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Application of the Science Field Copyright Declarative System

(Comparison between Indonesia and Malaysia)

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ABSTRACT

There is a problem when discussing the application of the declarative system of copyright in the field of science such as the issue of legal certainty of copyright protection in the field of science in the declarative system in Indonesia and Malaysia. Further, the paper will analyze the evidence that can be carried out by the right holder in the event of a dispute over copyright infringement in the field of science. Based on copyright law, the basis for the emergence of rights and legal protection is not based on registration but is based on the birth of a copyrighted work which is manifested in a real form or known as the declarative system (First To Use). Creative works in the field of science such as a book have been manifested in the form of a book that can be read and used as reading material. In such a system, problems may arise related to the certainty of legal protection and evidence in the event of a dispute. This paper uses a qualitative method whereas a normative method can be used by examining primary legal material in the form of regulations and laws. Through this research, we see that the declarative system still has the potential to offer artists and owners of copyrights the legal protection they deserve, while proof can be done with a witness or written evidence, but it will be easier to prove if a work is registered by obtaining a certificate of copyright registration.

Keywords: *application; copyright; declarative system; intellectual property; law.*

INTRODUCTION

There are at least two systems for registering Intellectual Property, namely the declarative system (First To Use), where registration does not create rights, so rights are not required, and the Constitutive system (first to file), where registration creates rights, so registration is a requirement for rights to arise. One of the Intellectual Property Rights is Copyright which concerns the fields of science, art, and literature, in Indonesia, it adheres to a declarative system (First To Use), and the emergence of rights and legal protection is not based on registration, but based on the birth of a creation that has been embodied in real form. Registration is not an obligation for the emergence of legal rights and protection, but only functions administratively and facilitates proof (Nemlioglu, 2019).

Copyright arrangements in national legislation in Indonesia began with Law Number 6 of 1982 concerning Copyright and have undergone changes and changes, since the system's inception until the passing of Law No. 28 of 2014 relating to Copyright, a declarative framework has been in place. (First

To Use) (Dahen, 2021). However, the law also regulates registration with the term recording of copyrights which only functions administratively (Regent et al., 2021). Some of the referred IPR fields adhere to their respective rights systems, for Copyright the birth of rights and legal protection is automatically based on a declarative system, born from the moment the work is realized in a tangible form. Legal protection of copyright adheres to an automatic protection system (automatic protection)(Laws, 2022). For trademark rights, legal rights and protection are born based on constitutive or first-to-file registration, whoever registers a mark for the first time has the right and gets legal protection. While patents give rise to legal rights and protection based on an application for registration, with the condition that an invention must fulfill the element of novelty, contain an inventive step and be applicable in the industrial sector. Therefore, an invention that has been registered and obtained a patent must be implemented, if it is not implemented within 6 (six) months, then another party can apply for a mandatory license to the government through the Directorate General of IP, Ministry of Law and Human Rights.

Current developments in the field of books are not only published in the form of physical books but also in electronic form or e-books so that the model for the occurrence of disputes also follows the development of electronic media. Like the recent case that occurred in the form of copyright infringement on electronic books or e-books but was successfully mediated by the Directorate General of Intellectual Property (DJKI) of the Ministry of Law and Human Rights (Kemenkumham).

This mediation began with a report from the Cipta Karya Concern Association (PPKC) which complained to DJKI about the discovery of illegal e-book sales at the Tokopedia and Carousell marketplaces (Putri, 2021). Furthermore, the DJKI through the Directorate of Investigation and Dispute Resolution brought together the PPKC reporting party directly and the reported party who owned the Carousell account "Debobi2802". The meeting resulted in amicable terms between the two parties with the reported party willing to agree on some compensation for selling e-books illegally. The agreement includes being willing to replace material losses for 20 million rupiahs; willing to make an apology video; and making a written statement not to repeat the illegal act (DJKI Kementerian Hukum & HAM RI, 2022).

Copyright protection in Malaysia has started since the British era ruled Malaysia. The law that was in effect at that time was Act 1911. After Malaysia became independent, the Copyright Act that was in effect was the Copyright Act 1969 which was valid until 1987. Since then the law has been used in Act 332. Act 332 states that Copyright is an exclusive right granted to the copyright owner for a certain period. Protection is obtained automatically without prior registration required (Rakhmita Desmayanti, 2013).

In the absence of an obligation to register copyrights and there is no evidence of a registration certificate when a dispute occurs there may be difficulties in proving who the real creator is (Pallas Loren, 2019). Moreover, a work of art that is not in the form of a physical form, such as an old work of art, is not easy to determine and protect who is the creator (Clemons et al., 2022). It is not uncommon for a copyrighted work to be unknown created because it was born a long time ago by our ancestors, such as the art of wayang, you, and others. Even though later the law regulates copyrighted works of national culture which include copyrighted works whose creators are unknown (Susanti et al., 2019).

Based on this background, this research is based on the following problems: first, how is the legal certainty and protection of copyright in the field of science in the declarative system in Indonesia and Malaysia? second, how can the right holder prove in the event of a dispute over copyright infringement in the scientific field? From the resulting analysis, it is hoped that it will be able to provide recommendations to authorized officials, in the application of the Copyright registration system, especially in the field of science, so that it can provide more legal protection for Copyright holders, especially for creators.

METHODOLOGY

This paper adopts the qualitative method. Qualitative research is a means of gathering information for study using both primary and secondary data (Darmalaksana, 2020). The research method used in this paper is the normative research method consists of research on legal principles, legal systematics, legal synchronization, and comparative law (Kornelius Benuf, 2020). Normative legal research is a method and approach to scientific inquiry into the law and the law's normative foundations (Arliman S, 2018). By using the statute approach and conceptual approach. A statute approach is a method that is based on an analysis of relevant legal regulations. The primary source of legal information is Law No. 28 of 2014 Concerning Copyright and the Malaysian Laws regulating Copyright. The data will be thoroughly evaluated using all available resources. The conceptual method will enable comprehension by employing doctrines as legal experts' judgments.

RESULTS

Analysis of the Application of the Copyright Declarative System in the Science Sector (Comparison between Indonesia and Malaysia)

Law in Indonesia

Intellectual Property Rights or IPR is a right that comes from the results of human intellectual activities (Amaly et al., 2020). Legal protection of intellectual property rights is based on two reasons. First, in intellectual works, there are moral rights that reflect the personality of the creator. Second, because of economic factors or commercial rights contained in the intellectual work (Chichi Fahria Azmi, 2021). Formerly administered by the Dutch East Indies government, IPR in Indonesia has been codified into National Law since the introduction of Law No. 6 of 1982 regulating Copyright. Then, in 1987, Law No. 7 was passed to amend Law No. 12 of 1982 on Copyright, and in 1997, Law No. 12 was passed to amend Law No. 6 of 1982 on Copyright, as Amended by Law No. 7 of 1987, which was subsequently replaced by the issuance of Law -Law Number 19 of 2002 Concerning Copyright, and was replaced by Law Number 28 of 2014 Concerning Copyright which is in effect until now.

Intellectual Property Rights or abbreviated IPR, which in current developments use the term Intellectual Property or abbreviated KI, and affect the term on the Institution that has the authority to become the Directorate of Intellectual Property under the Ministry of Law and Human Rights. Another term that is often used is Intellectual Property Rights or abbreviated as IPR. Intellectual Property Rights arising from the results of human thought or intellectual processes that produce works that are useful for humans. Intellectual Property Rights are like other property rights, as intangible or intangible objects. As a right, it is only natural that you have to get legal protection.

The regulation in the field of Intellectual Property is also influenced by Indonesia's attachment to several international conventions, including The Paris Convention for the Protection of Industrial Property, the 1883 Paris Convention which has undergone several changes or revisions, namely the 1925 Paris Convention in The Hague, in London in 1934, in Lisbon in 1958, and Stockholm in 1967 by forming the World Intellectual Property Organization (WIPO)(Singhai, 2019), and Indonesia ratified or ratified it by Presidential Decree No. 24 of 1979. Indonesia has ratified the Bern Convention for the Protection of Artistic and Literary Works (Bern Convention on the Protection of Artistic and Literary Works) by Presidential Decree No. 18 of 1997 and the World Intellectual Property Organization Copyright Treaty (WIPO Copyright Agreement), hereinafter referred to as WCT, through Presidential Decree Number 19 of 1997, and the World Intellectual Property Organization Performances and Phonograms Treaty (Agreement on Performing Works and Phonogram Works WIPO), hereinafter referred to as WPPT, through Decree President Number 74 of 2004.

Besides that, the General Agreement on Tariff and Trade (GATT) negotiations or General Agreement on Tariffs and Trade, which held several negotiations, starting in 1947 and 1994 in Marrakesh, Morocco, resulted in the agreement establishing the World Trade Organization or the Agreement Establishing the World Trade. Organization (WTO), which contains the approval documents contained in all attachments. In this case, Indonesia also ratifies or ratifies the agreements in the WTO with Law Number 7 of 1994 concerning the Ratification of the Agreement to Establish the World Trade Organization.

By giving the approval or ratification, Indonesia is legally bound by the provisions regarding Intellectual Property Rights in both the World Intellectual Property Organization (WIPO) and the Agreement Establishing The World Trade Organization (WTO) which contains several approval documents, one of which is Agreement on Trade-Related Aspects of Intellectual Property Rights or abbreviated as TRIPs, which are international guidelines for Intellectual Property Rights that must be complied with by countries participating in the convention or countries that have given approval or ratification including Indonesia. Even though the Indonesian state, the implementation, and protection of intellectual property rights have long been.

The State of Indonesia has an interest in ratifying several international conventions in the field of Intellectual Property Rights, as an effort to participate in providing legal protection for Intellectual Property Internationally, especially Intellectual Property brought by investors in the context of investing in Indonesia. This is to provide legal protection in the field of Intellectual Property such as Trademarks and Patents and at the same time attract investors to want to invest in Indonesia. Because without legal protection, of course, investors will hesitate to invest in Indonesia. Firms that would normally shy away from investing in certain countries due to the weakness of the local IPR regulations(Albino-Pimentel, João Dussauge, Pierre Elnayal, 2022).

Among the several rights in the field of Intellectual Property that are widely known by the public in general are Copyrights, Trademarks, and Patents. In a society in general it is sometimes mistaken in calling, copyrights called patents, brands are called copyrights, or vice versa. The difference between the three is that a brand is a sign or identity which can be in the form of an image, logo, name, word, letter, number, or color arrangement, in the form of 2 (two) dimensions and/or 3 (three) dimensions, sound, hologram, or a combination. of 2 (two) or more of these elements to distinguish goods and/or services produced by a person or legal entity in the activity of trading goods and/or services. Copyright is a right to work in the fields of science, art, and literature. While a patent is a right to an invention in the field of technology.

Based on Law Number 28 of 2014 concerning Copyright, it is stated that the types of works are protected. Paragraph one of Article 40 provides examples of works that qualify for protection. Books, pamphlets, published copies of works, and all other written works; (b) lectures, speeches, and similar works in the fields of science, art, and literature; (c) visual aids designed to educate or inform (d) musical compositions (with or without lyrics); (e) theatrical performances (including but not limited to plays, musicals, dance, choreography, wayang, and pantomime; (f) artistic works of any kind, including but not limited to paintings, drawings, carvings, calligraphy, sculpture, and collages; g) objects of decorative or functional art; (h) buildings I've mapped; (j) batik and other works with repeating motifs images made by photographers; Photographs; Movies; (n) works resulting from the transformation, such as translations, interpretations, adaptations, anthologies, databases, adaptations, arrangements, alterations, and so on; (o) the act of translating, adapting, arranging, altering, or transforming traditional cultural expressions. q) a new work that collects traditional cultural expressions. Computer software; video games.

Copyright in the scientific sector can take the shape of a printed book or an electronic book (e-book) (Tiawati & Pura, 2021). In the form of files (pdf, doc, txt) and can be downloaded and read through electronic devices (Denny Kusmawan, 2014). With current technological developments, what is meant

by the embodiment of creation in a tangible form, is interpreted in a broad sense, not only in printed form on sheets of paper but includes an embodiment in electronic media such as e-books which can also be printed and read. Like literary works of novels, even though they are not printed on paper but printed in electronic books in e-book format, they are protected by law because they are tangible (e-book) (Simangunsong et al., 2020).

Along with the advancement of time and technology, internet access has become one of the main human needs. However, if you look closely, the internet is a place where someone can easily commit copyright infringement. Through the internet, someone can easily copy and adapt other people's work without including the original link from the owner (Losung et al., 2021). An e-book is an electronic version of a book that requires an electronic medium (computer/laptop, smartphone, tablet, etc.) to be read. Because e-books are electronic objects (more precisely digital objects), they automatically have the properties of digital objects (Labetubun, 2019).

Since the beginning it was regulated in 1982 with changes and was replaced until finally by Law Number 28 of 2014 Concerning Copyright, the registration system adopted is a declarative system (First To Use), registration is not an obligation to arise rights and legal protection (Atsar, 2017). This is reaffirmed in the first paragraph of Article 1: Copyright is the exclusive right of the author that exists immediately based on the declaratory principle after the creative is realized in a tangible form, without statutory provisions limiting the creator's rights (Nurdahniar, 2016). In addition to scientific, artistic, and literary works, point 3 states that all works created by humans are protected by copyright. Products include scientific, artistic, and literary works that have been protected by intellectual property laws as the product of someone's original ideas, abilities, insights, and efforts (Abduh, 2021).

