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THE UTILIZATION OF ACCESS MANAGEMENT TO DIGITAL COLLECTIONS: REQUIREMENTS & CHALLENGES BY LAW

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ABSTRACT

The spirit of Article 4 of Law No. 43 of 2007 is regulated by Article 5 paragraph (3) of Law No. 3 of 2017 is concerning to increase users interest in reading by converting printed books into electronic books. However, this breakthrough also brings new legal issues, namely the potential for reduced economic rights of creators or copyright holders of printed books as well as the decentralization of authority to convert printed books into physical books by libraries even though these requirements have been regulated by Article 27 of Law No. 28 of 2014 concerning Copyright; there is still room for illegal duplication and even piracy. There are two methods used in this research. The statutory approach is used to review statutory regulations primarily and the conceptual approach is used to support the narrative text presentation with relevant scientific literature. The results of this research indicate a need for special regulations regarding the conversion of printed books into electronic books by libraries by paying attention to the Economic Rights of the Creator or Copyright Holder of printed books. In addition, conversions must be carried out under the supervision of the relevant institutions and submitted centrally to the National Library to ensure standard procedures and conversion quality, and reformulation of previous regulations is necessary.

1. Introduction

In the last few decades, the pattern of information retrieval in society has changed due to the development of information and communication technology, which makes information more easily accessible to anyone and

anywhere¹. Rapid technological developments have encouraged many transformation and digitalization efforts, including using and providing access to scientific works in the form of books.² Learning resources are no longer centralized in libraries³; they are only in printed form; written works can be produced or printed electronically. It cannot be denied that these changes make the information retrieval and learning process efficient and effective. One form of state support in increasing people's interest in literacy is through digital learning media, available in various reading room facilities or electronic media so all generations can access it. One of the learning media that is popular among people today is printed books, which are converted into digital book media or digital books (e-books).⁴

Developing the intelligence of the nation's life is the State's obligation as mandated in the Preamble to the 1945 Constitution of the Republic of Indonesia; in Article 31, paragraph 3, "Then, to form a Government of the State of Indonesia which protects all the Indonesian people and all of Indonesia's territory and to advance general welfare, to improve the life of the nation, and to participate in implementing world order based on independence, eternal peace and social justice..." the preamble state that the Government must strive for and implement a national education system in order to make the nation's life intelligent. The Indonesian Government implements these ideas with the support of 'loving reading' for pupils, students, teachers, lecturers, and other professionals engaged in the academic field as regulated in Article 4 of Law No. 43 of 2007 concerning Libraries (UU 43/ 2007), through services to users to obtain, utilize and utilize library facilities to obtain information sources for scientific research, references or references. Law No. 43 of 2007 regulates the importance of cultivating a culture of fondness for reading, where libraries have an important role in developing and utilizing information sources in the form of written works, printed works, and or recorded works, which have been regulated in Law No. 43 of 2007.⁵

Digitalized scientific work can be in journals, papers, and other written works, including books. The digitalization of books is the conversion of electronic books from printed books.⁶ Electronic books are regulated by Article 5 paragraph (3)

1 Kling, R., & McKim, G., Not just a matter of time: Field Differences and the Shaping of Electronic Media In Supporting Scientific Communication, *Journal of the American Society for Information Science*, Vol.51 No.14, 2000, page.1306

2 Dessy Harisanty, Rahma Sugihartati, Koko Srimulyo & Norizan Anwar., The position's of Libraries on Social Media, *Cogent Social Sciences*, Vol.10 No.1, 2024, page. 2

3 Almeida, N., Possible futures: E-reserves, Decentralization, and Collaboration, *Journal of Interlibrary Loan, Document Delivery & Electronic Reserve*, Vol.24 No.3-4, 2014, page. 81

4 Septi Novayanti, Mariah Ulfah, and F. Y Khosmas., Pengembangan Media Buku Digital Dalam Meningkatkan Hasil Belajar di Kelas X IIS SMA Negeri 6 Pontianak, *Jurnal Pendidikan dan Pembelajaran Khatulistiwa (JPPK)*, Vol.9 No.11, 2020, page. 2.

5 Riyanto, S., Marlina, E., & Triasih, H, Librarian role in research library services in Indonesian Institute of Sciences. *Berkala Ilmu Perpustakaan Dan Informasi*, Vol.15 No.2, 2019, page 202

