Intellectual Property: Structure and Practice," Volume 10, Issue 3 Spring 2013, Article 4, University of St. Thomas Law Journal (2013)

or displaying the work of someone for educational purposes should be limited to the classroom. This matter also poses problems as the classroom is sometimes not only limited by the four walls of the class in the school but could be extended to the internet, the perfect example for this time of the pandemic (regardless of this paper was made before the pandemic hits). This paper is a good holding for how IP should be protected by Islam. But there is no means for instruction on how this right should be protected. Malkawi also stated that IP protection is still counted as almost pointless when Arab culture is based on sharing and giving community.

The next is another paper written by Mohammad Niqresh titled “Digital Library and Intellectual Issues — Issues in Copyright and Intellectual Property.”⁹ This paper mainly focused on the ever-growing electronic aspect of libraries and their systematics. How should these e-libraries work? What should they have in order to make these libraries functional? And how do keep the rights of the authors intact? This paper kept going about the cost to maintain these libraries are not cheap. Also, the internal problem is when librarians are not qualified or even did not like the idea of electronic libraries or books. There was just a smidge of explanation about the dire need to strengthen the legal aspect of e-library, Niqresh also pointed out some other scholars’ insight on how some of this copyright would contradict the developing technological information era where everything is accessible.

Next is a thesis written by Annisa Nur Hafidhah titled “Kontrol Hukum Terhadap Praktik Penggandaan Buku Dengan Sistem E-Book di Era Digital: Studi

⁹ Mohammad Niqresh, “Digital Libraries and Intellectual Issues—Issues in Copyright and Intellectual Property,” Princess Alia University College, Al Baqa Applied University, Jordan (2018)

Kasus Usaha Foto Copy di Daerah Sapen Yogyakarta.”¹⁰ This thesis focused more on the law enforcement effort to deal with the infringement act. So as this world developed, technology rose. The act of infringement on this thesis is not restricted to the actual book or real book. But people also have a very high interest in e-books because of the convenience. The E-books could be downloaded, sometimes free or even when it was not the price was lower, through the internet. Besides, e-books are also small-sized in comparison so they are made compact in our electronic gadgets, it usually also has a search feature where we can search a specific word or line. This research also stressed how people still infringe on authors’ works because of their availability. Some of the works are infringed because it is not available anymore from a formal publishing institution, and others because it is much cheaper to do so. People also have much easier access to e-books because of the Open Access movement. This means scholarly journals and other literary sources are open and free for public use. The conclusion made also states that people still have a low law recognition as, at least, they know that it is illegal, but they still do it mainly because it benefits them more. Hafidhah also stated that law enforcement activity is still low because people are still copying books and sometimes even selling them without the author’s permission.

The last one, is another thesis written by Reynold Yoshua called “Perlindungan Hukum Hak Cipta Buku Terhadap Kegiatan Penggandaan Buku Ke Dalam Bentuk Buku Elektronik Menurut Undang-Undang Nomor 28 Tahun 2014

¹⁰ Annisa Nur Hafidhah, “Kontrol Hukum Terhadap Praktik Penggandaan Buku Dengan Sistem E-Book di Era Digital: Studi Kasus Usaha Foto Copy di Daerah Sapen Yogyakarta,” Thesis of Sharia and Law Faculty UIN Sunan Kalijaga, Yogyakarta (2019)

Tentang Hak Cipta.”¹¹ This thesis talked about the protection of IP of a book that has been turned into an e-book format and distributed all over the internet. This action has already been categorised as an infringement as converting the format of the book and distributing it on the internet is done without the author’s consent. This would injure the author economically. Law number 28 the year 2014 stated that the author is the only one who holds the right to do such things. Economically, authors are permitted to gain revenue on their published work(s), if someone distributed their work without the author’s permission, this would cut off some of their income. Yoshua took Andrea Hirata’s book as an example. The book “Laskar Pelangi” had been copied on the internet by irresponsible parties and not only that, but they did not take charge for the infringed work.

This research has differences from the research above. This research put more weight on the responsibility of E-Library as a place where the author’s work(s) are available for reading by everyone, to protect its content from “poachers.” Since e-libraries are so accessible the risk of infringement is ever-present. Books are not exactly as popular as other copyrighted items. Films and songs are the ones that usually took everyone’s attention. But does not make it less important to be protected.