The meaning of "exclusive rights" is reserved solely for the creator, called exclusive rights, since these rights are exclusively meant for the author, preventing third parties from utilizing them without the creator's consent (Simatupang, 2021). So that only one party can benefit from these rights with the Author's approval. Copyright holders who are not creators possess only a portion of the exclusive rights as economic rights (Kholiq et al., 2022). Copyright holders in the field of science, book publishers as copyright holders who obtain rights from creators to publish and reproduce works, only have the right to exercise copyrights in the form of announcing and multiplying works by obtaining benefits in the form of income with economic value, for example from book sales (Rahaditya et al., 2022).

Copyright for work, including in the field of science such as books, arises automatically based on the declarative principle, meaning that the copyright is created automatically after creation is realized in real form, without any obligation to register (Fuadi & Diniyanto, 2022). A copyright record is not mandatory and will not give birth to a right (Amelia Nofianti, 2022). In the case of scientific creations such as books, copyright is born when the book has been compiled in such a way as a book with the name of the author listed and it is printed, reproduced, announced, distributed, and traded, so that a book can be used and read (Nugroho & Utama, 2020). Thus the copyright has been born and the creator gets legal protection.

The form of legal protection given to creators or copyright holders/recipients include prohibitions for anyone to publish or reproduce protected works (Losung et al., 2021). The meaning of legal protection is that the creator can prohibit other parties from using his creation without the consent or permission of the creator, except within certain limits permitted by law (Finck & Moscon, 2019). In the event of a violation, the copyright holder, especially the creator, can take legal action, both civilly and criminally (Baranyanan, 2021).

Even though the Copyright Law adheres to a declarative system the emergence of copyright rights and legal protection is not based on registration but arises automatically since the creation has been born in a tangible form. However, the law also regulates the registration or recording of copyrights, which means that a creation can also be registered and a Copyright Registration Certificate issued, but it does

not determine the emergence of copyright, because copyright rights and legal protection have existed since the creation of the copyrighted work. If a creation, for example in the field of science, such as a book, is registered or recorded by providing evidence in the form of a Certificate of Copyright Registration, this does not determine the birth of a copyright.

A creator is a person or group of individuals who alone or together produce a unique and personal work of art. Whereas copyright holders are creators as copyright owners, parties who legally receive these rights from creators, or other parties who receive further rights from parties who legally receive these rights.

Copyright holders who are not creators only have some of the exclusive rights in the form of economic rights. Copyright contains moral rights and economic rights, namely moral rights are rights that are eternally attached to the Creator himself to:

a. still include or do not include his name;
b. use aliases or pseudonyms;
c. change the Creation;
d. change the title and subtitle of the Work; And
e. defend their rights in the event of something detrimental to their self-respect or reputation.

While economic rights are the exclusive right of the creator or copyright holder to obtain economic benefits from a copyrighted work.

With the existence of copyright rights and protection for creators, not everyone can use those rights at will, but everyone who exercises and makes use of economic rights over the copyright of a work must obtain permission from the creator or copyright holder. As a consequence, everyone without the permission of the Author or Copyright Holder is prohibited from Reproduction and/or Commercial Use of Works. Likewise, managers of trading venues are prohibited from allowing the sale and/or duplication of goods resulting from copyright infringement and/or related rights at the trading venues they manage. As for copyright protection for each work, a protection period is given, which lasts for as long as the life of the Author and continues for 70 (seventy) years after the Creator dies.

Criteria or a measure of copyright infringement that legal remedies can take, both civilly and criminally, if the copyright infringement is committed for commercial purposes. For example, in a work in the field of science in the form of a book, if part or all of the creation of another party's creation is taken without permission by duplicating and trading the work resulting from copyright infringement, civil action can be taken by filing a lawsuit to the Commercial Court at the District Court, or it can complain criminally(Losung et al., 2021). However, if the violation is not committed for a commercial purpose, then legal action cannot be taken either civilly or criminally, for example, it is used to make works as a requirement for the final study assignment in the form of a thesis, thesis, or dissertation. In the event of such a violation, legal remedies cannot be taken using the copyright law, but other regulations can be used such as regulatory provisions in the field of education, for example regarding academic ethics regulations whose sanctions can be in the form of administrative sanctions such as postponement of graduation, up to cancellation or revocation of the degree. This also happened in several cases in the Higher Education environment.

Some copyright infringements in the field of science in the form of books, several violations may occur in the form of taking part of the contents of a book created by another party without mentioning the source completely and, compiling a book or other written work, taking part of the contents of a book created by another party with mentioning but the part taken is too much beyond reasonable limits, plagiarizing by taking the entire creation of another party, as if it were his creation or plagiarism, duplicating the creation of the book.

One example of a copyright infringement case that was resolved through mediation by the Directorate General of Intellectual Property (DJKI) of the Ministry of Law and Human Rights

(Kemenkumham). Mediate the two parties who are disputing each other regarding an infringement of copyright on electronic books or e-books on Tuesday, 20 September 2022 at the DJKI Office. This mediation began with a report from the Cipta Karya Concern Association (PPKC) which complained to DJKI about the discovery of illegal e-book sales at the Tokopedia and Carousell marketplaces. Furthermore, the DJKI through the Directorate of Investigation and Dispute Resolution brought together the PPKC reporting party directly and the reported party who owned the Carousell account "Debobi2802". The meeting resulted in amicable terms between the two parties with the reported party willing to agree on some compensation for selling e-books illegally. The agreement includes being willing to replace material losses for 20 million rupiahs; willing to make an apology video; and making a written statement not to repeat the illegal act (DJKI Kementerian Hukum & HAM RI, 2022).

The absence of copyright registration does not preclude legal rights and protection. Copyright is born automatically and gets legal protection as long as the copyrighted work has been born in a tangible form. Such as copyrights in the field of science in the form of books, which have been born and have received legal protection since the book was published in such a way, both physically or in print or electronically (e-book) (Nareswari Manuaba & Sukihana, 2020), so that the book can be read by others. In the event of a dispute, to prove the copyright on a scientific creation such as a book, the result of the copyrighted work itself can be used in the form of a book that contains the name of the creator, and can be supported by witnesses, and other evidence, including if it is registered, a Certificate of Copyright Registration can be used as evidence.

Table: Some Book Copyright Cases

Case position	Parties	Completion/decision
Sales of unauthorized or fake copies of books The modus operandi: The sellers sell counterfeit books, with indications that the paper material is different from the original book, and are sold much cheaper than the original book with a comparison to the original book of around Rp. 100,000, - while books that are not original range from Rp. 20.000,- to Rp. 25.000,-	Kampoeng Ilmu Surabaya book seller.	There are no resolution actions yet
Use of other parties' creations without the author's permission The model was around 2017, the Aceh regional government issued a book entitled "Flashback on the Development of Aceh After the Helsinki MoU Flashback on The Development of Aceh After Helinski MoU" which turned out to be the creation of a journalist at the Aceh Government Economic Bureau who at that time was still on duty at there, Name: Junaidi Hanafiah.	Aceh Regional Government and Junaidi Hanafiah	Handling of cases by legal advisors
Distributing fake books His mode of action was that the perpetrator named Romy Heriyanto, who owned a printing business, duplicated books illegally, by buying the original book or the original dictionary, then photocopying it by scanning it, and then using low-quality paper. So that it can cut the price of paper and books with the same contents but can be sold at a lower price.	Romy Heriyanto	Sentenced to imprisonment and a fine of Rp. 500 million rupiahs

If some books have e-books, Romy also provides pirated CDs.		
Plagiarism, the mode of work that was defended at Cambridge in 1982 was allegedly similar compared to capitalism and The Bureaucratic State in Indonesia	Yahya Muhaimin	Both come from the same source, which is considered not copyright infringement.
The modus operandi was plagiarism for making a book entitled "Sources and Availability of Feed Raw Materials in Indonesia". Which was carried out by a person named Heri Ahmad Sukria who took data from articles made by a professor who was a lecturer at IPB	Heri Ahmad Sukria	Reports and Summons

Source; (Angie Lauren, 2019)

From the table, it is known that there are several forms of copyright infringement on books, including in the first case, the duplication of the original book without permission or the consent of the creator, using paper of lower quality and with a simpler process, but can produce the same book, both in content and form, albeit of lower quality (Siregar et al., 2022). Thus it can be sold at a much lower price while still making profits for the violators, but this is very detrimental for the creator, it is even possible that a fake book at a lower price can sell more than the original book at a higher price. This mode of reproduction without permission or the consent of the creator can even be carried out by the publishers themselves who reproduce or print books in larger quantities than the amount agreed upon by the creators. This of course can also be detrimental to the creator.

Besides that, in the second case, violations can occur when a copyrighted work is still in the form of a draft or material but has not yet been printed. This can happen when the draft of the book is submitted to another party, which unconsciously can result in the work that is still in the draft form being published and printed duplicated by another party, either by his colleague or another party, even by the printer himself who it had been a long time since the draft had been submitted to the publisher, but it had not been published and printed, so that at a later time without the consent of the creator it was printed and duplicated.

In the third case, it is almost the same as the first case, in the form of duplication by someone who happens to have a printing business who deliberately copies the original book to be reproduced with the material of lower quality than the original and with a simpler process, then the book that is copied sold to the public. In this case, the perpetrator deliberately sought the original books and then reproduced them by reprinting them using lower-quality materials and in a simpler way, to reduce costs, and these copies were sold at a lower price than the originals. Such actions can of course generate large profits but at the expense of the creator.

While in this fourth case, perhaps it happened a lot, especially among academics, both students making papers for their final assignments as a requirement for terminating their studies, as well as lecturers. In writing a work, sometimes you have to use reference sources from other people's work just to strengthen your argument or compare. According to the Copyright Law, this is not considered a violation as long as it states the source completely and clearly. As long as this is done by the provisions of the law, it is not considered a violation, besides that in the Copyright Act generally, actions are considered violations and legal remedies can be taken, if this is done for commercial purposes, however, if it is not for commercial purposes, legal remedies cannot be carried out. For example, the results of his work are only to fulfill the requirements of the final study assignment for the person concerned, not being reproduced and traded. Unless the result of his work which contains an element of violation is then

reproduced and traded, then this constitutes a violation and legal action can be taken both civilly and criminally.

Law in Malaysia

Copyright in Malaysia is regulated under the Copyright Act 1987 (Ghani et al., 2017). According to section 7(1) of the Malaysian Copyright Act, various works are eligible for copyright protection, including literary, musical, artistic, films, sound recordings, and broadcasts. On the other hand, derivative works like translations, adaptations, arrangements, and other changes of works are protected by section 8 of the same Act. It ensures that only the owner of the copyright can use it for a certain amount of time (Peng, 2020).

A basic principle of intellectual property rights is that ownership is conferred on the inventor or creator (Ramli et al., 2016). For copyright, protection arises automatically upon the creation of a work if the legal requirement of originality and fixation are fulfilled. This is in line with the principle of automatic protection under the Berna Convention that protection must not be conditional upon compliance with any formality. But, proving ownership of copyright is not simple. Parties in a dispute are required to produce the relevant evidence of copyright, and direct evidence by the copyright is always preferred but not expedient. Where there have been changes to copyright ownership, as in the case of *Ester Metering Ltd. & Anor v. Premier Amalgamated Sdn. Bhd.,* the Court requires that the chain of changes beginning from the author of the work must be established to the court and any break in the claim would be fatal to the plaintiff's case.

Section 42 of the Malaysian Copyright Act provides that ownership of copyright may be proven through affidavit, statutory declaration, or extracts of the Register of Copyright. For affidavit or statutory declaration, the owner of the copyright in any works eligible for copyright is required to state that: Copyright exists in work at the period stated in the affidavit or statutory declaration; the person indicated in the testimony or statutory statement is the copyright owner, and the copy of the work attached to the affidavit or statutory declaration is an authentic copy of the work.

In 2012, when Malaysia introduced a Voluntary Notification of Copyright method to simplify concerns with demonstrating ownership of copyright, the country expanded section 42 of its Copyright Act to allow for proof of ownership through an extract from the Register of Copyright (Tye et al., 2018). The notification of copyright is voluntary and does not affect the fact that copyright protection is automatic (Abdullah et al., 2021). The author, the owner of the copyright in the work, an assignee of the copyright, or a person to whom a license has assigned an interest in the copyright may voluntarily disclose a copyright to the Controller under section 26A. (1). In order to be in compliance with Section 26A(3), notification of copyrights must include the following information: the name, address, and country of the copyright holder; a statement to the effect that the applicant is the author, owner, assignee, or licensee of the work; the category of the work; the title of the work; the author's name and, if known, the year of the author's death; the date and place of the first publication; and any other information that is relevant.

In principle, the regulation of the Copyright registration system that is enforced in both Indonesia and Malaysia both adheres to the declarative principle (First To Use), that registration does not give rise to rights, so Copyright registration does not become a necessity for rights to arise. Indonesia and Malaysia made the Copyright Law amended and adjusted the rules regarding copyright contained in international conventions where the two countries are members or at least ratify, namely the Berne Convention and also the World Intellectual Property Organization (WIPO). and TRIP's WTO Agreement (Sutikno & Jannah, 2019).

Malaysia accepted the WTO Agreement on April 15, 1994, while Indonesia ratified the WTO by Law No. 7 of 1994 About the Ratification of the World Trade Organization Agreement. This is the reason why copyright regulations in the two countries are identical. Article 2 letter c of the Copyright Law states that

Indonesia also safeguards creations by foreign citizens so long as their country and Indonesia are parties or participants in the same multilateral agreement for copyright protection and related rights. As signatories to the Berne Convention for the Protection of Literary and Artistic Works, Indonesia, and Malaysia are parties to the same multilateral agreement regarding copyright protection and related rights (Berne Convention). Article 5 of the Berne Convention explains that each member state is obligated to give protection to all citizens of all Berne Convention members and to accord them the same treatment as its people (the principle of national treatment) (Law, 2022).