6 Nurkholis, A., Jupriyadi, J., Budiman, A., Pasha, D., Ahdan, S., Andika, R., & Amalia, Z., Digitalisasi Pelayanan Administrasi Surat Pada Desa Bandarsari. *Journal of Social Sciences and Technology for Community Service (JSSTCS)*, Vol.3 No.1, 2022, page. 22

of Law No. 3 of 2017 jo. Article 2 paragraph (3) PP Number 75 of 2019. According to Suwarno, electronic books, or what are known as digital books, are electronic versions of books that can be in the form of text or images.⁷ Electronic books include books stored on the internet, hard disks, CDs/DVDs, etc.⁸ Sometimes electronic books are made specifically for electronic book readers, which are called e-readers. This shows the development of the modern book world.⁹ Sometimes, electronic books are made specifically for electronic book readers, who are called e-readers, which shows the development of the modern book world. The advantage of electronic books is that they have a search feature so that we can directly refer to certain terms without searching one by one. Besides that, electronic books are also practical to carry and read anywhere and long-lasting because they will not be moldy, nor damaged by termites.¹⁰

The electronic book phenomenon comes with the contribution of electronic book developers as regulated by Article 1 number 19, "An eBook Developer is anyone who converts printed books into eBooks and/or creates eBooks." This also related to article 1 number 27 Law No. 3 of 2017 which said, "Every Person is an individual, group of people, community organization, or business entity, whether incorporated or not incorporated." According to the provisions above, Electronic Book Developers could be individuals, groups of people, or business entities.

In process of making, the procedure for publishing electronic books in the Ipusnas application involves many parties: the publisher who submitted the book; the electronic book developer who converts the book; the ISBN team for the approval; the relevant agency as the owner of Ipusnas; and many others. In this interconnected relationship, there appears to be a potential for legal issues, especially for the creator or copyright holder of the converted book.

The first problem is that, at first glance, Electronic Book Developers are legal subjects and business entities. However, Article 47 of Law No. 28 of 2014 concerning Copyright also gives libraries the authority to make copies for certain purposes, which shows that the authority for conversion rests with non-government parties. Although, of course, there are special requirements regarding conversion, the lack of comprehensive integration of libraries in the process of converting printed books into electronic books certainly opens up opportunities for legal violations¹¹, whether piracy, unauthorized duplication, or even reduced economic rights of the creator or copyright holder over the

7 Wiji Suwarno, *Perpustakaan Dan Buku: Wacana Penulisan Dan Penerbitan*, Yogyakarta, Ar-Ruzz Media, 2011, page. 76.

8 Mulyadi., *Pengelolaan Perpustakaan Digital*, Palembang, Noer Fikri, 1997, page.5.

9 Neyole Misiko., A Study of E-Books and C-Books Utilization by University Students and Faculties in Kenya. *International Journal of Technology Enhancements and Emerging Engineering Research*, Vol.2 No.11, 2014, page. 1-2.

10 Wawan Setiawan., Era Digital dan Tantangannya, *Seminar Nasional Pendidikan*, 2017, page.1.

11 Chuasanga A., Ong Argo Victoria., Legal Principles Under Criminal Law in Indonesia and Thailand, *Jurnal Daulat Hukum*, Vol.2 No.1, 2019

printed book. Comparatively with other countries, there are still deficiencies in the aspect of protecting the Economic Rights of Creators or Copyright Holders as well as provisions regarding the conversion of electronic books, which are still sporadic so that there is this dis harmonization among them.

Studying in Canada and Australia, which have previously made regulations regarding libraries in a comprehensive and integrated manner, especially for books in both hardcopy and electronic form, aims to meet the needs of residents to access books and information.¹² It is known that Canada has made efforts to ensure the safe management of library services and archiving of scientific works for all parties concerned. In general, the law regarding the Indonesia National Library has been integrated into the Library and Archives of Canada Act (S.C. 2004, c. 11) and the Legal Deposit of Publications Regulations (SOR/2006-337), where procedures establish storing publications and providing electronic publications. Regulated as well as the rights and obligations of the Indonesia National Library, Librarian, and Archivist, it aims to strengthen the country's preservation efforts for Canada's documentary heritage. Likewise, Australia guarantees copyright protection for every 'partner,' so providing the best access for library users to information and ideas in any media or format (including electronic) must ensure that the rights of users and creators are respected. Therefore, the Australian Copyright Act 1968 regulates libraries by requiring Librarians and Archivists to comply with the principles under applicable laws.¹³

Transformative law is a development of development law theory adapted to Indonesia's current conditions in the digital transformation era. Based on this theory, it is known that law not only guarantees justice, certainty, and order but can also be a basis for changing society¹⁴, advancing development through state institutions, and establishing and enforcing laws. The main idea of this theory is that law can be used to design society to face changing times, encourage the transition from traditional to modern, and provide direction for a society that continues to develop. In line with this, legislative regulations in Indonesia, even at the level of fellow laws and implementing regulations, overlap with each other, resulting in gaps, ambiguities, and or inconsistencies. Of course, it can lead to conflicts of authority between government institutions as well as development challenges and hamper responsive actions that can be taken by government officials, thereby bringing losses to society due to suboptimal public services and law enforcement.¹⁵ Concerning legal regulations,

12 Lorne D. Bruce., Subscription Libraries for the Public in Canadian Colonies, 1775-1850, *Library & Information History*, Vol.38 No.1, 2018, page. 43-46.