¹¹ Yoshua Reynold, “Perlindungan Hukum Hak Cipta Buku Terhadap Kegiatan Penggandaan Buku Ke Dalam Bentuk Buku Elektronik Menurut Undang Undang Nomor 28 Tahun 2014 Tentang Hak Cipta,” Thesis of Law Faculty Sriwijaya University Indralaya (2019)

E. Theoretical Framework

The theoretical framework is the base to analyse the problem and draw out conclusions. In this research, in particular, the theory used is a normative theory about intellectual property and its protection. Other theories will include e-libraries.

1. Intellectual Property

a. Formal Regulation

Intellectual Property or copyright especially, in Indonesia is regulated in Law Number 28 the year 2014 about Copyright. Article 1 number 1 stated that copyright is an author's exclusive right that automatically emerges as to the declarative principles after creation is materialised in a real form.¹² This means that intellectual property is attached to the work as soon as it has become materialised. The copyright also contains moral rights and economical rights. Moral rights as stated in article five is a right that is attached to the author as a person, like to include or exclude their name on their work, to use their alias on their work, to change the content, the title of their work, and to defend their dignity as an author if their work is distorted, mutilated, modified, and if something happened that would injure their dignity and reputation. These moral rights could not be transferred to another person as long as the real author is still alive, but they could be inherited¹³ although it is not the same.

¹² Law Number 28 the year 2018 about Copyright, article 1 number 1

¹³ Ibid, article 5

Another right included is economical rights. As the name suggests it means, an author could extract financial gain from their work through publication, republishing, translation, distribution, loan and so on.¹⁴

b. Maqasid Sharia

Jasser Auda created a scenario in his book “Maqasid Al-Sharia a Beginner’s Guide” of a child asking her father why we should stop at a red light, and the father explains the reason behind the law. To explain the “wisdom behind rulings.” Simply put, *maqasid sharia* is the question of why behind Islamic law. There is also a level of necessity in which inside is mention about the preservation of one’s mind or *hifz al-aql*.¹⁵

Auda also mentioned in his other book that many examples of *hifz al-aql* are related to alcohol consumption, which was fair since it was what was originally for. He also pressed that it could also be a means to elevate one’s mind instead of just preserving it. He wrote that *hifz al-aql* instead of just being used for the prohibition of intoxication cases, in this modern times could also be used for propagation of scientific thinking, to prevent *taklid* or herd mentality, and to avoid brain drain.¹⁶ To preserve one’s mind and elevate it seemed to be in line with the idea of protecting the author’s intellectual property since it is a piece of their mind.

Since intellectual property law also ensures that an author should have compensation for their work, this also calls for *hifz al-mal* or the preservation

¹⁴ Ibid, article 8 and 9

¹⁵ Jasser Auda, *Maqasid Al-Sharia a Beginner’s Guide* (London: The International Institute of Islamic Thoughts, 2008), pg. 2

¹⁶ Ibid, p. 24

of the wealth. Al-Ghazali's preservation of wealth initially was punishment for theft (according to al-Amari) or protection of money (according to al-Juwayni) for social assistance, economic development, the flow of money, the wellbeing of society, and diminishing the difference between economic levels. This not only prompts for protection but also gives room for economic growth.¹⁷

2. E-Library

E-library first came out in the mid-1990. But at the time it was only two screens on the desk, switches, buttons, and a keyboard, as a search machine. This machine was created by Vannevar Bush and J. C. R. Licklider. Bush had a goal, after the dropping of the bomb on Hiroshima, because he took part in developing the bomb, to make a machine that could help instead of destroying.¹⁸

There are so many theories of digital libraries based on the timeline. The first time the e-library took its place, there has been so much tension between researchers and practitioners on what to define it. Xie quoted that The Association of Research Library first took the initiative to quote the book by Karen Drabentstott called *Analytical Review of the Library of the Future* published in 1994 which are:

- 1) The digital library is not a single entity.
- 2) Digital Library requires technology to link the resources of many.
- 3) The linkages between the many digital libraries and information services are transparent to the end-users.
- 4) Universal access to digital libraries and information services is goal.