Copyright owners in Malaysia are those who produce copyrighted works, if a work is produced by an employee or worker at an agency or institution as a duty and responsibility in their work, then the copyright owner is the employer.

Copyrights for written works, musical works, and works of art are given legal protection for the lifetime of the creator and can be extended for 50 years after the death of the creator. If the creator consists of two people, the protection period is valid for the lifetime of the creator who is the longest living and 50 years since the last creator died. For copyrighted works in the form of sound recordings, including works in the form of broadcasting rights and films, the period is 50 years from when they were first published. Copyrighted works related to the nation's cultural works are also protected objects in Act 332 as the nation's cultural heritage, and the state must make efforts to provide protection.

To guarantee the creator's right to obtain royalties for the use of his creation by other parties, a mechanism has been created to collect royalties obtained from copyrighted works, in this case, Malaysia has the Collective Malaysian Organization (CMO). Besides that, Malaysia also has associations related to the field of copyright, namely: Motion Picture Licensing Malaysia, MACP (Copyright Protection for Music Writers), PRISM (Malaysian Rights and Artistes), and PPM (Performance Public Malaysia). The formation of these associations is intended to help enforce copyright law protection in the event of a violation by the provisions of the applicable laws and regulations.

In principle, the Indonesian and Malaysian Copyright Law regulations have something in common, because Indonesia and Malaysia make copyright law regulations influenced by an agreement in the rules regarding copyright contained in international conventions, including the Berne Convention and also The World Intellectual Property Organization (WIPO) and the TRIP's Agreement which is one of the attached documents in the formation of the World Trade Organization or WTO Agreement formed in the GATT (General Agreement on Tariffs and Trade) negotiations.

During the GATT negotiations, several agreements occurred, one of which became an attachment, namely the Agreement on Trade-Related Aspects of Intellectual Property Rights, abbreviated as TRIPs, which are international standards in the protection of IPRs that must be agreed upon and implemented with IPR for participating countries or at least ratifying it, including Indonesia and Malaysia. Intellectual Property Rights within the TRIPs framework consist of Copyrights and related rights such as Trademarks, Geographical Indications, Industrial Designs, Patents, Topographical Rights of Semiconductor Integrated Circuits, Protection of Undisclosed Information, and Oversight of Practices that Limit Concurrency in License Contracts.

Malaysia also has a law governing the Malaysian National Heritage Act 2005. Several articles in this law, including articles 69-70, lead to the recognition of Indonesian culture. Under Article 69, with the title of ownership, any national inheritance owned or controlled by a person outside the Federal Government or State Government may retain possession as owner, trustee, or a trusted person.

In Article 70 entitled Changes to the Ownership of National Heritage, it is stated in paragraph (2), that if the owner of the national heritage wants to sell it to a third party, the owner must give priority to the commissioner of national heritage, in this case representing the Malaysian government. Based on

these two articles, Malaysia can master the culture of other countries if there is an indigenous community that has lived in Malaysia for a long time and has become a Malaysian citizen and then registers cultural works from their country of origin in Malaysia.

In the application of the copyright system in several cases in the field of copyright, whoever created and used the copyrighted work first, then he is considered entitled to be the copyright holder. This is because the determination of copyright rights and legal protection is based on the realization of a creation that is produced, not based on registration.

CONCLUSION

From the results of the analysis and discussion, the following conclusions can be drawn that First, in principle, the regulation of the Copyright registration system that is enforced both in Indonesia and Malaysia adheres to the declarative principle (First To Use). The declarative system (First To Use) can provide certainty and legal protection for copyright holders, for creators to prohibit other parties from using their creations without the consent or permission of the creator, except within certain limits permitted by law. In the event of a copyright infringement, the copyright holder can take legal action, both civil and criminal. Second, in the event of a dispute, proof can be carried out with witness or written evidence, it can be in the form of creation in the form of a book in which the name of the creator is listed, and if it is registered, a Certificate of Copyright Registration can be used as evidence. The existence of a copyright registration certificate provides more certainty of rights and legal protection and is easy to prove.

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The Application of the Science Field Copyright Declarative System: A Comparative Study Between Indonesia and Malaysia

~~(Comparison between Indonesia and Malaysia)~~

ABSTRACT

There is a problem when discussing the application of the declarative system of copyright in the field of science such as the issue of legal certainty of copyright protection in the field of science in the declarative system in Indonesia and Malaysia. Further, the paper will analyze the evidence that can be carried out by the right holder in the event of a dispute over copyright infringement in the field of science. Based on copyright law, the basis for the emergence of rights and legal protection is not based on registration but is based on the birth of a copyrighted work which is manifested in a real form or known as the declarative system (First To Use). Creative works in the field of science such as a book have been manifested in the form of a book that can be read and used as reading material. In such a system, problems may arise ~~related~~ relating to the certainty of legal protection and evidence in the event of a dispute. This paper uses a qualitative method whereas a normative method can be used by examining primary legal material in the form of regulations and laws. Through this research, we see that the declarative system still has the potential to offer artists and owners of copyrights the legal protection they deserve. W~~, w~~hile ~~proof~~ ownership of copyright can be proven through ~~done with a witness~~ oral or ~~written~~ documentary evidence, ~~but~~ it will be easier to prove if ~~a~~ the work is registered by obtaining a certificate of copyright registration.

Keywords: *application; copyright; declarative system; intellectual property; law.*

INTRODUCTION

There are at least two systems for registering Intellectual Property, namely the declarative system (First To Use), where registration does not create rights, so rights are not required, and the Constitutive system (first to file), where registration creates rights, so registration is a requirement for rights to arise. One of the Intellectual Property Rights is Copyright which concerns the fields of science, art, and literature, in Indonesia, it adheres to a declarative system (First To Use), and the emergence of rights and legal protection is not based on registration, but based on the birth of a creation that has been embodied in real form. Registration is not an obligation for the emergence of legal rights and protection, but only functions administratively and facilitates proof (Nemlioglu, 2019).

Copyright arrangements in national legislation in Indonesia began with Law Number 6 of 1982 concerning Copyright and have undergone changes and changes, since the system's inception until the passing of Law No. 28 of 2014 relating to Copyright, a declarative framework has been in place. (First To Use) (Dahen, 2021). However, the law also regulates registration with the term recording of copyrights which only functions administratively (Regent et al., 2021). Some of the referred IPR fields adhere to their respective rights systems, for Copyright the birth of rights and legal protection is automatically based on a declarative system, born from the moment the work is realized in a tangible form. Legal protection of copyright adheres to an automatic protection system (automatic protection)(Laws, 2022). For trademark rights, legal rights and protection are born based on constitutive or first-to-file registration, whoever registers a mark for the first time has the right and gets legal protection. While patents give rise to legal rights and protection based on an application for registration, with the condition that an invention must fulfill the element of novelty, contain an inventive step and be applicable in the industrial sector.

Commented [Reviewer1]: In Malaysia it is known as Copyright Notification System

Commented [Reviewer2]: Suggestion to rephrase the title

Commented [Reviewer3]: In Malaysia, a more common term is copyright notification as it does not require registration.

Therefore, an invention that has been registered and obtained a patent must be implemented, if it is not implemented within 6 (six) months, then another party can apply for a mandatory license to the government through the Directorate General of IP, Ministry of Law and Human Rights.

Current developments in the field of books are not only published in the form of physical books but also in electronic form or e-books so that the model for the occurrence of disputes also follows the development of electronic media. Like the recent case that occurred in the form of copyright infringement on electronic books or e-books but was successfully mediated by the Directorate General of Intellectual Property (DJKI) of the Ministry of Law and Human Rights (Kemenkumham).

This mediation began with a report from the Cipta Karya Concern Association (PPKC) which complained to DJKI about the discovery of illegal e-book sales at the Tokopedia and Carousell marketplaces (Putri, 2021). Furthermore, the DJKI through the Directorate of Investigation and Dispute Resolution brought together the PPKC reporting party directly and the reported party who owned the Carousell account "Debobi2802". The meeting resulted in amicable terms between the two parties with the reported party willing to agree on some compensation for selling e-books illegally. The agreement includes being willing to replace material losses for 20 million rupiahs; willing to make an apology video; and making a written statement not to repeat the illegal act (DJKI Kementerian Hukum & HAM RI, 2022).

Copyright protection in Malaysia has started since the British era ~~ruled~~ in Malaya~~Malaysia~~. The law that was in effect at that time was Act 1911. After Malaysia became independent, the Copyright Act that was in effect was the Copyright Act 1969 which was valid until 1987. Since then the law has been used in Act 332. Act 332 states that Copyright is an exclusive right granted to the copyright owner for a certain period. Protection is obtained automatically without prior registration required (Rakhmita Desmayanti, 2013).

In the absence of an obligation to register copyrights and there is no evidence of a registration certificate when a dispute occurs there may be difficulties in proving who the real creator is (Pallas Loren, 2019). Moreover, a work of art that is not in the form of a physical form, such as an old work of art, is not easy to determine and protect who is the creator (Clemons et al., 2022). It is not uncommon for a copyrighted work to be unknown created because it was born a long time ago by our ancestors, such as the art of wayang, you, and others. Even though later the law regulates copyrighted works of national culture which include copyrighted works whose creators are unknown (Susanti et al., 2019).

Commented [Reviewer4]: Consider substituting with "orphan work"

Based on this background, this research is based on the following problems: first, how is the legal certainty and protection of copyright in the field of science in the declarative system in Indonesia and Malaysia? second, how can the right holder prove in the event of a dispute over copyright infringement in the scientific field? From the resulting analysis, it is hoped that it will be able to provide recommendations to ~~authorized officials~~ intellectual property office in Indonesia and Malaysia , ~~in~~ on the application of the Copyright registration system, especially in the field of science, so that it can provide more legal protection for Copyright holders, especially for creators.

METHODOLOGY

This paper adopts the qualitative research method. Qualitative research is a mean~~s~~ of gathering information for study using both primary and secondary data (Darmalaksana, 2020). The research method used in this paper is the normative research method consists of research on legal principles, legal systematics, legal synchronization, and comparative law (Kornelius Benuf, 2020). Normative legal research is a method and approach to scientific inquiry into the law and the law's normative foundations (Arliman S, 2018). By using the statute approach and conceptual approach. A statute approach is a method that is based on an analysis of relevant legal regulations. The primary source of legal information is Law

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No. 28 of 2014 Concerning Copyright and the ~~Malaysian Laws regulating~~ Copyright Act 1987 (Act 332). The data will be thoroughly evaluated using all available resources. The conceptual method will enable comprehension by employing doctrines as legal experts' judgments.

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RESULTS

Analysis of the Application of the Copyright Declarative System in the Science Sector (Comparison between Indonesia and Malaysia)

Law in Indonesia

Intellectual Property Rights or IPR is a right that comes from the results of human intellectual activities (Amaly et al., 2020). Legal protection of intellectual property rights is based on two reasons. First, in intellectual works, there are moral rights that reflect the personality of the creator. Second, because of economic factors or commercial rights contained in the intellectual work (Chichi Fahria Azmi, 2021). Formerly administered by the Dutch East Indies government, IPR in Indonesia has been codified into National Law since the introduction of Law No. 6 of 1982 regulating Copyright. Then, in 1987, Law No. 7 was passed to amend Law No. 12 of 1982 on Copyright, and in 1997, Law No. 12 was passed to amend Law No. 6 of 1982 on Copyright, as Amended by Law No. 7 of 1987, which was subsequently replaced by the issuance of Law -Law Number 19 of 2002 Concerning Copyright, and was replaced by Law Number 28 of 2014 Concerning Copyright which is in effect until now.

Intellectual Property Rights or abbreviated IPR, which in current developments use the term Intellectual Property or abbreviated KI, and affect the term on the Institution that has the authority to become the Directorate of Intellectual Property under the Ministry of Law and Human Rights. Another term that is often used is Intellectual Property Rights or abbreviated as IPR. Intellectual Property Rights arising from the results of human thought or intellectual processes that produce works that are useful for humans. Intellectual Property Rights are like other property rights, as intangible or intangible objects. As a right, it is only natural that you have to get legal protection.

The regulation in the field of Intellectual Property is also influenced by Indonesia's attachment to several international conventions, including The Paris Convention for the Protection of Industrial Property, the 1883 Paris Convention which has undergone several changes or revisions, namely the 1925 Paris Convention in The Hague, in London in 1934, in Lisbon in 1958, and Stockholm in 1967 by forming the World Intellectual Property Organization (WIPO)(Singhai, 2019), and Indonesia ratified or ratified it by Presidential Decree No. 24 of 1979. Indonesia has ratified the Bern Convention for the Protection of Artistic and Literary Works (Bern Convention on the Protection of Artistic and Literary Works) by Presidential Decree No. 18 of 1997 and the World Intellectual Property Organization Copyright Treaty (WIPO Copyright Agreement), hereinafter referred to as WCT, through Presidential Decree Number 19 of 1997, and the World Intellectual Property Organization Performances and Phonograms Treaty (Agreement on Performing Works and Phonogram Works WIPO), hereinafter referred to as WPPT, through Decree President Number 74 of 2004.

Besides that, the General Agreement on Tariff and Trade (GATT) negotiations or General Agreement on Tariffs and Trade, which held several negotiations, starting in 1947 and 1994 in Marrakesh, Morocco, resulted in the agreement establishing the World Trade Organization or the Agreement Establishing the World Trade. Organization (WTO), which contains the approval documents contained in all attachments. In this case, Indonesia also ratifies or ratifies the agreements in the WTO with Law Number 7 of 1994 concerning the Ratification of the Agreement to Establish the World Trade Organization.