13 Teghan Alexis Pryor-Darnell, Niki Andersen, & Samara Rowling, Professional Ethics, Copyright Legislation and the Case for Collective Copyright Disobedience in Libraries, *Journal of the Australian Library and Information Association*, Vol.68 No.2, 2019, page. 146-147.

14 Coglianese, C., Social Movements, Law, And Society: The Institutionalization Of The Environmental Movement. *University of Pennsylvania Law Review*, Vol.150 No.1, 2001, page. 116.

15 Eko Noer Kristiyanto, Urgensi Omnibus Law dalam Percepatan Reformasi Regulasi, *Jurnal Penelitian Hukum De Jure*, Vol.20 No.2, 2020, page. 233-244.

according to the Pancasila concept of justice, as the basic ideology of the nation, the main characteristic is to protect the nation, which is oriented towards protecting humans and creating humane social conditions so that every human being can obtain legal certainty.¹⁶

In the previous research, article from Supriyadi entitled "*Penegakan Hukum Disiplin Dalam Pengelolaan Perpustakaan*" published in *Libraria Jurnal Perpustakaan*, Vol. 3, no. 2, 2015¹⁷, focuses on the need for disciplinary law enforcement in library management, with analytical descriptive studies emphasizing disciplinary efforts for librarians or officers. Even discussed about law enforcement in library management, this article didn't discuss the use and management of access to digital collections by libraries by exploring relevant laws and regulations. Another relevant research came from Setyo Edy Susanto, entitled "*Desain dan Standar Perpustakaan Digital*" published in the *Jurnal Pustakawan Indonesia*, Vol. 10, no. 2, 2010. This article focuses on the need to consider sixware in digital libraries and digitalization based on legal procedures. None of the previous studies above discussed about protection for copyright holders of converted books and reformulation of the rights to use and manage access to digital collections, which actually would causing a problem in the future. These two problems will be the topic of discussion in this research.

As mentioned on the previous paragraph, this research analyzes the legal protection of Economic Rights for Creators or Copyright Holders of printed books and the reformulation of authority in converting printed books into electronic books. This objective of this research was to show the gap between what is regulated by law and the problems may appear in the future. This research indicates a need for special regulations regarding the conversion of printed books into electronic books by libraries that pay attention to the economic rights of the creator or copyright holder of printed books. In addition, conversions must be carried out under the supervision of the relevant institutions and submitted centrally to the Indonesia National Library to ensure standard procedures and conversion quality as formulated in written statutory regulations.

2. Research Methods

This research uses legal research to answer existing legal problems¹⁸ by reviewing statutory regulations primarily¹⁹ and narrative text presentation supported by relevant scientific literature or articles as secondary data.²⁰ The

16 Widayati., Implementasi Asas Hukum Dalam Pembentukan Peraturan Perundang-undangan Yang Partisipatif dan Berkeadilan, *Jurnal Hukum UNISSULA*, Vol.36 No.2, 2020, page.60.

17 Supriyadi, S., Penegakan Hukum Disiplin Dalam Pengelolaan Perpustakaan. *LIBRARIA: Jurnal Perpustakaan*, Vol.3 No.2, 2015, page. 149-165.

18 Sri Winarsi, Xavier Nugraha, and Angelica Milano Aryani Wibisono., Pembangunan Desa Mandiri Energi Melalui BUM Desa: Upaya Mencapai Clean and Affordable Energy, *Jurnal Rechtsvinding*, Vol.11 No.3, 2022, page. 457.

19 Xavier Nugraha and Ave Maria Frisa Katherina., Tanggung Jawab Promotor Perseroan Terbatas Terhadap Kontrak Pra Inkorporasi Di Indonesia, *Media Iuris*, Vol.2 No.1, 2019, page. 127-55.

20 Sumardji, et al., Ratio Legis Pemberian Hak Milik untuk Rumah Toko: Sebuah Evolusi

statute approach and conceptual approach aim to analyze regulations regarding the use and management of access to digital books by libraries implemented in Indonesia so that a special note can be found on existing regulations that specifically guarantee the economic rights of creators or copyright holders of digitally converted printed books for reformulation.

The statutory regulation approach aims to analyze written regulations²¹ that apply in Indonesia such as Law No. 28 of 2014 concerning Copyright, Law No. 43 of 2007 concerning Libraries, Law No. 11 of 2008 concerning Electronic Information and Transactions (which has been amended several times), Law No. 27 of 2022 concerning Personal Data Protection, and Law No. 3 of 2017 concerning Bookkeeping Systems. A conceptual approach is used to analyze concepts, theories and opinions of legal experts related to legal formulations and others.²² And it is necessary to see how other countries' governments are able to elaborate legal rules in guaranteeing the rights of the Indonesia National Library and authors in writing in their respective "Library Acts".