¹⁷ Ibid, p. 26

¹⁸ "Digital Library," https://en.wikipedia.org/wiki/Digital_library, accessed on May 6, 2021.

- 5) Digital library collections are not limited to document surrogates; they extend to digital artefacts that cannot be represented or distributed in printed formats.¹⁹

After a few years of technological development, we are at the age where E-Libraries are massive organisations. Most librarians agree that the criteria of libraries should be what S.R. Ranganathan had mentioned in his book. In addition, digital libraries now had become massive collections. It could be summarised as follows:

1. Large collection sizes: the amount of collection should be more than a million items
2. Diverse formats of items, could be text, images, sounds, or videos.
3. General and specific collection development policy: it does not only contain general collection scope, quality guidelines, and selection responsibility but also depends on each participating's member policy for its specific collection.
4. Copyright concern; some of the collection may not have copyright clearance
5. Levels of access, means some would have the whole document accessible and some would only be a citation or abstract.

¹⁹ Iris Xie and Krystyna K. Matusiak, *Discover Digital Libraries: Theory and Practice* (Cambridge: Elsevier Inc., 2016), pg. 4

6. Interoperability: Metadata mapping is used to ensure the exchange of metadata between a collection or a single metadata scheme is applied across all collections.²⁰

F. Research Method

Since this research is not bound to a certain place but the internet, the research methods that would be used in this research are as follows.

1. Research Type

This research counts as library research which means data achieved by reading materials. This research type is used because the object of research is situated on the internet, which is a virtual place. Another reason because this research is about finding out whether e-libraries are fulfilling their part in protecting the intellectual property of authors.

2. Research Approach

This research used a normative approach as the purpose of this research is to know whether e-library has fulfilled its IP right protection based on the applied law on their collection. From Sonata, Normative means reviewing the internal aspects of the law.²¹

3. Data-Collecting Method

There are two types of data collecting methods used in this research.

The first is the law itself. Either it would be statutory law, case law.

²⁰ Ibid, pg. 23

²¹ Soerjono Soekanto dan Sri Mamudji, *Penelitian Hukum Normatif, Suatu Tinjauan Singkat* (Jakarta: Raja Grafindo Persada, 2001), pg. 14

This means taking the formal law and sharia altogether to make sure nothing is left out. The other is literature that expresses the same theme as this research. The works could be books, journals, and other research.

4. Nature of Research

The nature of this research is descriptive-analytic. This means the problem of IP protection in e-library will be described and then analysed with the theoretical framework to get the answer of IP protection.

5. Data Analysis

Analysis will be done with the qualitative method. This means analysis is done by drawing out a conclusion by answering the questions of 'do e-libraries protect their repositories' IP, by describing it with words, with the theoretical framework as the setting bar.

G. Research Systematics

This research systematically forms and structured that the writing systematics should be divided into three parts composed as follows: the First Chapter is about introduction to the problems, and then the main body of this research that is the discussion (Chapter II, Chapter III, and Chapter IV), and lastly the closing chapter (Chapter V).

The first chapter consists of an introduction to the main problem. This chapter is filled with the problem of Intellectual property in general and touching

the matter of IP protection in the e-library itself. The Sharia and conventional law say about IP protection will be addressed.

The second chapter, as it is already the main body of this research, will be about the general idea of Intellectual Property in Islam and conventional law. There will be sub-chapters about IP protection in Indonesia and International. The main problem of IP protection in Islam also will be addressed.

The third chapter would be about general knowledge about e-libraries, how they work, kinds of digital libraries and the licencing of said libraries. This chapter would give a general grasp of what should be in the e-library.

The fourth problem would analyse the main problem which is the IP protection in e-libraries based on conventional law and Islamic law. Since this is the turning point of this thesis, it would disclose if e-library proves to be protecting the rights of authors, within the perspective of conventional law and sharia law.

The fifth chapter, or the last, would be concluding the whole research and also advice. The result of the research should also be here.