By giving the approval or ratification, Indonesia is legally bound by the provisions regarding Intellectual Property Rights in both the World Intellectual Property Organization (WIPO) and the Agreement Establishing The World Trade Organization (WTO) which contains several approval documents, one of which is Agreement on Trade-Related Aspects of Intellectual Property Rights or abbreviated as TRIPs, which are international guidelines for Intellectual Property Rights that must be complied with by countries participating in the convention or countries that have given approval or ratification including Indonesia. Even though the Indonesian state, the implementation, and protection of intellectual property rights have long been.

The State of Indonesia has an interest in ratifying several international conventions in the field of Intellectual Property Rights, as an effort to participate in providing legal protection for Intellectual Property Internationally, especially Intellectual Property brought by investors in the context of investing in Indonesia. This is to provide legal protection in the field of Intellectual Property such as Trademarks and Patents and at the same time attract investors to want to invest in Indonesia. Because without legal protection, of course, investors will hesitate to invest in Indonesia. Firms that would normally shy away from investing in certain countries due to the weakness of the local IPR regulations(Albino-Pimentel, João Dussauge, Pierre Elnayal, 2022).

Among the several rights in the field of Intellectual Property that are widely known by the public in general are Copyrights, Trademarks, and Patents. In a society in general it is sometimes mistaken in calling, copyrights called patents, brands are called copyrights, or vice versa. The difference between the three is that a brand is a sign or identity which can be in the form of an image, logo, name, word, letter, number, or color arrangement, in the form of 2 (two) dimensions and/or 3 (three) dimensions, sound, hologram, or a combination. of 2 (two) or more of these elements to distinguish goods and/or services produced by a person or legal entity in the activity of trading goods and/or services. Copyright is a right to work in the fields of science, art, and literature. While a patent is a right to an invention in the field of technology.

Based on Law Number 28 of 2014 concerning Copyright, it is stated that the types of works are protected. Paragraph one of Article 40 provides examples of works that qualify for protection. Books, pamphlets, published copies of works, and all other written works; (b) lectures, speeches, and similar works in the fields of science, art, and literature; (c) visual aids designed to educate or inform (d) musical compositions (with or without lyrics); (e) theatrical performances (including but not limited to plays, musicals, dance, choreography, wayang, and pantomime; (f) artistic works of any kind, including but not limited to paintings, drawings, carvings, calligraphy, sculpture, and collages; g) objects of decorative or functional art; (h) buildings I've mapped; (j) batik and other works with repeating motifs images made by photographers; Photographs; Movies; (n) works resulting from the transformation, such as translations, interpretations, adaptations, anthologies, databases, adaptations, arrangements, alterations, and so on; (o) the act of translating, adapting, arranging, altering, or transforming traditional cultural expressions. q) a new work that collects traditional cultural expressions. Computer software; video games.

Copyright in the scientific sector can take the shape of a printed book or an electronic book (e-book) (Tiawati & Pura, 2021). In the form of files (pdf, doc, txt) and can be downloaded and read through electronic devices (Denny Kusmawan, 2014). With current technological developments, what is meant by the embodiment of creation in a tangible form, is interpreted in a broad sense, not only in printed form on sheets of paper but includes an embodiment in electronic media such as e-books which can also be printed and read. Like literary works of novels, even though they are not printed on paper but printed in electronic books in e-book format, they are protected by law because they are tangible (e-book) (Simangunsong et al., 2020).

Along with the advancement of time and technology, internet access has become one of the main human needs. However, if you look closely, the internet is a place where someone can easily commit

copyright infringement. Through the internet, someone can easily copy and adapt other people's work without including the original link from the owner (Losung et al., 2021). An e-book is an electronic version of a book that requires an electronic medium (computer/laptop, smartphone, tablet, etc.) to be read. Because e-books are electronic objects (more precisely digital objects), they automatically have the properties of digital objects (Labetubun, 2019).

Since the beginning it was regulated in 1982 with changes and was replaced until finally by Law Number 28 of 2014 Concerning Copyright, the registration system adopted is a declarative system (First To Use), registration is not an obligation to arise rights and legal protection (Atsar, 2017). This is reaffirmed in the first paragraph of Article 1: Copyright is the exclusive right of the author that exists immediately based on the declaratory principle after the creative is realized in a tangible form, without statutory provisions limiting the creator's rights (Nurdahniar, 2016). In addition to scientific, artistic, and literary works, point 3 states that all works created by humans are protected by copyright. Products include scientific, artistic, and literary works that have been protected by intellectual property laws as the product of someone's original ideas, abilities, insights, and efforts (Abduh, 2021).

The meaning of "exclusive rights" is reserved solely for the creator, called exclusive rights, since these rights are exclusively meant for the author, preventing third parties from utilizing them without the creator's consent (Simatupang, 2021). So that only one party can benefit from these rights with the Author's approval. Copyright holders who are not creators possess only a portion of the exclusive rights as economic rights (Kholiq et al., 2022). Copyright holders in the field of science, book publishers as copyright holders who obtain rights from creators to publish and reproduce works, only have the right to exercise copyrights in the form of announcing and multiplying works by obtaining benefits in the form of income with economic value, for example from book sales (Rahaditya et al., 2022).

Copyright for work, including in the field of science such as books, arises automatically based on the declarative principle, meaning that the copyright is created automatically after creation is realized in real form, without any obligation to register (Fuadi & Diniyanto, 2022). A copyright record is not mandatory and will not give birth to a right (Amelia Nofianti, 2022). In the case of scientific creations such as books, copyright is born when the book has been compiled in such a way as a book with the name of the author listed and it is printed, reproduced, announced, distributed, and traded, so that a book can be used and read (Nugroho & Utama, 2020). Thus the copyright has been born and the creator gets legal protection.

The form of legal protection given to creators or copyright holders/recipients include prohibitions for anyone to publish or reproduce protected works (Losung et al., 2021). The meaning of legal protection is that the creator can prohibit other parties from using his creation without the consent or permission of the creator, except within certain limits permitted by law (Finck & Moscon, 2019). In the event of a violation, the copyright holder, especially the creator, can take legal action, both civilly and criminally (Baranyanan, 2021).

Even though the Copyright Law adheres to a declarative system the emergence of copyright rights and legal protection is not based on registration but arises automatically since the creation has been born in a tangible form. However, the law also regulates the registration or recording of copyrights, which means that a creation can also be registered and a Copyright Registration Certificate issued, but it does not determine the emergence of copyright, because copyright rights and legal protection have existed since the creation of the copyrighted work. If a creation, for example in the field of science, such as a book, is registered or recorded by providing evidence in the form of a Certificate of Copyright Registration, this does not determine the birth of a copyright.

A creator is a person or group of individuals who alone or together produce a unique and personal work of art. Whereas copyright holders are creators as copyright owners, parties who legally receive these

rights from creators, or other parties who receive further rights from parties who legally receive these rights.

Copyright holders who are not creators only have some of the exclusive rights in the form of economic rights. Copyright contains moral rights and economic rights, namely moral rights are rights that are eternally attached to the Creator himself to:

a. still include or do not include his name;
b. use aliases or pseudonyms;
c. change the Creation;
d. change the title and subtitle of the Work; And
e. defend their rights in the event of something detrimental to their self-respect or reputation.

While economic rights are the exclusive right of the creator or copyright holder to obtain economic benefits from a copyrighted work.

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With the existence of copyright rights and protection for creators, not everyone can use those rights at will, but everyone who exercises and makes use of economic rights over the copyright of a work must obtain permission from the creator or copyright holder. As a consequence, everyone without the permission of the Author or Copyright Holder is prohibited from Reproduction and/or Commercial Use of Works. Likewise, managers of trading venues are prohibited from allowing the sale and/or duplication of goods resulting from copyright infringement and/or related rights at the trading venues they manage. As for copyright protection for each work, a protection period is given, which lasts for as long as the life of the Author and continues for 70 (seventy) years after the Creator dies.

Criteria or a measure of copyright infringement that legal remedies can take, both civilly and criminally, if the copyright infringement is committed for commercial purposes. For example, in a work in the field of science in the form of a book, if part or all of the creation of another party's creation is taken without permission by duplicating and trading the work resulting from copyright infringement, civil action can be taken by filing a lawsuit to the Commercial Court at the District Court, or it can complain criminally(Losung et al., 2021). However, if the violation is not committed for a commercial purpose, then legal action cannot be taken either civilly or criminally, for example, it is used to make works as a requirement for the final study assignment in the form of a thesis, thesis, or dissertation. In the event of such a violation, legal remedies cannot be taken using the copyright law, but other regulations can be used such as regulatory provisions in the field of education, for example regarding academic ethics regulations whose sanctions can be in the form of administrative sanctions such as postponement of graduation, up to cancellation or revocation of the degree. This also happened in several cases in the Higher Education environment.

Some copyright infringements in the field of science in the form of books, several violations may occur in the form of taking part of the contents of a book created by another party without mentioning the source completely and, compiling a book or other written work, taking part of the contents of a book created by another party with mentioning but the part taken is too much beyond reasonable limits, plagiarizing by taking the entire creation of another party, as if it were his creation or plagiarism, duplicating the creation of the book.

One example of a copyright infringement case that was resolved through mediation by the Directorate General of Intellectual Property (DJKI) of the Ministry of Law and Human Rights (Kemenkumham). Mediate the two parties who are disputing each other regarding an infringement of copyright on electronic books or e-books on Tuesday, 20 September 2022 at the DJKI Office. This mediation began with a report from the Cipta Karya Concern Association (PPKC) which complained to DJKI about the discovery of illegal e-book sales at the Tokopedia and Carousell marketplaces. Furthermore, the DJKI through the Directorate of Investigation and Dispute Resolution brought together the PPKC reporting party directly and the reported party who owned the Carousell account "Debobi2802".

The meeting resulted in amicable terms between the two parties with the reported party willing to agree on some compensation for selling e-books illegally. The agreement includes being willing to replace material losses for 20 million rupiahs; willing to make an apology video; and making a written statement not to repeat the illegal act (DJKI Kementerian Hukum & HAM RI, 2022).

The absence of copyright registration does not preclude legal rights and protection. Copyright is born automatically and gets legal protection as long as the copyrighted work has been born in a tangible form. Such as copyrights in the field of science in the form of books, which have been born and have received legal protection since the book was published in such a way, both physically or in print or electronically (e-book) (Nareswari Manuaba & Sukihana, 2020), so that the book can be read by others. In the event of a dispute, to prove the copyright on a scientific creation such as a book, the result of the copyrighted work itself can be used in the form of a book that contains the name of the creator, and can be supported by witnesses, and other evidence, including if it is registered, a Certificate of Copyright Registration can be used as evidence. Table 1 below lists down copyright dispute cases in Indonesio.

Table: Some Book Copyright Cases

Case position	Parties	Completion/decision
Sales of unauthorized or fake copies of books The modus operandi: The sellers sell counterfeit books, with indications that the paper material is different from the original book, and are sold much cheaper than the original book with a comparison to the original book of around Rp. 100,000, - while books that are not original range from Rp. 20.000,- to Rp. 25.000,-	Kampoeng Ilmu Surabaya book seller.	There are no resolution actions yet
Use of other parties' creations without the author's permission The model was around 2017, the Aceh regional government issued a book entitled "Flashback on the Development of Aceh After the Helsinki MoU Flashback on The Development of Aceh After Helinski MoU" which turned out to be the creation of a journalist at the Aceh Government Economic Bureau who at that time was still on duty at there, Name: Junaidi Hanafiah.	Aceh Regional Government and Junaidi Hanafiah	Handling of cases by legal advisors
Distributing fake books His mode of action was that the perpetrator named Romy Heriyanto, who owned a printing business, duplicated books illegally, by buying the original book or the original dictionary, then photocopying it by scanning it, and then using low-quality paper. So that it can cut the price of paper and books with the same contents but can be sold at a lower price. If some books have e-books, Romy also provides pirated CDs.	Romy Heriyanto	Sentenced to imprisonment and a fine of Rp. 500 million rupiahs
Plagiarism, the mode of work that was defended at Cambridge in 1982 was allegedly similar compared to capitalism and The Bureaucratic State in Indonesia	Yahya Muhaimin	Both come from the same source, which is considered not

Commented [Reviewer7]: Suggestion to rename the table as: Table 1: Lis of cases on copyright dispute in Indonesia

		copyright infringement.
The modus operandi was plagiarism for making a book entitled "Sources and Availability of Feed Raw Materials in Indonesia". Which was carried out by a person named Heri Ahmad Sukria who took data from articles made by a professor who was a lecturer at IPB	Heri Ahmad Sukria	Reports and Summons

Source; (Angie Lauren, 2019)

From ~~the table~~Table 1 above, it is clear ~~known~~ that there are several forms of copyright infringement on books, including in the first case, the duplication of the original book without permission or the consent of the creator, using paper of lower quality and with a simpler process, but can produce the same book, both in content and form, albeit of lower quality (Siregar et al., 2022). Thus it can be sold at a much lower price while still making profits for the violators, but this is very detrimental for the creator, it is even possible that a fake book at a lower price can sell more than the original book at a higher price. This mode of reproduction without permission or the consent of the creator can even be carried out by the publishers themselves who reproduce or print books in larger quantities than the amount agreed upon by the creators. This of course can also be detrimental to the creator.

Besides that, in the second case, violations can occur when a copyrighted work is still in the form of a draft or material but has not yet been printed. This can happen when the draft of the book is submitted to another party, which unconsciously can result in the work that is still in the draft form being published and printed duplicated by another party, either by his colleague or another party, even by the printer himself who it had been a long time since the draft had been submitted to the publisher, but it had not been published and printed, so that at a later time without the consent of the creator it was printed and duplicated.