3. Results and Discussion

3.1. The Protection for Copyright Holders of Digitally Converted Books

Theoretically, Copyright includes intangible movable objects that can be transferred.²³ In countries with a civil law system tradition, Copyright is closer to the concept of Creator protection which links the Creator to his creation.²⁴ From a normative juridical perspective, according to Article 1 of Law 28 of 2014, Copyright is the exclusive right of the Creator, which arises automatically based on declarative principles after creation is realized in real form without reducing restrictions following the provisions of statutory regulations. Referring to this concept, Copyright is born immediately after creation.²⁵ However, it would be better if the Copyright remained registered to strengthen the evidence in court when a dispute arises.²⁶

According to the Copyright Law, a concrete form of protection for creators is the emergence of two exclusive rights concerning protected works. These rights are moral rights and economic rights. Moral rights are born from the concept of

Hukum, *Notaire*, Vol.6 No.1, 2023, page. 133.

21 Faizal Kurniawan, et al., Justice as a Meta Value of Corrective Justice in Providing Restitution for Unjust Enrichment: A Study on Rules, Norms, Principles, and Foundation, *Jurnal Hukum UNISSULA*, Vol.29 No.2, 2023, page. 5.

22 Faizal Kurniawan, et al, The Principle of Balance Formulation as the Basis for Cancellation of Agreement in Indonesia, *Lex Scientia Law Review*, Vol.6 No.1, 2022, page, 129

23 Ranti Fauza Mayana and Tisni Santika., *Hak Cipta dalam Konteks Ekonomi Kreatif dan Transformasi Digital*, Bandung, Refika Aditama, 2022, page. 55.

24 James Lahore., *Intellectual Property in Australia: Copyright*, Sidney, Butterworths Pty Ltd, 1977, page. 9.

25 Djoko Hadi Santoso and Agung Sujatmiko., Royalti Hak Cipta sebagai Obyek Jaminan Fidusia. *Masalah-Masalah Hukum*, Vol.46 No.3, 2017, page. 198.

26 Ria Setyawati, et al., The Tensions on The Protection of Local-Traditional Indonesian Batik, *Yuridika*, Vol.36 No. 1, 2021, page. 185.

droit moral, as born in France,²⁷ which the Berne Convention later interpreted as the Creator's right to object to actions against the work that are detrimental to the Creator. The regulation of moral rights is expressly contained in Article 5 of Law 28 of 2014. The exercise of moral rights cannot be transferred while the owner is alive, but rather by will or other reasons regulated by statutory regulations after the Creator dies.

On the other hand, economic rights are also known as the creator's exclusive rights to the economic benefits of creation. In such conditions, people who wish to use the work must obtain permission from the Creator or Copyright Holder. The existence of economic rights departs from the norm that "Copyright shall protect the author to his intellectual and personal relationship with his work and also for the utilization of his work."²⁸ The description of the types of economic rights is regulated in Article 9 of the Copyright Law. According to Hendra Guest Atmaja, economic rights are the rights that creators have to make a profit, consisting of performing, broadcasting, and reproduction rights.²⁹

Books are part of the intellectual property law regime and receive special attention.³⁰ This proposition departs from the historical view that books have existed since ancient times, so the creation of copyright certainly refers to works that already exist, including books. When compared with other types of creations under the auspices of the Copyright regime, several conventions and positive legal provisions in Indonesia pay special attention to books³¹, such as Article 2 paragraph (1) of the Berne Convention which states that "*The expression 'literary and artistic works' shall include every production in the literary, scientific and artistic domain, whatever may be the mode or form of its expression, such as **books** (bold by the author) ...*" also Article 40 paragraph (1) of the Copyright Law which regulates that "Protected works include ... consisting of **books** (bold by the author), pamphlets, published written works..." Thus It appears that the book is a creation protected by copyright. However, books that can be protected must meet the *standards of copyright's* ability as regulated by law.³²

As time passed, books were no longer only in printed form; they were developed with electronic books. The existence of electronic books or e-books is recognized through Article 5 paragraph (3) of Law No. 3 of 2017 jo. Article 2 paragraph (3) Government Regulations Number 3 of 2017. The concept of electronic books has been explained above. An example of electronic books

27 Mas Rahmah., Protection of Moral Right in Copy Right Law: Comparison Between Indonesia and Australia, *Yuridika*, Vol.24 No.2, 2006, page. 2.

28 Silke Lewinski., EC Proposal for a Council Directive Harmonizing the Term of Protection of Copyright and Certain Related Rights, VCH Verlagsgesellschaft mbH, 1992, page. 8-9.

29 Hulman Panjaitan and Wetmen Sinaga, *Performing Rights Hak Cipta atas Karya Musik dan Lagu Serta Aspeknya (Edisi Revisi)*, Jakarta, Uki Press, 2017, page. 9.