CHAPTER V

CONCLUDING REMARK

A. Conclusion

From the research that had been discussed, we could conclude that:

1. For their application in the library itself, not every library does it. Any library that acquires its books lawfully and has DRM (Digital Rights Management) installed in its library is the one that has intellectual property protection as it could control the distribution of its repository. Not everyone could access it and therefore there could not be any unlawful distribution from their library. There are some open-access libraries that serve us with books that do not have their copyright attached to them anymore. This happens as books have a limited amount of copyright protection period.
2. Among those fourteen samples there are some libraries that violate the conventional law and/or sharia. Of fourteen examples, there are only three that have violations present in their practice according to the conventional law. There are only three libraries since every book that still has its copyright attached to them needed to be protected for the sake of the writers, both economically and morally. Z-Library, we do not know whether or not they had consent from the authors. They do have a DMCA (Digital Copyright Millenium Act 1998) agent. But this library had done the distribution to the internet before the complaint reached them. PDF Drive had mentioned how

they got their books. But even with T&C (Terms and Conditions) that stated users should not upload anything that had any copyright protection, they also did not cross-check if their collection had violated the copyright protection. They only stated that their source is from other websites that contain that have a copy of the said book. The website only stated the rules for readers and not their accountability in acquiring the said collection. But in perspective, they had already done the distribution. The other problem is this website lets us download the book for free and without a limited time period of access. Booksee, even though the link of some books that still have copyright had been deleted we still could see the remnants of what once was the link for said books. The way that they inquire about books also did not clearly state. They only stated that if we want to upload a certain book, we should email them with the title and the author of the book. Since in the way we can acquire the books for an unlimited period of time, this means the author would not get what they are owed. For libraries that have no restrictions but only have books that are no longer in the copyrighted category (open-access books), they did not violate any conventional law.

There are no exact rulings that control intellectual property protection in Islam. Intellectual Property in the contemporary world, two sides are opposing each other between Islamic scholars, one that opposes it and one that supports it. Since there are two perspectives of sharia, there also would be two conclusions from the sharia perspective.

- a. One side that objects to the idea of IP are Hanafi. Among fourteen libraries there are seven that violate the Sharia according to Hanafi scholars. This happens because all of those libraries have any sort of restriction for users to access their repository. Restricting any information would count as violating because they do not own any of that knowledge. Because restrictions could only be resolved with money, this would also mean that people who do not have the means to pay for it could not access the work. Libraries like Kindle Books and Audible clearly violate the sharia (Hanafi) because the content of the book cannot be accessed before we pay for it. Not only that but the way we could access it from a specific device that was provided (and is only available for purchase) from the same publisher. Open access libraries did not violate the sharia (Hanafi scholar edition) because of the way they make any materials accessible without any restriction.
- b. *Jumhur Ulama* agrees that IP is indeed still in the category of property. So it should be protected. There was not much, or rather no, difference between Sharia and conventional law violation. Because both cover economic and moral rights for the author and should there be any violation, there would be punishment, even in Sharia the punishment is not in this world but in the next. Z-library does not have any sort of restrictions inside their library. None in terms of protection for the author as their books are available for anyone who wants to download them. This kind of violation is injuring *hifz al-mal* since the author would not

get any compensation for their work. In terms of *hifz al-aql*, they violate the moral right as this library act like the copyright holder by distributing the work. PDF Drive has the same problem as Z-Library. Although PDF Drive tells us how they come across the books they have on their website they did not check whether the book that they acquire had been protected by copyright. They rely on users' reports if there is any book that they should take down because of their copyright status. So whether they deliberately ignore the rights of the authors or not they still deprive the author of their rights.

B. Recommendation/Suggestion

Professor J.R.R. Tolkien had made the most amazing (writer's subjective evaluation) world within his writing. Being a linguistic professor, he also made a whole new language for a single race and for the others. This, of course, needs effort where he should have a word for everything, and also to settle the grammar within the language. There are also accents that most races use. Indonesians for example, have so many accents in how we pronounce a word and there are even tiers for politeness. Foreigners, most likely use more formal words unlike indigenous who would have their own words that almost did not have any roots in the original language. This shows how much thought he put into making this book alone. He did not just make a book, but he also make another culture for readers to get lost upon reading. With the works he had made, he also made a name for himself. Therefore he got his moral right fulfilled for him. Economically, now even though he had passed for 49 years the reprinting of his works, namely The Lord of The

Rings trilogy and *The Hobbit*, had not stopped. Not only that but other tales like *The Fall of Gondolin*¹, and *The Tale of Beren and Luthien*², which his son had taken part in editing, had translated and been sold to book retailers. Even though he did not publish that by himself, with the help of his son Christopher Tolkien, credit still goes to John Ronald Reuel Tolkien. So, we could never know just how much effort an author had put their sweat into their work. As his writing style seemed so simple but the substance of his writings had made the whole universe.