In the third case, it is almost the same as the first case, in the form of duplication by someone who happens to have a printing business who deliberately copies the original book to be reproduced with the material of lower quality than the original and with a simpler process, then the book that is copied sold to the public. In this case, the perpetrator deliberately sought the original books and then reproduced them by reprinting them using lower-quality materials and in a simpler way, to reduce costs, and these copies were sold at a lower price than the originals. Such actions can of course generate large profits but at the expense of the creator.

While in this fourth case, perhaps it happened a lot, especially among academics, both students making papers for their final assignments as a requirement for terminating their studies, as well as lecturers. In writing a work, sometimes you have to use reference sources from other people's work just to strengthen your argument or compare. According to the Copyright Law, this is not considered a violation as long as it states the source completely and clearly. As long as this is done by the provisions of the law, it is not considered a violation, besides that in the Copyright Act generally, actions are considered violations and legal remedies can be taken, if this is done for commercial purposes, however, if it is not for commercial purposes, legal remedies cannot be carried out. For example, the results of his work are only to fulfill the requirements of the final study assignment for the person concerned, not being reproduced and traded. Unless the result of his work which contains an element of violation is then reproduced and traded, then this constitutes a violation and legal action can be taken both civilly and criminally.

Law in Malaysia

Copyright in Malaysia is regulated under the Copyright Act 1987 (Ghani et al., 2017). According to section 7(1) of the Malaysian Copyright Act, various works are eligible for copyright protection, including literary, musical, artistic, films, sound recordings, and broadcasts. On the other hand, derivative works like translations, adaptations, arrangements, and other changes of works are protected by section 8 of the same Act. It ensures that only the owner of the copyright can use it for a certain amount of time (Peng, 2020).

A basic principle of intellectual property rights is that ownership is conferred on the inventor or creator (Ramli et al., 2016). For copyright, protection arises automatically upon the creation of a work if the legal requirement of originality and fixation are fulfilled. This is in line with the principle of automatic protection under the Berna Convention that protection must not be conditional upon compliance with any formality. But, proving ownership of copyright is not simple. Parties in a dispute are required to produce the relevant evidence of copyright, and direct evidence by the copyright is always preferred but not expedient. Where there have been changes to copyright ownership, as in the case of *Ester Metering Ltd. & Anor v. Premier Amalgamated Sdn. Bhd.,* the Court requires that the chain of changes beginning from the author of the work must be established to the court and any break in the claim would be fatal to the plaintiff's case.

Section 42 of the Malaysian Copyright Act provides that ownership of copyright may be proven through affidavit, statutory declaration, or extracts of the Register of Copyright. For affidavit or statutory declaration, the owner of the copyright in any works eligible for copyright is required to state that: Copyright exists in work at the period stated in the affidavit or statutory declaration; the person indicated in the testimony or statutory statement is the copyright owner, and the copy of the work attached to the affidavit or statutory declaration is an authentic copy of the work.

In 2012, when Malaysia introduced a Voluntary Notification of Copyright method to simplify concerns with demonstrating ownership of copyright, the country expanded section 42 of its Copyright Act to allow for proof of ownership through an extract from the Register of Copyright (Tye et al., 2018). The notification of copyright is voluntary and does not affect the fact that copyright protection is automatic (Abdullah et al., 2021). The author, the owner of the copyright in the work, an assignee of the copyright, or a person to whom a license has assigned an interest in the copyright may voluntarily disclose a copyright to the Controller under section 26A. (1). In order to be in compliance with Section 26A(3), notification of copyrights must include the following information: the name, address, and country of the copyright holder; a statement to the effect that the applicant is the author, owner, assignee, or licensee of the work; the category of the work; the title of the work; the author's name and, if known, the year of the author's death; the date and place of the first publication; and any other information that is relevant.

In principle, the regulation of the Copyright registration system that is enforced in both Indonesia and Malaysia both adheres to the declarative principle (First To Use), that registration does not give rise to rights, so Copyright registration does not become a necessity for rights to arise. Indonesia and Malaysia made the Copyright Law amended and adjusted the rules regarding copyright contained in international conventions where the two countries are members or at least ratify, namely the Berne Convention and also the World Intellectual Property Organization (WIPO). and TRIP's WTO Agreement (Sutikno & Jannah, 2019).

Malaysia accepted the WTO Agreement on April 15, 1994, while Indonesia ratified the WTO by Law No. 7 of 1994 About the Ratification of the World Trade Organization Agreement. This is the reason why copyright regulations in the two countries are identical. Article 2 letter c of the Copyright Law states that Indonesia also safeguards creations by foreign citizens so long as their country and Indonesia are parties or participants in the same multilateral agreement for copyright protection and related rights. As signatories to the Berne Convention for the Protection of Literary and Artistic Works, Indonesia, and Malaysia are parties to the same multilateral agreement regarding copyright protection and related rights

(Berne Convention). Article 5 of the Berne Convention explains that each member state is obligated to give protection to all citizens of all Berne Convention members and to accord them the same treatment as its people (the principle of national treatment) (Law, 2022).

Copyright owners in Malaysia are those who produce copyrighted works, if a work is produced by an employee or worker at an agency or institution as a duty and responsibility in their work, then the copyright owner is the employer.

Copyrights for written works, musical works, and works of art are given legal protection for the lifetime of the creator and can be extended for 50 years after the death of the creator. If the creator consists of two people, the protection period is valid for the lifetime of the creator who is the longest living and 50 years since the last creator died. For copyrighted works in the form of sound recordings, including works in the form of broadcasting rights and films, the period is 50 years from when they were first published. Copyrighted works related to the nation's cultural works are also protected objects in Act 332 as the nation's cultural heritage, and the state must make efforts to provide protection.

To guarantee the creator's right to obtain royalties for the use of his creation by other parties, a mechanism has been created to collect royalties obtained from copyrighted works, in this case, Malaysia has the Collective Malaysian Organization (CMO). Besides that, Malaysia also has associations related to the field of copyright, namely: Motion Picture Licensing Malaysia, MACP (Copyright Protection for Music Writers), PRISM (Malaysian Rights and Artistes), and PPM (Performance Public Malaysia). The formation of these associations is intended to help enforce copyright law protection in the event of a violation by the provisions of the applicable laws and regulations.

In principle, the Indonesian and Malaysian Copyright Law regulations have something in common, because Indonesia and Malaysia make copyright law regulations influenced by an agreement in the rules regarding copyright contained in international conventions, including the Berne Convention and also The World Intellectual Property Organization (WIPO) and the TRIP's Agreement which is one of the attached documents in the formation of the World Trade Organization or WTO Agreement formed in the GATT (General Agreement on Tariffs and Trade) negotiations.

During the GATT negotiations, several agreements occurred, one of which became an attachment, namely the Agreement on Trade-Related Aspects of Intellectual Property Rights, abbreviated as TRIPs, which are international standards in the protection of IPRs that must be agreed upon and implemented with IPR for participating countries or at least ratifying it, including Indonesia and Malaysia. Intellectual Property Rights within the TRIPs framework consist of Copyrights and related rights such as Trademarks, Geographical Indications, Industrial Designs, Patents, Topographical Rights of Semiconductor Integrated Circuits, Protection of Undisclosed Information, and Oversight of Practices that Limit Concurrency in License Contracts.

Malaysia also has a law governing the Malaysian National Heritage Act 2005. Several articles in this law, including articles 69-70, lead to the recognition of Indonesian culture. Under Article 69, with the title of ownership, any national inheritance owned or controlled by a person outside the Federal Government or State Government may retain possession as owner, trustee, or a trusted person.

In Article 70 entitled Changes to the Ownership of National Heritage, it is stated in paragraph (2), that if the owner of the national heritage wants to sell it to a third party, the owner must give priority to the commissioner of national heritage, in this case representing the Malaysian government. Based on these two articles, Malaysia can master the culture of other countries if there is an indigenous community that has lived in Malaysia for a long time and has become a Malaysian citizen and then registers cultural works from their country of origin in Malaysia.

In the application of the copyright system in several cases in the field of copyright, whoever created and used the copyrighted work first, then he is considered entitled to be the copyright holder. This is because the determination of copyright rights and legal protection is based on the realization of a creation that is produced, not based on registration.

CONCLUSION

From the results of the analysis and discussion, the following conclusions can be drawn that First, in principle, the regulation of the Copyright registration system that is enforced both in Indonesia and Malaysia adheres to the declarative principle (First To Use). The declarative system (First To Use) can provide certainty and legal protection for copyright holders, for creators to prohibit other parties from using their creations without the consent or permission of the creator, except within certain limits permitted by law. In the event of a copyright infringement, the copyright holder can take legal action, both civil and criminal. Second, in the event of a dispute, proof can be carried out with witness or written evidence, it can be in the form of creation in the form of a book in which the name of the creator is listed, and if it is registered, a Certificate of Copyright Registration can be used as evidence. The existence of a copyright registration certificate provides more certainty of rights and legal protection and is easy to prove.

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Legal Issues of Scientific Works in the Copyright Declarative System in Indonesia and Malaysia

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ABSTRACT

This research aims to answer the following questions: First, what is the legal certainty of copyright protection in the field of scientific works in the declarative system in Indonesia and Malaysia? Second, how can rights holders prove if a dispute occurs due to copyright infringement in science? Based on copyright law, the basis for the emergence of rights and legal protection is not based on registration. However, it is based on the birth of a copyrighted work, realized in a tangible form known as a declarative system. For example, creative works in science have been produced into books that may be read and used as reading material. In such a system, issues may arise concerning the certainty of legal protection and proof in the event of a disagreement. This research employs a normative approach, examining key legal documents such as statute rules and case decisions. According to the findings of the study, the declarative system can nevertheless provide clarity and legal protection to copyright proprietors or inventors. At the same time, proof can be done with witness or written evidence, but the proof will be more straightforward if a work is registered by obtaining a copyright registration certificate. With a copyright registration certificate, it provides more certainty of rights and legal protection and is easy to prove.

Keywords: *declarative system, copyright law, scientific works, comparative legal issue*.

INTRODUCTION

There are at least two systems for registering Intellectual Property, namely the declarative system, where registration does not create rights, so rights are not required, and the Constitutive system, where registration creates rights, so registration is a requirement for rights to arise. Copyright is one of the Intellectual Property Rights that pertains to the fields of science, art, and literature; in Indonesia, it follows a declarative system, and the emergence of rights and legal protection is based on the birth of a creation that has been embodied in actual form rather than registration. Registration is not an obligation for the emergence of legal rights and protection but only functions administratively and facilitates proof (Nemlioglu, 2019). The primary goal of copyright legislation is to stimulate the growth and development of knowledge and culture in order to further develop science for the sake of societal development (Qtait et al., 2023). In a broader sense, copyright law as part of the intellectual property law framework is crucial to safeguarding the invention of human intellect from abusive use without legitimate consent (Razak & Razak, 2023).

Copyright arrangements in national legislation in Indonesia began with Law Number 6 of 1982 concerning copyright and have undergone many changes. Since the system's inception until the passing of Law No. 28 of 2014 relating to copyright, a declarative framework has been in place. (Dahen, 2021). However, the law also regulates registration with the term recording of copyrights, which only functions administratively (Regent et al., 2021). Some of the referred IPR fields conform to their particular rights systems; for copyright, the birth of rights and legal protection is automatically based on a declarative system, which begins the minute the work is created in a material form. Legal copyright protection follows an automatic protection system (Law, 2022a). For trademark rights, legal rights and protection are born based on constitutive or first-to-file registration. Whoever registers a mark for the first time has the right to get legal protection. Patents provide legal rights and protection based on an application for registration, with the need that an invention be distinctive, feature an innovative step, and be useful in the industrial sector. Therefore, an invention registered and obtained a patent must be implemented. Suppose it is not implemented within 6 (six) months. In that case, another party can apply for a mandatory license from the government through the Directorate General of IP, Ministry of Law and Human Rights.

Current innovations in the field of books are not solely produced in physical books, but also in electronic formats such as e-books, therefore the model for disputes follows the evolution of electronic media. The most recent case involved a copyright violation on electronic books, sometimes known as e-books. However, it was successfully mediated by the Directorate General of Intellectual Property (DJKI) of the Ministry of Law and Human Rights (Kementerian Hukum & HAM RI).

This mediation began with a report from the Cipta Karya Concern Association (PPKC), which complained to DJKI about the discovery of illegal e-book sales at the e-commerce, namely *Tokopedia* and *Carousell* (Putri, 2021). Furthermore, the DJKI, through the Directorate of Investigation and Dispute Resolution, brought together the PPKC reporting party directly and the reported party who owned the *Carousell* account "Debobi2802". The meeting resulted in amicable terms between the two parties, with the reported party willing to agree on some compensation for selling e-books illegally. The agreement includes being willing to replace material losses for 20 million rupiahs, making an apology video, and writing a statement not to repeat the illegal act (DJKI Kementerian Hukum & HAM RI, 2022).

On the other hand, Copyright protection in Malaysia has started since the British era in Malaya. The law that was in effect at that time was Act 1911. After Malaysia became independent, the Copyright Act that was in effect was the Copyright Act 1969, which was valid until 1987. Since then, the law has been used in Act 332. Act 332 states that Copyright is an exclusive right granted to the copyright owner for a certain period. Protection is automatically obtained without prior registration required (Desmayanti, 2013).

Without an obligation to register copyrights and no evidence of a registration certificate when a dispute occurs, there may be difficulties in proving who the creator is (Pallas Loren, 2019). Furthermore, a work of artwork that is not in tangible form, such as a vintage work of art, is difficult to determine and protect who the author is (Clemons et al., 2022). It is not rare for copyrighted material to be a "orphan work" since it was created long ago by our ancestors, such as the art of Wayang, you, and others. Even though the law later regulates copyrighted works of national culture, including copyrighted works whose creators are unknown (Susanti et al., 2019).