30 Auralita, L., Unlocking the Power of Intellectual Property: Safeguarding Books Against Piracy, *Journal of Judicial Review*, Vol.25 No.1, 2023, page. 2

31 Eddy Damian., *Hukum Hak Cipta*, Bandung, Alumni, 2019, page. 154.

32 Rahmi Jened., *Hukum Hak Cipta (Copyright's Law)*, Bandung: Citra Aditya Bakti, 2014, page. 79.

published in the library's e-resources service is Ipusnas. In this application, the book publisher tries to convert books and submit them to Ipusnas. After that, the Ipusnas Procurement Team will carry out a selection, and finally, they will enter the Ipusnas. Electronic books can be in ePUB, AZW, KF8, or PDF format.³³

The problem that arises is the for converting printed books into electronic books carried out by Electronic Book Developers, according to the provisions of Article 1 number 19 jo. Law No. 3 of 2017, Electronic Book Developers can be individual legal subjects or business entities, whether legal entities or not. From previous cases, PT WAM (Woolu Aksara Maya) as a vendor in the electronic book selection process played a fairly important role.³⁴ Collaboration between Indonesia National Library and PT. WAM to provide electronic book potentially violating the economic rights for creators or copyright holders of printed books—article 47 jo.³⁵ In this article, 49 of Law 28 of 2014, there are spaces for the duplication and distribution of works when not for commercial purposes, for which libraries are also provided with similar authority. However, the use of this authority is not unlimited. Libraries must fulfill the requirements as determined by *a quo* article.

If a non-government party carries out the conversion, the opportunity to take unlawful action in converting printed books is open.³⁶ Indeed, the decentralization process in the book industry must be seen as an effort to smarten the nation's life. However, the fulfillment of the Creator's or Copyright Holder's rights cannot be ignored. With the division of conversion authority, the control mechanism becomes weaker. Moreover, the digital book industry is not under *Lex Specialis* legal framework Thus, a legal product must be formed to regulate the upstream-to-downstream mechanisms for electronic book services, along with efforts to convert printed books into electronic books. In the author's opinion, conversion should remain under the authority or auspices of the Indonesia National Library with delegation to the government library. This ensures the fulfillment of copyright aspects for the Creator or Copyright Holder. If it is deemed necessary to have a private or third party in such a process, the Indonesia National Library must be the locomotive.

3.2. Reformulation of Rights to Utilize and Manage Access to Digital Collections by Libraries

33 Ario Prakoso., Implementasi Undang-Undang Hak Cipta No. 28 Tahun 2014 pada Aktivitas Reprografi Koleksi Digital, *Jurnal Kajian Ilmu Perpustakaan, Informasi, dan Kearsipan*, Vol.5 No.1, 2019, page. 21-31.

34 Dhiafira, A. P., *Perlindungan Hak Cipta Penulis Di Aplikasi IPUSNAS Menurut Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta*, Undergraduate thesis, Universitas Airlangga, 2021.

35 Aji, S. M., Heriyanto, H., & Dewi, A. O. P., Perlindungan Hak Cipta pada Layanan Koleksi E-book di Perpustakaan Provinsi Jawa Tengah, *Anuva: Jurnal Kajian Budaya, Perpustakaan, dan Informasi*, Vol.6 No.4, page.385-402

36 Simangunsong, H. L., Santoso, B., & Lumbanraja, A. D, Perlindungan Hak Cipta Terhadap Pembajakan Karya Sastra Novel Versi E-Book Di Tokopedia. *Notarius*, Vol.13 No.2, 2020, page: 446

Advances in information technology now have a big influence on various aspects of life, one of which is education and research; about research as a concrete activity of an 'educator' contributing his knowledge, digitalized information technology can provide benefits for humans in obtaining data and information sources easily to support their needs³⁷. Researchers who are responsible for their ideas and arguments, in this case, research, will be closely related to the use of scientific work sources, both books and articles, to be used as references to produce research results that are useful for the wider community. The Indonesian government has made the library an institution that professionally manages collections of written works, printed works, and or recorded works to meet library users' educational, research, preservation, information, and recreation needs, as stated in Law No. 43 of 2007.

The library is a place that is used to search for various literature references as library materials for users.³⁸ Therefore, apart from Law No. 43 of 2007 as the main law that regulates libraries in Indonesia, several regulations emphasize the role of libraries as institutions that can carry out activities to manage, organize, store, and lend book collections, namely Law No. 28 of 2017 which links between the role of libraries and the obligation to guarantee copyright protection for the books in the collections they manage and store and Law No. 3 of 2017 which specifically regulates bookmakers, the form, type, and content of books, the rights and obligations of the community and bookmakers, authority and responsibility of the Central Government and Regional Government, obtaining book manuscripts, publishing, printing, developing electronic books, distributing, using, providing and supervising, as well as implementing law enforcement in the form of administrative sanctions.