A writer should protect their work. Indeed copyright is automatically applied once a work is published. But if they find that their work is being distributed throughout the internet without their consent they could report to the intellectual property protection institution. In Indonesia, there is DJKI ((Direktorat Jendral Kekayaan Intellectual/Directorate General of Intellectual Property) where we could register our work to be protected.

The regulation that had existed for the time being could also be improved. Even though a rule cannot run without the cooperation of the citizen, the rule itself should give substantial protection on how libraries should protect the work of authors. Because in the past years, there are no follow-up regulations about the execution of said regulation and that proved to be insufficient. There is a legal consequence when people disrupt the protection that exists in the digital library system, but there is none in terms of the library's indifference towards the

¹ J.R.R. Tolkien (ed. Christopher Tolkien), *The Fall of Gondolin*, translated by: Poppy D, Chusfani (Jakarta: PT Gramedia Pustaka Utama, 2021)

² J.R.R. Tolkien (ed. Christopher Tolkien), *The Tale of Beren and Luthien*, translated by: Poppy D, Chusfani (Jakarta: PT Gramedia Pustaka Utama, 2019)

protection. The government that is responsible for procuring regulations should see this as a viable threat. Because without the work of authors we could not improve the well-being of society as they are the reason a country could possibly prosper.

There is a possibility to research this theme even more. Here we mentioned briefly how IP protection could also affect the development of one's country or region. Law number 28 the year 2014 in it mentioned that if the work of an author has a big impact on their society it should be disseminated with little compensation for the author, for the progress of innovation, education, etc.³ So some mentioned that if a country has an effective amount of protection for IP, we could say that they are a developed country. But if the protection is increased in the developed country it could also backfire as the more the information is inaccessible, the more people would leave it altogether. The dilemma is quite fascinating as the result could be contrasted with the theory.

The lesson that we should get from this is that whether there should be law, conventional or sharia, is that we should appreciate the work that had been done by the authors. This could be done in a number of ways, in terms of books in the digital library, we could always go to a public library website or any official library platform. As users of libraries, we have the privilege of choosing where we could get our reading materials so be wise with the privilege we have. By doing so we could save ourselves from the sin of taking things in an unlawful way and avoid the fine the public could persecute us with. Because in creating literary work, they also

³ Law number 28 the year 2014, article 44

make a whole new dimension that could possibly counter all of the natural law. Like fiction where an author could also make a new reality where there are elves or dragons.



BIBLIOGRAPHY

AL-QURAN

The Noble Quran from <https://quran.com/> with Dr. Mustafa Khattab and Shahih International translation, last accessed on 23rd April 2022.

BOOKS

Auda, Jasser, *Maqasid Al-Sharia a Beginner's Guide* (London: The International Institute of Islamic Thoughts, 2008)

Auda, Jasser, *Maqasid Al-Shariah As Philosophy of Islamic Law: A System Approach* (London: International Institute of Islamic Thoughts, 2007)

Colston, Catherine, *Principles of Intellectual Property Law* (London: Cavendish Publishing Limited)

Durainy, Fathi Ad-, *Al-Fiqh Al-Islamy Al-Muqaran Ma'a Al-Madzahib*, Maktabah Thurbinas

Elmahjub, Ezieddin, *Copyright Perspectives, Past, Present and Prospect; An Islamic Perspective on the Theories of Intellectual Property* (Springer International Publishing, 2015)

J.R.R. Tolkien (ed. Christopher Tolkien), *The Fall of Gondolin*, translated by: Poppy D, Chusfani (Jakarta: PT Gramedia Pustaka Utama, 2021)