Based on this background, this research is based on the following problems: First, what is the legal certainty of copyright protection in the internal science declarative systems field in Indonesia and Malaysia? Second, how can rights holders prove if a dispute occurs due to copyright infringement in science? Copyright is an exclusive license to regulate creative works made by the creator, copyright owner, and performers for a specified duration defined by the Copyright Act 1987 (MyIPO, 2024). MyIPO provides copyright notice via the Copyright Voluntary Notification System (MyIPO, 2024). From the resulting analysis, It is expected that it can make recommendations to intellectual property offices in

Indonesia and Malaysia on the application of the Copyright registration system, especially in the field of science, so that it can provide more legal protection for Copyright holders, especially for creators.

In principle, the regulation of the copyright registration system enforced in both Indonesia and Malaysia adheres to the declarative principle that registration does not give rise to rights, so Copyright registration does not become a necessity for rights to arise. Indonesia and Malaysia made the Copyright Law amended and adjusted the rules regarding copyright contained in international conventions where the two countries are members or at least ratify, namely the Berne Convention and also the World Intellectual Property Organization (WIPO). and TRIP's WTO Agreement (Sutikno & Jannah, 2019).

Malaysia accepted the WTO Agreement on April 15, 1994, while Indonesia ratified the WTO by Law No. 7 of 1994 About the Ratification of the World Trade Organization Agreement. It is the reason why copyright regulations in the two countries are identical. Article 2 Letter C of the Copyright Law states that Indonesia also safeguards creations by foreign citizens so long as their country and Indonesia are associates or members in the same multinational agreement for protection of copyright and associated rights. Indonesia and Malaysia, as signatories to the Berne Convention for the Protection of Literary and Artistic Works, participants to the same multilateral agreement on the protection of copyright and associated rights (Berne Convention). Article 5 of the Berne Convention explains that each member state is obligated to give protection to all citizens of all Berne Convention members and to accord them the same treatment as its people (the principle of national treatment) (Law, 2022b).

During the GATT negotiations, several agreements occurred, one of which became an attachment, namely the Agreement on Trade-Related Aspects of Intellectual Property Rights, abbreviated as TRIPs, which are international standards in the protection of IPRs that must be agreed upon and implemented with IPR for participating countries or at least ratifying it, including Indonesia and Malaysia. Intellectual Property Rights within the TRIPs framework consist of Copyrights and related rights such as Trademarks, Geographical Indications, Industrial Designs, Patents, Topographical Rights of Semiconductor Integrated Circuits, Protection of Undisclosed Information, and Oversight of Practices that Limit Concurrency in License Contracts.

METHODOLOGY

The study used the qualitative research method. Qualitative research is a method of acquiring information for research that employs data that is both primary and secondary (Darmalaksana, 2020). The study used the normative research technique, which includes research on legal principles, legal systems, legal synchronization, and legal comparison (Benuf & Azhar, 2020). Normative legal research is a strategy and approach for scientific investigation into the law and its normative basis (Arliman, 2018). It is doctrinal research that employs both a statute and a conceptual approach. A statute approach is a strategy that analyzes important legal regulations. The primary source of legal information is Law No. 28 of 2014 Concerning Copyright and the Copyright Act 1987 (Act 332). The data were thoroughly evaluated using all available resources. The conceptual method enabled comprehension by employing doctrines as legal experts' judgments. The study's conceptual approach helped to elaborate further on legal doctrines regarding the topic and the legal issue. Furthermore, the approach of content and critical analysis was used to analyze the data obtained for this work (Rajamanickam et al,. 2015; Shariff et al., 2019; Rajamanickam at al., 2019). Data was collected mainly from primary sources such as statutes and documents from Indonesia and Malaysia. The collection of data was so significant for the research and this reviewing process (Rahman et al., 2023; Rahman et al., 2022; Zahir et al,. 2022). When conducting research and developing this work, secondary sources and qualitative approaches were highlighted, with an emphasis on both primary and secondary sources. At the end of the study, the authors discuss the results and make suggestions.

RESULTS

Copyright Protection System in Indonesia

Legal Certainty of Copyright Protection in the Field of Knowledge in the Declarative System

Intellectual property rights, also referred to as or IPR, are a right resulting from human intellectual efforts (Rais et al., 2022). Indonesia considers intellectual property protection as a manifestation of the fifth precept of Pancasila, the country's ideology, to provide social justice for all Indonesians (Weley, 2023). Intellectual property rights are protected by law for two reasons. First, moral rights that represent the creator's personality are inherent in intellectual works. Second, due to commercial rights in the intellectual work or economic considerations (Azmi, 2021). Formerly administered by the Dutch East Indies government, IPR in Indonesia has been codified into National Law since the introduction of Law No. 6 of 1982 regulating Copyright. Then, in 1987, Law No. 7 was passed to amend Law No. 12 of 1982 on Copyright, and in 1997, Law No. 12 was passed to amend Law No. 6 of 1982 on Copyright, as Amended by Law No. 7 of 1987, which was later replaced by the issuance of Law -Law Number 19 of 2002 Concerning Copyright, and was replaced by Law Number 28 of 2014 Concerning Copyright which is in effect until now. The main motive of the amendment is to respond to the massive development of creative industries, communication, and information technology, which ultimately builds a sustainable ecosystem for the industry (Barizah, 2016). Indonesia considers its copyright law as the conceptualization of "the right to the economy" as well as "the right to morals" (Nugroho & Utama, 2020a).

As of right now, Intellectual Property Rights, also known as IPR for short, utilizes the word Intellectual Property, also known as KI, to refer to the institution that has the power to become the Ministry of Law and Human Rights' Directorate of Intellectual Property. The acronym for intellectual property rights, or IPR, is another phrase that is frequently used. The products of human mind or intellectual processes that result in works of functionality for humans are the source of intellectual property rights. When it comes to intangible or intangible items, intellectual property rights are similar to other property rights. As a right, it is only natural that you have to get legal protection.

The Paris Convention for the Protection of Industrial Property and the 1883 Paris Convention, which have undergone numerous modifications or revisions, including the 1925 Paris Convention in The Hague, in London in 1934, in Lisbon in 1958, and in Stockholm in 1967 by creating the World Intellectual Property Organization (WIPO), also have an impact on Indonesian regulations pertaining to intellectual property (Singhai, 2019), and Indonesia ratified or ratified it by Presidential Decree No. 24 of 1979. Through Presidential Decree No. 18 of 1997, Indonesia ratified the Bern Convention on the Protection of Artistic and Literary Works, also known as the World Intellectual Property Organization Copyright Treaty (WIPO Copyright Agreement), and through Presidential Decree No. 19 of 1997, it ratified the World Intellectual Property Organization Performances and Phonograms Treaty (Agreement on Performing Works and Phonogram Works WIPO), also known as WPPT. Finally, through Decree President Number 74 of 2004, Indonesia ratified the World Intellectual Property Organization Performances and Phonograms Treaty (WIPO Performances and Phonograms Treaty), also known as WPPT.

Aside from that, the negotiations for the General Agreement on Tariff and Trade (GATT) or General Agreement on Tariffs and Trade, which took place in multiple sessions beginning in 1947 and 1994 in Marrakesh, Morocco, produced the Agreement Establishing the World Trade Organization (WTO), which includes the approval documents found in every attachment. Under Law Number 7 of 1994 about the Ratification of the Agreement to Establish the World Trade Organization, Indonesia likewise ratifies the agreements in the WTO in this instance.
By granting approval or ratification, Indonesia becomes legally bound by the intellectual property rights provisions found in both the WIPO and the Agreement Establishing the World Trade Organization (WTO), which contains a number of approval documents. Among these is the Agreement on Trade-Related Aspects of Intellectual Property Rights, or TRIPs for short. TRIPs are international guidelines for intellectual property rights that all parties to the convention, including Indonesia, must abide by, even though intellectual property rights have long been implemented and protected there.

In order to guarantee legal protection for intellectual property worldwide, particularly for intellectual property brought forward by investors in the context of investing in Indonesia, the Government of Indonesia is interested in ratifying a number of international agreements pertaining to intellectual property rights. Its goal is to both draw foreign investment to Indonesia and offer legal protection for intellectual property, including patents and trademarks. Naturally, investors will be able to make investments in Indonesia if they have legal protection. Businesses that would typically avoid making investments in a certain nation because of the laxity of the local intellectual property laws (Albino-Pimentel, Dussauge, & El Nayal, 2022).

Copyright, trademarks, and patents are just a few of the many intellectual property rights that the general public is familiar with. In general, it is occasionally incorrect in society to refer to copyrights as patents and brands as copyrights, or vice versa. The distinction between the three lies in the fact that a brand is a sign or identity that can be used to distinguish goods and services produced by an individual or legal entity in the activity of trading goods and services. Examples of these elements include images, logos, names, words, letters, numbers, or color arrangements; they can also take the form of two or three dimensions; sounds; or a combination of two or more of these elements. The right to work in science, art, and literature is known as copyright. A patent, however, also represents a legal claim to a technological invention.

According to Law Number 28 of 2014, which deals with copyright, some kinds of works are protected. Article 40, paragraph one, lists work that are eligible for protection. Books, pamphlets, printed copies of works, and other written works; (a) lectures, speeches, and similar works in the fields of science, art, and literature; (b) visual aids designed to educate or inform (c) musical compositions (with or without lyrics); (d) theatrical performances (including but not limited to plays, musicals, dance, choreography, wayang, and pantomime; (e) artistic works of any kind, including but not limited to paintings, drawings, carvings, calligraphy, sculpture, and collages; g) objects of decorative or functional art; (f) buildings I have mapped; (g) batik and other works with repeating motifs images made by photographers; Photographs; Movies; (h) works resulting from the transformation, such as translations, interpretations, adaptations, anthologies, databases, adaptations, arrangements, alterations, and so on; (i) the act of translating, adapting, arranging, altering, or transforming traditional cultural expressions. (j) a new work that collects traditional cultural expressions. Computer software; video games.

In the scientific field, a printed book or an electronic book (e-book) may be protected by copyright (Tiawati & Pura, 2021). It may be downloaded and read on electronic devices in the form of files (pdf, doc, and txt) (Kusmawan, 2014). With current technological developments, what is meant by the embodiment of creation in a tangible form is interpreted broadly in printed form on sheets of paper and in electronic media such as e-books, which can be printed and read. Like literary works of novels, even though they are not printed on paper but in electronic books in e-book format, they are protected by law because they are tangible (e-book) (Simangunsong et al., 2020).

Along with the advancement of time and technology, internet access has become one of the primary human needs. However, if you look closely, the internet is where someone can easily commit copyright infringement. Through the internet, someone can easily copy and adapt other people's work without including the original link from the owner (Losung et al., 2021a). An e-book is an electronic version of a book that requires an electronic medium (computer/laptop, smartphone, tablet, and others) to be read. E-books automatically possess the characteristics of digital things since they are electronic objects, or more accurately, digital objects (Labetubun, 2019).

Since it was regulated in 1982 with changes and was replaced by Law Number 28 of 2014 concerning Copyright, the registration system adopted is a declarative system. Registration is not an obligation to raise rights and legal protection (Atsar, 2017). It is reaffirmed in the first paragraph of Article 1: When a work of art is manifested in a physical form, copyright is the creator's exclusive right that arises instantly based on the declaratory principle and is unaffected by legislative restrictions (Nurdahniar, 2016). In addition to scientific, artistic, and literary works, point three states that all works created by humans are protected by copyright. Products include scientific, artistic, and literary works that intellectual property laws have protected as the product of someone's original ideas, abilities, insights, and efforts (Abduh, 2021).

The meaning of "exclusive rights" is reserved solely for the creator, called exclusive rights, since these rights are exclusively meant for the author, preventing third parties from utilizing them without the creator's consent (Simatupang, 2021). As a result, just one party can profit from these rights with the author's consent. The exclusive rights as economic rights are only partially possessed by copyright holders who are not creators (Kholiq et al., 2022). Copyright holders in the field of science, book publishers as copyright holders who obtain rights from creators to publish and reproduce works, only have the right to exercise copyrights in the form of announcing and multiplying works by bringing benefits in the form of income with economic value, for example from book sales (Rahaditya et al., 2022).

Proof of Copyright when a Dispute Occurs Due to a Violation of Copyright in the Field of Knowledge

Based on the declarative principle, copyright for work, including works in science, such as books, emerges automatically. This means that there is no need to register; copyright is formed immediately when creativity is realized in actual form (Fuadi & Diniyanto, 2022). A copyright record is not mandatory and will not give birth to a right (Nofianti & Bustani, 2022). In the case of scientific creations such as books, copyright is born when the book has been compiled in such a way as a book with the name of the author listed, and it is printed, reproduced, announced, distributed, and traded so that a book can be used and read (Nugroho & Utama, 2020). Thus, the copyright has been born, and the creator gets legal protection.

Therefore, copyright registration simply acts as a means of facilitating evidence that the registrant is the author of the registered copyright work; it is not the foundation for the creation of a copyright. In the case of a violation that results in a dispute, the author who does not register his creation to demonstrate that he is the author and has the right to a scientific work, such as a book, may utilize the work's form—a book with the author's name on it—as evidence of his ownership, along with a sales receipt, witness statements, and other supporting documentation. Meanwhile, creators who register their creations by obtaining a Creation Certificate can use it as solid evidence (Qtait et al., 2023), making it easier to prove and provide legal certainty. Apart from that, creators who register their creations by obtaining a Creation Certificate can function as strong evidence and make it easier to transfer rights or licenses (Jannah, 2018).