Data from the Indonesia National Library, regarding the distribution of libraries in Indonesia, shows that Indonesia has 181,486 libraries, most of which are spread across the island of Java. The largest type of library is the School Library.³⁹ The region-based distribution map shows that Indonesian libraries are not evenly distributed, so many institutions have established libraries or reading rooms and managed scientific work collection archives independently.⁴⁰ For example, many universities in Indonesia have e-resources to store and manage students' scientific writing. Moreover, lecturers and scientific written books belong to lecturers and other (general) authors. Several libraries at universities

37 Kenny, E. J., & Donnelly, R., Navigating the gender structure in information technology: How does this affect the experiences and behaviours of women?. *Human Relations*, Vol.73 No.3, 2020, page. 329

38 Jamilatu Rohmah., Optimalisasi Koleksi Peprustakaan Sebagai Upaya Peningkatan Pelayanan di Perpustakaan SMA Negeri 4 Kota Magelang, *Jurnal Perpustakaan*, Vol.1 No.2, 2020, page. 56.

39 Perpustakaan Nasional Republik Indonesia, *Sebaran Perpustakaan Dalam Peta*. accessed from <https://data.perpusnas.go.id/>

40 Mannan, E. F., & Anugrah, E., Village library capacity building for community empowerment: A case study in east Java, Indonesia. *Library Philosophy and Practice*, 4552, page. 1

are developing e-resource services that aim to accommodate the changing needs of users, who tend to prefer e-resource services.⁴¹

If explored further, the actual management of library archives in Indonesia still needs to be managed in other countries⁴², including aspects of the regulations and laws governing it. Here is a table of the differences:

Table 1. Comparison of the Legal Basis for Application of Library Archives Management between Canada, Australia and Indonesia

	Kanada	Australia	Indonesia
Regulation	<ol style="list-style-type: none"> 1. Library and Archives of Canada Act (S.C. 2004, c. 11) ("Canada Act 1") 2. Legal Deposit of Publications Regulations (SOR/2006-337) ("Canada Act 2) 	<ol style="list-style-type: none"> 1. Australian Copyright Act 1968 Part X - Miscellaneous Division 3 and 4 ("Australia Act") 2. Peraturan tertulis untuk negara-negara bagian, yaitu: <ol style="list-style-type: none"> a. the <i>Publications (Legal Deposit) Act 2004</i> (Northern Territory); b. the <i>Libraries Act 1988</i> (Queensland) c. the <i>Libraries Act 1984</i> (Tasmania), d. Section 35 of the <i>Libraries Act 1982</i> (South Australia), e. the <i>Libraries Act 1939</i> (New South Wales) f. Section 49 of the <i>Libraries Act 1988</i> (Victoria), g. the <i>Legal Deposit Act 2012</i> (Western Australia) h. The Australian Capital Territory (ACT) has no local legislation as of May 2020, but publishers "are encouraged to lodge a copy of their publications with the ACT Heritage Library for ongoing preservation and access. 	<ol style="list-style-type: none"> 1. Law no. 43 of 2007 concerning Libraries 2. Law No. 28 of 2017 concerning Copyright
Establishment	<p>A branch of federal public administration was formed, namely the Librarian and Archivist of Canada, which was led by the Minister and under the direction of the Librarian and Archivist (<i>vide</i> Article 4 of Canada Act 1).</p> <p>Librarian and Archivist appointed by the Governor in Council (<i>vide</i> Article 5</p>	<p>Formed based on the Indonesia National Library Act 1960-1967 under the Minister of National Libraries delegated to the Director General of the Indonesia National Library (<i>vide</i> Article 195CE and 195CI of Australia Act)</p>	<ol style="list-style-type: none"> 1. In Article 16 of Law No. 43 of 2007, library ownership depends on the type of operation: <ol style="list-style-type: none"> a. Government libraries; b. Provincial Library; c. Regency/City Library; d. District Library; e. Village Library; f. Community Library; g. Family Library; and h. Personal Library.

41 Kurniawan., Kebijakan Pengembangan Koleksi E-Resources di Perpustakaan UIN Sunan Kalijaga Yogyakarta, *LIBRIA*, Vol.12 No.1, 2020, page. 71–88.