J.R.R. Tolkien (ed. Christopher Tolkien), *The Tale of Beren and Luthien*, translated by: Poppy D, Chusfani (Jakarta: PT Gramedia Pustaka Utama, 2019)

Lesk, Michael, *Understanding Digital Libraries* (San Francisco: Elsevier, 2005)

Pomerantz, Jeffrey, *Metadata* (Cambridge: MIT Press, 2015)

Ranganathan, S.R., *The Five Laws of Library Science* (London: Edward Goldston, LTD, 1931)

Soekanto, Soerjono and Mamudji, Sri, *Penelitian Hukum Normatif, Suatu Tinjauan Singkat* (Jakarta: Raja Grafindo Persada, 2001)

Wells, H.G., "The Brain Organization in The Modern World" in *World Brain* (1938)

Xie, Iris and Matusiak, Krystyna K., *Discover Digital Libraries: Theory and Practice* (Cambridge: Elsevier Inc., 2016)

Zuhaili, Wahbah al-, *Al-Fiqh Al-Islami wa Adillatuhu* (Beirut: Dar Al-Fikr al-Mu'ashir, 1998), vol 4

JOURNALS AND THESIS

Arif, Mohd Izzat Amsyar Mohd and Hanapi, Hisham, *The Concept of Intellectual Property as Al-Mal: An Islamic Perspective Approach* in *International Journal of Best Practices*, Vol. 1, Number 1 (2017)

- Bayoumi and Rosman, *Framing an Islamic Vision of Intellectual Property: Maqasid – Based Approach in the UMRA*—International Journal of Islamic Civilizational Studies, vol. 5, no. 3 (Johor Baru, UTM Press: 2018)
- Ghazali, Muhammad Al-, *Fiqh Us-Seerah: Understanding The life of The Prophet Mohammad 457* (1997)
- Hafidhah, Annisa Nur “Kontrol Hukum Terhadap Praktik Pengandaan Buku Dengan Sistem E-Book di Era Digital: Studi Kasus Usaha Foto Copy di Daerah Sapen Yogyakarta,” Thesis of Sharia and Law Faculty UIN Sunan Kalijaga, Yogyakarta (2019)
- Madieha, Ida, *Authorship and Islam in Malaysia: Issues and Perspective* (1997)
- Mahafzah, et al., *The Perspective of Moral and Financial Rights of Intellectual Property in Islam* in Arab Quarterly 23 (Leiden: Koninklijke NV, 2009)
- Malkawi, Bashar .H., *The Alliance Between Islamic Law and Intellectual Property: Structure and Practice* Volume 10, Issue 3 Spring 2013, Article 4 (University of St. Thomas Law Journal, 2013)
- Milani, Alireza, *The Legitimacy of Intellectual Property Rights in the Light of Islamic Law (Sunni and Shia Fiqh)* in World Journal of Islamic History and Civilization, 7 (3) (Tehran: 2017)
- Niqresh, Mohammad, “Digital Libraries and Intellectual Issues—Issues in Copyright and Intellectual Property,” Princess Alia University College, Al Baqa Applied University, Jordan (2018)

Reynold, Yoshua, “Perlindungan Hukum Hak Cipta Buku Terhadap Kegiatan Penggandaan Buku Ke Dalam Bentuk Buku Elektronik Menurut Undang Undang Nomor 28 Tahun 2014 Tentang Hak Cipta,” Thesis of Law Faculty Sriwijaya University Indralaya (2019)

Sutisna, S., and Mukhtar, M., *Pandangan Hukum Islam Terhadap Hak Cipta*, Mizan: Journal of Islamic Law 5.1 (2021)

OTHERS

Amazon, <https://www.amazon.com/Kindle-eBooks/b?ie=UTF8&node=154606011> accessed on 16 November 2021

Audible, <https://www.audible.com/> accessed on 16th November 2021

Book Royalties 101: How They Work [Complete Guide], <https://scribemedi.com/book-royalties/> accessed on September 30th, 2021

Booksee, <https://booksee.org/> accessed on 17th November 2021

Direktorat Jendral Kekayaan Intelektual (DJKI), “Sejarah Perkembangan Perlindungan Kekayaan Intelektual,” <https://www.dgip.go.id/tentang-djki/sejarah-djki>

Free-Ebooks, <https://www.free-ebooks.net/> accessed on 28th October 2021

Google Books, <https://books.google.com/> accessed on 11th January 2022

Hadith number 261, from Sunan Ibn Majah, chapter no. 1 The Book of Sunnah,
 Abu Hurairah. From <https://ahadith.co.uk/permalink-hadith-6841>
 accessed on 8th October 2021

Hathi Trust Digital Library Members Community,
<https://www.hathitrust.org/community>, accessed on April 9, 2021.