The form of legal protection given to creators or copyright holders/recipients includes prohibitions for anyone publishing or reproducing protected works (Losung et al., 2021a). Legal protection is the ability of the author to forbid third parties from utilizing his creations without the creator's permission or approval, with the exception of specific legally allowed usage restrictions (Finck & Moscon, 2019). Should there be a breach, the owner of the copyright, particularly the author, may pursue civil and criminal legal action (Baranyanan, 2021).

Even though the Copyright Law follows a declarative approach, since the creative was born in a physical form, copyright rights and legal protection instantly arise rather than requiring registration. However, the law also regulates the registration or recording of copyrights, meaning a creation can also be registered and a Copyright Registration Certificate issued. However, it does not determine the emergence of copyright because copyright rights and legal protection have existed since the creation of the copyrighted work. If an invention, such as a book in science, is registered or recorded by presenting proof in the form of a Certificate of Copyright Registration, the birth of a copyright is not determined. Copyright protection is automatic when the idea is embodied in concrete /concrete, and then the creation has been protected (Ardianto, 2022).

A creator is an individual or collective who, either separately or together, creates a one-of-a-kind, uniquely personal work of art. In contrast, the owners of copyrights are the artists themselves, the persons from whom the creators lawfully get these rights, or other parties who obtain additional rights from the parties from whom the creators lawfully obtain these rights.
The only exclusive rights that copyright holders who are not artists have been economic rights. Copyright includes both moral and economic rights. Moral rights are those that are permanently tied to the Creator himself to:

a. still include or do not include his name;
b. use aliases or pseudonyms;
c. change the Creation;
d. change the title and subtitle of the Work, and
e. defend their rights in the event of something detrimental to their self-respect or reputation.

In contrast, economic rights refer to the creator's or copyright holder's only ability to profit monetarily from a work protected by a copyright.

Not everyone is able to capitalize on copyright rights and protection for creators; rather, anybody wishing to exercise or utilize economic rights over a work's copyright must first acquire permission from the author or copyright holder. Therefore, it is forbidden for anybody to reproduce or use works for commercial purposes without the permission of the author or the owner of the copyright. Similarly, it is against the law for trade venue administrators to permit the sale and replication of products that violate copyright and associated rights at their establishments. Every work has a certain length of copyright

protection, which is granted for the duration of the author's life and for seventy (seventy) years following their passing.

In the event that copyright infringement is carried out for economic gain, there are two types of legal remedies available: civil and criminal. For instance, in a scientific book, if all or a portion of the work created by another party is taken without authorization by copying and selling the work as a result of copyright infringement, a civil action may be filed by submitting a lawsuit to the District Court's Commercial Court, or a criminal complaint may be made (Losung et al., 2021b). However, if the violation is not committed for a commercial purpose, legal action cannot be taken civilly or criminally. For example, it is used to make works as a requirement for the final study assignment in the form of a thesis, thesis, or dissertation. In such a violation, legal remedies cannot be taken using the copyright law. Still, other regulations can be used, such as regulatory provisions in the field of education, for example, regarding academic ethics regulations whose sanctions can be in the form of administrative sanctions such as postponement of graduation, up to cancellation or revocation of the degree. It has also happened in several cases in the higher education environment.

Some copyright infringements in the field of science in the form of books are several violations that may occur in the form of taking part of the contents of a book created by another party without mentioning the source altogether and compiling a book or other written work, taking part of the contents of a book created by another party with mentioning. Still, the part taken is too far beyond reasonable limits, plagiarizing by taking the entire creation of another party as if it were his creation or plagiarism, duplicating the creation of the book. Forms of copyright infringement can be piracy and duplication. A book is considered to be pirated if it is attempted to be duplicated by printing, photocopying, or any other method without the publisher's and author's express written consent (Ardianto, 2022).

One example of a copyright infringement case was resolved through mediation by the Directorate General of Intellectual Property (DJKI) of the Ministry of Law and Human Rights. Mediate the two parties disputing each other regarding an infringement of copyright on electronic books or e-books on Tuesday, 20 September 2022, at the DJKI Office. This mediation began with a report from the Cipta Karya Concern Association (PPKC), which complained to DJKI about the discovery of illegal e-book sales at the Tokopedia and Carousell marketplaces. Furthermore, the DJKI, through the Directorate of Investigation and Dispute Resolution, brought together the PPKC reporting party directly and the reported party who owned the Carousell account "Debobi2802". The meeting resulted in amicable terms between the two parties, with the notified party willing to agree on some compensation for selling e-books illegally. The agreement includes being willing to replace material losses for 20 million rupiahs, writing an apology video, and making a written statement not to repeat the illegal act (DJKI Kementerian Hukum & HAM RI, 2022). The ineffectiveness of IPR law enforcement in Indonesia could be concluded from four indicators:

1. massive distribution of pirated products in the market
2. raising the number of piracies as reported by the authority’s agency
3. USTR and IIPA report that includes Indonesia as the “priority watch list.”
4. Society’s lack of IPR awareness as concluded by the local IPR Directorate General (Triyanto, 2017).

The absence of copyright registration does not preclude legal rights and protection. As long as the work protected by copyright was created in a tangible form, copyright is inherent and is protected by law. Copyrights in the field of science is in the form of books, which have been born and have received legal protection since the book was published in such a way, both physically or in print or electronically (e-

book) (Manuaba & Sukihana, 2020), so others can read the book. In case of a disagreement, the outcome of the copyrighted work itself, in the form of a book bearing the author's name and endorsed by witnesses, can be used as proof of copyright for scientific creations like books. If the work is registered, a Certificate of Copyright Registration may also be used as proof.

Table 1: List of cases on copyright dispute in Indonesia

Case position	Parties	Completion/decision
Sales of unauthorized or fake copies of books The modus operandi: The sellers sell counterfeit books, with indications that the paper material is different from the original book, and they are sold much cheaper than the original book in comparison to the original book of around Rp. 100,000, - while books that are not original range from Rp. 20.000,- to Rp. 25.000,-	Kampoeng Ilmu Surabaya book seller.	There are no resolution actions yet
Use of other parties' creations without the author's permission The model was around 2017, the Aceh regional government issued a book entitled "Flashback on the Development of Aceh After the Helsinki MoU Flashback on The Development of Aceh After Helinski MoU" which turned out to be the creation of a journalist at the Aceh Government Economic Bureau who at that time was still on duty at there, Name: Junaidi Hanafiah (Kompasiana, 2020).	Aceh Regional Government and Junaidi Hanafiah	Handling of cases by legal advisors
Distributing fake books His mode of action was that the perpetrator, Romy Heriyanto, who owned a printing business, duplicated books illegally by buying the original book or the original dictionary, then photocopying it by scanning it, and then using low-quality paper. It will cut the price of paper and books with the same contents, but they can be sold at a lower price. If some books have e-books, Romy also provides pirated CDs((alg/try)detikNews, 2014).	Romy Heriyanto	Sentenced to imprisonment and a fine of Rp. 500 million rupiahs
Plagiarism, the mode of work that was defended at Cambridge in 1982, was allegedly similar compared to capitalism and The Bureaucratic State in Indonesia (Chandra, 2014)	Yahya Muhaimin	Both come from the same source, which is considered not copyright infringement.
The modus operandi was plagiarism for making a book entitled "Sources and Availability of Feed Raw Materials in Indonesia." It was carried out by a person	Heri Ahmad Sukria	Reports and Summons

named Heri Ahmad Sukria who took data from articles made by a professor who was a lecturer at IPB (Chandra, 2014).		
Anggito Abimanyu's article entitled Disaster Insurance Ideas in the Kompas Daily Opinion column on February 10, 2014. This article is similar to Hotbonar Sinaga's article in the same media on July 21, 2006 (Dyantoro, 2017).	Anggito Abimanyu Hotbonar Sinaga	Academic Sanctions (resignation from academic staff on campus)

Source: (Lauren, 2019)

From Table 1 above, it is evident that there are various ways in which books can be violated by copyright. For example, in the first instance, a book can be copied without the author's permission or consent, using less expensive paper and a simpler method that nevertheless results in an identical copy of the book in terms of both form and content (Siregar et al., 2022). This is harmful to the inventor since it allows the violators to sell it at a far lesser price while still making money. More copies of a counterfeit book can be sold for less money than a genuine book priced higher. Publishers who replicate or print books in greater quantities than the authors have agreed upon are also capable of engaging in this form of reproduction without authorization or approval from the creators. Of course, the creator may also suffer negative effects from it.

Besides that, in the second case, violations can occur when a copyrighted work is still in the form of a draft or material but has yet to be printed. It can happen when the draft of the book is submitted to another party, which unconsciously can result in the work that is still in the draft form being published and printed duplicated by another party, either by a colleague or another party, even by the printer himself who it had been a long time since the draft had been submitted to the publisher. Still, it had yet to be published and printed, so later, without the creator's consent, it was printed and duplicated.

The third case is almost the same as the first case, in the form of duplication by someone with a printing business who deliberately copies the original book to be reproduced with material of lower quality than the original and with a more straightforward process. Then, the book that is copied is sold to the public. In this case, the perpetrator deliberately sought the original books and then reproduced them by reprinting them using lower-quality materials in a simpler way to reduce costs. These copies were sold at a lower price than the originals. Such actions can, of course, generate large profits but at the expense of the creator.

While in this fourth case, perhaps it happened a lot, especially among academics, both students making papers for their final assignments as a requirement for terminating their studies, as well as lecturers. In writing a work, sometimes you have to use reference sources from other people's work just to strengthen your argument or compare. According to the Copyright Law, this is not considered a violation as long as it states the source completely and clearly. As long as this is done by the provisions of the law, it is not considered a violation, besides that in the Copyright Act generally, actions are considered violations and legal remedies can be taken, if this is done for commercial purposes, however, if it is not for commercial purposes, legal remedies cannot be carried out. For example, the results of his work are only to fulfill the requirements of the final study assignment for the person concerned, not being reproduced and traded. Unless the result of his work which contains an element of violation is then reproduced and traded, then this constitutes a violation and legal action can be taken both civilly and criminally. IP's complexity should be considered to enforce the copyright law itself, additional regulation on technical mechanism might be necessary to further advance the law enforcement and effectiveness (Nurhayati et al., 2019).

Copyright Protection System in Malaysia

The Copyright Act 1987 governs copyright in Malaysia (Ghani et al., 2017). The Malaysian Copyright Act's section 7(1) states that a wide range of works, including broadcasts, sound recordings, films, books, and artwork, are protected by copyright. However, section 8 of the same Act protects derivative works, which include translations, adaptations, arrangements, and other modifications to works. It ensures that only the owner of the copyright can use it for a certain amount of time (Peng, 2020).

Ownership is granted to the inventor or creator, according to a fundamental concept of intellectual property rights (Ramli et al., 2016). If the legal conditions of originality and fixation are met, copyright protection emerges immediately at the time of creation. It is consistent with the Berna Convention's automatic protection principle, which stipulates that protection cannot be contingent on procedural compliance. Unfortunately, proving ownership of copyright is not simple. Parties in a dispute are required to produce the relevant evidence of copyright, and direct evidence by the copyright is always preferred but not practical, where there have been changes to copyright ownership, as in the case of *Ester Metering Ltd. & Anor v. Premier Amalgamated Sdn. Bhd.,* the Court requires that the Court establish the chain of changes beginning from the work's author, and any break in the claim would be fatal to the plaintiff's case. Table 2 below lists several copyright dispute cases in Malaysia.

Table 2 : List of cases on copyright dispute in Malaysia

Issues	Parties	Decision
Similarity of fruit bunch splitter drawings.	*YKL Engineering Sdn. Bhd v. Sungei Kahang Palm Oil Sdn. Bhd & Anor* [2022]	Copyright existed in the design drawing, but no copyright infringement had been established.
Similarity of 'Beras Mughal Faiz Basmathi' packaging and 'Beras Moghul Faiza Basmathi' packaging	*Sykt. Faiza Sdn. Bhd. & Anor v Faiz Rice Sdn. Bhd & Anor* [2019]	Close striking objective similarity raises a rebuttable presumption of copying.
Similarity and differences of a novel 'Aku Bohsia' and a movie 'Bohsia: Jangan Pilih Jalan Hitam'	*Mohd. Syamsul bin Md. Yusof & Ors v Elias bin Idris* [2019]	The Court of Appeal held that the movie had infringed the novel's copyright.
Whether a Muslim prayer outfit for ladies constitutes a graphic work of artistic craftsmanship	*Siti Khadijah Apparel Sdn. Bhd. V Ariani Textiles & Manufacturing (M) Sdn. Bhd*. [2019]	Muslim prayer outfit was accepted as a graphic work.

Source: Author's own interpretation

Every case is unique, and the facts and circumstances determine whether copyright infringement and ownership difficulties are present. To demonstrate that there is a sufficient level of objective resemblance between the two works and that there is a causal relationship between the copyright works and the allegedly infringing copy, direct proof in the form of oral testimony or documentary evidence must be shown in court. More legal clarity is yet required.

In the first case of *YKL Engineering Sdn. Bhd v. Sungei Kahang Palm Oil Sdn. Bhd & Anor,* the Federal Court had to consider issues of law relating to originality, subsistence of copyright, and test of copyright infringement. It was held that copyright subsisted in the design drawing, but no copyright infringement had been established. The evidentiality value of statutory declaration was also discussed. The respondent chose not to contest the appellant's statutory statement, which said that he had expended enough time,

work, and talent to make his drawing unique. Thus, the statutory declaration satisfied the basic test of originality under s 7(3)(a) of the Copyright Act 1987. However, claims of copyright infringement were not established as the appellant failed to prove the elements of sufficient objective similarity and causal connection between the two works.