42 Harisanty, D., & Anugrah, E. P., Legality of electronic archive management in realizing Indonesia E-government, *Digital Library Perspectives*, Vol.38 No.1, 2022, page. 89

	(1) of Canada Act 1)		2. In Article 20 of Law No. 43 of 2007, the types of libraries consist of: a. Indonesia National Library ; b. Public Library; c. School/Madrasah Library; d. College Library; and e. Special Library.
Scope of Library Material	Publication: Printed material, on-line items or recordings, Record: any documentary material other than a publication regardless of medium or form. (<i>vide</i> Article 2 of Canada Act 1)	A Literary, dramatic, musical or artistic work, or an edition of such a work (whether in an electronic form or otherwise) (<i>vide</i> Article 195CA and 195CE of Australia Act)	There is no clear classification of what can be copied and is a library's right in Law No. 43 of 2007.
Legal Deposit	1. Publishers providing publications in Canada will provide two copies of the publication to the Librarian and Archivist. There are receipts made within a certain period of time (<i>vide</i> Article 10 (1) of Canada Act 1). 2. Publications provided to the Librarian and Archivist become the property of Her Majesty and form part of the collection of the Library and Archives of Canada.	1. Libraries may request copies of materials available either physically or electronically (online) with notes relating to Australia and Australian society (<i>vide</i> Article 195CC - 195CD of the Australia Act) 2. 2. The time period for submitting Indonesia National Library materials is determined, namely on the day of publication or on the day the request (from the Indonesia National Library) is made and ends (<i>vide</i> Article 195CD (2) of the Australia Act)	Libraries or archival institutions can reprographically reproduce writings that have been announced, summarized, or summarized to fulfill someone's request with the following conditions (<i>vide</i> Article 47 of Law 28 of 2017): a. for educational or research purposes. b. done separately and if done repeatedly, duplication must be an unrelated event. c. no License is offered by the Collective Management Institute to libraries or archival institutions with respect to duplicated portions. d. Existing copies are lost, damaged, or destroyed from the permanent collection so that maintenance and replacement of copies is necessary. e. for communication or exchange of information between libraries, between archival institutions, as well as between libraries and archival institutions.

Sources: Authors, 2024 (edited)

The need for a formal repository of electronic publications in Australia is to serve the ongoing needs of the Australian nation and as part of its efforts to

preserve Australia's documentary heritage.⁴³ The Indonesia National Library of Australia acquires copies of electronic publications produced in Australia as a research tool. The stored electronic publications benefit not only the producers of these new information products but also the researchers who use the library. Likewise, Canada has accommodated policies regarding electronic copies of publications to ensure centralized and accountable management and use of library documents. Public access to the product increases public awareness and provides an opportunity for researchers to evaluate the product.⁴⁴ Legal deposits have been the law in Australia for more than 100 years, and Canada followed suit in this innovative legal policy only in 2004. This seeks to ensure that the nation's published and collected heritage can be preserved for future generations in accordance with established legal procedures by the Government.⁴⁵ From Table 1, it is known that Australia and Canada enforce regulations regarding legal deposit for all works published in their countries, both in hardcopy and electronic form.

Furthermore, it is necessary to know what points are regulated by Canada and Australia in implementing library deposits. Through Table 2, the author tries to show the differences in regulations that influence the practice of library management in these three countries.

Table 2. Differences in library deposit provisions in Canada, Australia and Indonesia.

	Kanada	Australia	Indonesia
Items type to deposit	Publications other than paper and their contents, if seen in Article 2 of Canada Act 2, publishers are obliged to submit copies of publications complete with transparent supporting data/information so that they can be accessed by Librarians and Archivists, such as title, creator, language, date of publication, format, subject and copyright information.	Article 195CD of Australia Act) 1. 1. A copy of all materials (including illustrations, drawings, engravings, photos and audio-visual elements) for materials available in electronic or hardcopy form. 2. Especially in electronic form, it must be free from any technological protection measure and must provide access to other	It can be seen in Article 47 of Law 28 of 2017 that every library or archival institution that does not have commercial purposes can make a copy of a work or part of a work without the permission of the creator or copyright holder, such as reprographic written works and electronic form has not been regulated.

43 National Library of Australia., Policy On The Use Of Australian CD-Roms And Other Electronic Materials Acquired By Deposit, 2001, <http://www.nla.gov.au/policy/cdrom.html>, accessed on 2 April 2024

44 Shahrozat Ibrahim and N.N. Edzan, Legal Deposit of Electronic Publications in Malaysia: 1998-2000, *Malaysian Journal of Library & Science*, Vol. 9No. 2, 2004, p: 65.

45 Gertrude Kayaga Mulindwa, Preserving the Nation's Documented Heritage-The Botswana Collection at The National Library Service, *Botswana Notes and Records*, Vol.30, 1998, page. 30.