HathiTrust Library, <https://www.hathitrust.org/> accessed on 11th January 2022

<https://www.alexa.com/topsites/countries/ID> accessed on August 9th, 2021

<https://www.authorsguild.org/industry-advocacy/court-filing-ends-ag-v-hathitrust-copyright-litigation/>

Internet Archive, <https://archive.org/> accessed on 18th November 2021

Library of Congress, <https://www.loc.gov/> accessed on 29th October 2021

Member Community, <https://www.hathitrust.org/community> accessed on 11th
 January 2022

Mission and Goals, https://www.hathitrust.org/mission_goals accessed on 11th
 January 2022

Open Library, <https://openlibrary.org/> accessed on 28th October 2021

PDF Drive, <https://www.pdfdrive.com/> accessed on 16 November 2021

Perpustakaan Nasional, <https://www.perpusnas.go.id/> accessed on 29th October
 2021

Plagiarism Today, “Peter Pan and The Copyright That Never Grew Up,”

<https://www.plagiarismtoday.com/2015/10/21/peter-pan-and-the-copyright-that-never-grew-up/>

Project Guttenberg, <https://www.gutenberg.org/> accessed on 28th October 2021

Riyad as-Salihin 1527, Chapter 254: The Prohibition of Backbiting and the Commandment of Guarding one's Tongue, Book 17: The Book of the Prohibited actions from <https://sunnah.com/riyadussalihin/17> accessed on 24th March 2022.

SelfpublishedWHIZ: *Do Authors Make Money From Libraries?*,

<https://selfpublishedwhiz.com/do-authors-make-money-from-libraries/>

accessed on March 16th, 2022

SelfpublishedWHIZ: *How to Protect Your E-Book From Being Copied*,

[https://selfpublishedwhiz.com/how-to-protect-your-ebook-from-being-](https://selfpublishedwhiz.com/how-to-protect-your-ebook-from-being-copied/)

[copied/](https://selfpublishedwhiz.com/how-to-protect-your-ebook-from-being-copied/) accessed on March 16th, 2022

Sunan an-Nasa'i 3651, Chapter 8: The Virtue Of Charity Given On Behalf Of The

Deceased, Book 30: The Book of Wills <https://sunnah.com/nasai:3651>

accessed on April 21, 2022

The Library of Congress, www.loc.gov

UIN Sunan Kalijaga Digital Library, <https://digilib.uin-suka.ac.id/> accessed on 16

November 2021

Welcome to HathiTrust, <https://www.hathitrust.org/about> accessed on 11th January 2022

Wikipedia, “Great Ormond Street Hospital,”

https://en.wikipedia.org/wiki/Great_Ormond_Street_Hospital#Peter_Pan

WIPO, “Copyright,” <https://www.wipo.int/copyright/en/> accessed on August 20th, 2021

WIPO, “Patents,” <https://www.wipo.int/patents/en/> accessed on August 20th, 2021

WIPO, “Trademarks,” <https://www.wipo.int/trademarks/en/> accessed on August 20th, 2021

World Intellectual Property Organization (WIPO), “What is Intellectual Property?”

<https://www.wipo.int/about-ip/en/> accessed on August 20th, 2021

Z-Library, <https://en.id1lib.org/> accessed on 29th October 2021

REGULATION AND TREATIES

Berne Convention for the Protection of Literary and Artistic Works 1886

Law number 28 the year 2014 about Copyright

The Cairo Declaration of Human Rights in Islam (1990)

TRIPS (Trade Related Aspects of Intellectual Property Rights) Agreement (1994)