		<p>software if required by National Library to access copies of materials.</p> <p>3. Especially in hardcopy form, it must be well printed on the best paper material such as original material suitable for distribution to the public (coloured, bound, sewed, stitched or otherwise fastened together).</p>	
<p>Terms and Condition to deposit</p>	<p>Regulated in Articles 3 and 4 on Canada Act 2.</p> <p>1. Submission of 1 copy for musical sound recordings, multimedia publications consisting of two or more physical parts in different formats, publications of which fewer than 100 copies have been produced, publications produced on demand from a master copy of which fewer than 100 copies have been produced, and online publications.</p> <p>2. Submission of 2 copies for*:</p> <p>a. publications, other than online publications, of which fewer than four copies have been produced;</p> <p>b. printed publications that are manufactured or distributed in Canada and that are not published under the imprint of a Canadian publisher;</p> <p>c. reissues or portions of publications that are not substantially different from copies already deposited;</p> <p>d. publications, including <i>livres d'artiste</i> or book objects, produced by the author, the artist or the publisher using a creative process that significantly distinguishes each copy from the others.</p> <p>*) The list of items is shortened by selecting relevant objects, namely</p>	<p>1. 1. The policies of each regional country are different but still follow the provisions of the Australian Act (such as: time and place for deposit, and copies of publications).</p> <p>2. The policy for determining the number of copies that need to be submitted to the Librarian varies, for instance:</p> <p>a. understood through Article 70 of the Libraries Act 1988 (Queensland) namely only one copy; such as a book, a newspaper, etc.</p> <p>b. strictly regulated in Articles 8 and 19 of the Legal Deposit Act 2012 (Western Australia), namely a maximum of 2 copies according to the class of documents or such other circumstances or factors.</p>	<p>It is regulated in Articles 12 and 13 of Law No. 43 of 2007 where there are no provisions for categorizing what is included in a library collection and what the requirements for submission and storage are, so that it is understood that all libraries can process, store, and develop collections; except library materials which are prohibited by statutory regulations are stored as special collections of the Indonesia National Library for limited use.</p>

	books, both printed and digital.		
Librarian and Archivist Authority	Regulated in Article 8 of Canada Act 1. In relation to collection management, they have main duties such as 1) maintaining, supervising or controlling publications and records; 2) cataloguing, classifying, identifying, preserving and restoring publications and records; 3) compile and maintain information sources such as national bibliography and national union catalogue.	It is stated that the officer in charge consists of an archivist with the task of immediately caring for and supervising the collection and a librarian who is tasked with caring for and controlling the collection in the library (<i>vide</i> Article 10 (1) of the Australia Act).	Library staff consists of librarians and library technical staff (<i>vide</i> Article 20 Law No. 43 of 2007) The duties and responsibilities of library staff as stated in Article 32 of Law No. 43 of 2007 are to provide excellent service to users, create a conducive library atmosphere, and set an example and maintain the good name of the institution and its position in accordance with their duties and responsibilities.

Sources: Authors, 2024 (edited)

The main concern of researchers is the lack of strict regulations in Indonesian laws and regulations regarding access to electronic publications. As mentioned in the Table 2 above in the item type to deposit, the authority to make a copy of a work or part of a work without permission might lead to rights violation, especially for an electronic form that has not been regulated. This could lead to unfair exploitation of the publications of authors and book publishers.⁴⁶ In fact, the physical prints that have been regulated by law still have great potential for piracy, due to the lack of the law enforcement. Study also shows that Piracy carried out using digital technology is commonplace in the era of technology.⁴⁷ This is the main challenge and threat to electronic publications, as Law No. 43 of 2007, which is still in force, does not yet strictly regulate electronic books, whether digitally printed or digitally converted (see Table 2). It is crucial to address this issue with strict regulations in the electronic publications sector.⁴⁸

The conversion must be carried out under the supervision of the relevant institution and submitted centrally to the Indonesia National Library to ensure standard procedures and quality of conversion, and it is necessary to reformulate the Library Law to include the rights and obligations of Librarians and Archivists, terms and conditions for submitting copies for national registration, procedures for submitting written work, and legal sanctions to ensure the quality of book conversion which is still very difficult to detect whether there are legal violations such as piracy as discussed in sub 3.1.

46 Janyk, R. F., & Lomness, A. R., Primary Rights And The Inequalities Of E-Book Access, Charleston Conference Proceedings 2019, page. 133

47 Uyun, Q. Normalisasi Pembajakan Buku Di Era Teknologi Digital, *Mu'amalah: Jurnal Hukum Ekonomi Syariah*, Vol.2 No.2, 2023, p: 256

48 Irhamni, A., Rahmawati, T., & Sudharno, L, Linking up library resources with digital rights management: Challenges and opportunities on Indonesia, 2017, page. 4

4. Conclusion

Efforts to reform the literacy culture in Indonesia with electronic books are a good breakthrough; it certainly increases interest in reading and national literacy levels. However, this scheme involves many other parties, including creators or copyright holders of printed books converted into electronic books. Regulations regarding the limited electronic book ecosystem.

In this article, we point out the Indonesia National Library's lack of authority to convert printed books into electronic books. This situation certainly is opening up the opportunities for unlawful actions that have the potential to harm the creators or copyright holders of printed books.

Comparison in library deposit provisions in Canada, Australia, and Indonesia show that Australia and Canada have centralized authority. This has an impact to guaranteed control mechanisms.

Thus, it is necessary to amend the Bookkeeping System Law and implement implementing regulations to accommodate the development of the electronic book ecosystem in Indonesia.

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