In the second case of *Sykt. Faiza Sdn. Bhd. & Anor v Faiz Rice Sdn. Bhd & Anor,* rice is a product of both parties' production, distribution, and retail businesses under different labels. The Court held a close striking objective similarity between 'Beras Mughal Faiz Basmathi' and 'Beras Moghul Faiza Basmahti.' There was a reputable presumption that the Faiz logo had been copied from the Faiza logo since the defendant had access to the Faiza logo. Since not enough work was done to make the Faiz logo unique, no copyright ownership could be established.

In the third case of *Mohd. Syamsul bin Md. Yusof & Ors v Elias bin Idris,* direct evidence in the form of oral testimony or documentary evidence was adduced in court to prove copyright infringement. The main issue was whether the movie and book's similarities were the product of copying. At the High Court, the learned judge found that the essential features such as theme, plot, character, and other related elements involving the 'bohsia' phenomenon and 'mat rempit' were common social issues that had existed even before the novel's publication. It, in turn, led to the finding that substantial similarity and causal connection were not established. On appeal to the Court of Appeal, the decision was reversed. There were many significant similarities between the two pieces, more than just accidental or conceptual parallels. Not only were there similarities in terms of the overall subject, storyline, names of the characters, and locations. Even specific events and relationships in the characters' lives could not have been 'commonplace, unoriginal or consist of general ideas.' The Court of Appeal determined that the copyright of the novel had been violated by the movie.

On further appeal to the Federal Court, the High Court's decision was confirmed and made permanent. The High Court had correctly held that the similarities between the two works cannot be said to be substantial similarities. The approach taken by the High Court in examining and evaluating all the evidence in the form of oral testimonies of witnesses from both sides, documents, and exhibits was in line with the established principles of dealing with copyright infringement.

In the fourth case of *Siti Khadijah Apparel Sdn. Bhd. v Ariani Textiles & Manufacturing (M) Sdn. Bhd,* under section 42 of the Copyright Act, the Court acknowledged that a statutory statement was prima facie proof of copyright. In this case, the defendant refuted the Plaintiff's statutory statement of copyright ownership, which the Plaintiff had established. According to Section 42 of the Malaysian Copyright Act, affidavits, statutory declarations, or copies of the Register of Copyright may be used to demonstrate copyright ownership. The person named in the affidavit or statutory statement is the copyright owner, and the copy of the work attached to the affidavit or statutory declaration is an authentic copy of the work. The owner of the copyright in any works eligible for copyright is required to state that copyright exists in work at the period indicated in the affidavit or statutory declaration.

Legal certainty of copyright ownership is apparent with the introduction of voluntary notification of copyright. In 2012, the Copyright Act was amended to allow proof of copyright ownership through an extract from the Register of Copyright, essentially complementing the existing mechanism under section 42 of the Copyright Act (Tye et al., 2018). The notification of copyright is voluntary and does not affect the fact that copyright protection is automatic (Abdullah et al., 2021). According to Section 26A (1), the creator of the work, the owner of the copyright in the work, the assignee of the copyright, or anyone to

whom a license has been given to have an interest in the copyright may voluntarily notify the Controller of their copyright. To comply with Section 26A(3), the copyright notification must include the following information: a statutory statement stating that the applicant is the work's author, owner, assignee, or licensee; the name, address, and nationality of the copyright holder; the work's category; the title of the work; the author's name and, if known, and if the author is dead, the year of the author's death; in the case of a published work, the date and place of the first publication; and any other relevant information.

CONCLUSION

The following conclusions can be made based on the analysis and discussion's findings. First, in principle, the regulation of the Copyright registration system enforced in Indonesia and Malaysia adheres to the declarative principle. With the exception of specific legally allowed restrictions, the declarative approach can give copyright holders clarity and legal protection by allowing artists to forbid other parties from utilizing their works without their permission. The owner of the copyright may file a civil lawsuit or a criminal lawsuit in the case of infringement. Second, proof can be carried out with witness or written evidence in a dispute. It might take the shape of an original work of literature with the author's name on it, provided that it is registered, a Certificate of Copyright Registration can be used as evidence. The existence of a copyright registration certificate provides more certainty of rights and legal protection and is easy to prove.

In principle, the Indonesian and Malaysian Copyright Law regulations have something in common because Indonesia and Malaysia make copyright law regulations influenced by an agreement in the rules regarding copyright contained in international conventions, including the Berne Convention and also The World Intellectual Property Organization (WIPO) and the TRIP's Agreement which is one of the attached documents in the formation of the World Trade Organization or WTO Agreement formed in the GATT (General Agreement on Tariffs and Trade) negotiations. In the application of the copyright system in several cases in the field of copyright, whoever created and used the copyrighted work first is considered entitled to be the copyright holder. This is because the determination of copyright rights and legal protection is based on the realization of a produced creation, not on registration.

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4. You must ensure that your article has been edited and proof by a professional editor. **You need to sent the proof/evidence that this paper has been edited by a professional editor**. We would not accept article with grammatical mistakes and spelling errors. Tables and Figures must be clear and sharp by using jpeg or tiff. Turnitin <20%.

5. List of authors full names and full affiliation with their e-mail.

   We hope to see your revised version by or before **25 February 2024.**

Reviewer A:
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1. ARTICLE TITLE

Check whether title accurately reflects the actual research issues addressed in the study and within the aims and scope of UUM JLS. Suggest a suitable title if the title requires improvement.

I think it is quite unclear what is considered as science field in this article. Looking at the article, I think it could be revised to scientific works
Maybe the title could be changed, for instance, to 'Legal Issues/ Challenges of Scientific Works in the Copyright Declarative System in Indonesia and Malaysia.'

Poor *Excellent*

1 2 3 4 5

4

2. ABSTRACT

Determine if the abstract contains a concise description of the study. This includes: (i) PURPOSE (problem statement or purpose), (ii) METHOD (design/methodology/approach), (iii) FINDINGS (summary of major findings), (iv) PRACTICAL IMPLICATIONS, and (v) ORIGINALITY/VALUE (contributions).

1. I suggest the paper to deep dive into the issues of legal uncertainty which could possibly arise out of the existing system, i.e. evidentiary problem.

2. Both countries share similar declarative system for copyright protection. So, comparative study seems not suitable here. However, analysis of the evidentiary issues (legal uncertainty) could be explored further (which is not thoroughly explained in the abstract and the paper). the loophole needs to be explored in terms of the registration procedure of the copyrighted work.

3. The use of legal and normative method emphasised in the articles needs clarity. Please elaborate how the legal and normative aspects of declarative system applicable to scientific works.

Poor *Excellent*

1 2 3 4 5

3

3. RESEARCH PROBLEM AND OBJECTIVES

Determine whether the background to the study is well discussed, the research problems are well defined, and the objectives are clearly stated.

I think the author(s) is clear about the problem and the objectives of this article, but sufficient description about the legal and normative problems around declarative system as it applies to scientific works should be discussed. I also feel that comparison is not the appropriate words to describe the critiques of declarative system because both jurisdictions use the same system. What is more appropriate is

to examine the problems on the lack of legal certainty in potential/ actual copyright disputes involving scientific works.

Poor *Excellent*

1 *2* *3* *4* *5*

3

4. LITERATURE REVIEW

Determine whether the literature review is relevant to the research issues, is well-reviewed and takes into consideration past and current literature, has identified the gap of knowledge.

Adequate discussion is done on the legal aspects of declarative system applicable to copyrighted scientific works in Indonesia. So similar thing needs to be addressed in the context of Malaysia. I suggest the authors to consider broader literatures if he/she/ them would like to give both legal and normative considerations to the existing system. This is also important to show the breadth of author(s)' understanding on the topic.

There is also wider literatures on first to use in copyright law which the authors need to cite to explain on the origin and nature of the first-to-use system, the challenges and limitations when it comes to enforcing their rights in courts as opposed to first-to-register system

Poor *Excellent*

1 *2* *3* *4* *5*

4

5. METHODOLOGY

Determine whether the method is appropriate: research design (e.g. sample size, choice of methods etc.) is appropriate to address the specified research objectives to allow replication by other researchers; and the statistical analysis used is appropriate; qualitative analysis procedures were described clearly (e.g., framework used, sample analysis provided, researcherâ€™s perspective, triangulation and trustworthiness).

The flows of the methodology process needs to be stated clearly. Comparison as put the author(s) in the title needs to show the similarities and differences, and also the normative foundation of the existing system in both jurisdictions.

The overall explanation of methodology needs to be reworked on. Suggestion - carry out doctrinal legal research by examining the enforceable domestic legislations and international instruments, and debates on the lack of legal clarity on the copyright protection of declarative system on scientific works.

Poor *Excellent*

1 *2* *3* *4* *5*

3

6. ANALYSIS AND DISCUSSION OF RESULT

Determine whether the results obtained and its interpretation are in agreement with the research objectives, and findings are discussed with appropriate theories and references.

I think there should be a specific section on analysis and discussion. Probably some parts of result section can be moved to the analysis section.

I would like to suggest that the author(s) to put several sub-headings with regard to the the lack of legal certainty as to the copyrighted scientific work under declarative system.

Poor *Excellent*

1 *2* *3* *4* *5*

3

7. PRESENTATION

Determine whether the tables, figures, and pictures are properly labelled, numbered, and placed in the appropriate sequence and are clearly reproduced.

Table on some book copyright cases needs to be properly labelled and numbered; proper citation of the caselaws should be mentioned.

Poor *Excellent*

1 2 3 4 5

4

8. NOVELTY

Determine whether the article makes a significant contribution in the field.

The article has the element of originality, but the arrangement needs to be redone to showcase the critiques regarding declarative system applicable to scientific works. Some more relevant literatures on the Malaysia's declarative system should be highlighted more clearly.

It is such an interesting topic and should be addressed both as an academic exercise and the protection of scientific works. But again, a systematic analysis and thorough discussion supported by relevant literatures should be presented.

Poor *Excellent*

1 2 3 4 5

4

9. REFERENCES

Determine whether the reference list is complete and extensive, include current references, and used APA referencing format throughout the list.

As I put in comments under item literature review.

Poor *Excellent*

1 2 3 4 5

4

10. KEYWORDS

Determine whether the authors provide appropriate and short keywords that encapsulate the principal topics of the paper. The maximum number of keywords is seven (7).

The keywords should be revised. Some important keywords should be in the list - declarative system, first-to-use, scientific works,

Poor *Excellent*

1 2 3 4 5

3

11. CONFLICT OF INTEREST

Determine whether the authors identify and declare any personal circumstances or interest that may be perceived as inappropriately influencing the representation or interpretation of reported research results. If there is no disclosure of conflict of interest, suggest the authors to add the following statement: â€œNo potential conflict of interest was reported by the authors.

No conflict of interest statement is mentioned.

12. ACKNOWLEDGEMENT

Determine whether the authors have acknowledged relevant funders and/or support in the study.

Not mentioned in the article.

Reviewer D:
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1. ARTICLE TITLE

Check whether title accurately reflects the actual research issues addressed in the study and within the aims and scope of UUM JLS. Suggest a suitable title if the title requires improvement.

The title reads "Application of the Science Field Copyright Declarative System: Comparison between Indonesia and Malaysia". However, the paper basically looks into copyright issues in only in books (hardcopies or electronically). This is simply misleading. It is not clear what "the Science Field" actually refers to. Does the author wants to discuss about the relation of copyright and scientific work / the enjoyment of right to science / medical science work?

Poor *Excellent*

1 2 3 4 5

1

2. ABSTRACT

Determine if the abstract contains a concise description of the study. This includes: (i) PURPOSE (problem statement or purpose), (ii) METHOD (design/methodology/approach), (iii) FINDINGS (summary of major findings), (iv) PRACTICAL IMPLICATIONS, and (v) ORIGINALITY/VALUE (contributions).

(i)The problem statement talks about the challenge of legal certainty in copyright protection within the declarative system in Indonesia and Malaysia, specifically focusing on "the field of science" (not clear what it means by this). A clear objectives of the paper needs to be provided.
(ii)The paper employs a qualitative method and suggests the use of a normative approach for analyzing primary legal materials.
(iii)Findings highlight the potential of the declarative system to offer legal protection to artists and copyright owners, emphasizing the role of copyright registration in facilitating proof during disputes.
The abstract does not clearly explain the practical implications of the study nor clearly show what is the original contribution offered by the article.

Poor *Excellent*

1 2 3 4 5

2

3. RESEARCH PROBLEM AND OBJECTIVES

Determine whether the background to the study is well discussed, the research problems are well defined, and the objectives are clearly stated.

The background and research problem seems too general. only a small portion of it focus on the issue at hand.
The objectives of the study are to determine (1) how is the legal certainty and protection of copyright in the field of science in the declarative system in Indonesia and Malaysia? (2) how can the right holder prove in the event of a dispute over copyright infringement in the scientific field?
However, the analysis and findings do not answer the research questions clearly.

Poor *Excellent*

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3

4. LITERATURE REVIEW

Determine whether the literature review is relevant to the research issues, is well-reviewed and takes into consideration past and current literature, has identified the gap of knowledge.

The article lacks a proper literature review, which is a crucial component in research that provides a comprehensive understanding of existing knowledge and establishes a context for the study. Due to this, the paper fails to identify gaps in current knowledge, informing research questions, and demonstrating the study's contribution to the existing body of work.

Poor *Excellent*

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1

5. METHODOLOGY

Determine whether the method is appropriate: research design (e.g. sample size, choice of methods etc.) is appropriate to address the specified research objectives to allow replication by other researchers; and the statistical analysis used is appropriate; qualitative analysis procedures were described clearly (e.g., framework used, sample analysis provided, researcherâ€™s perspective, triangulation and trustworthiness).

This research utilize qualitative method which seems appropriate for the study objectives.

Poor *Excellent*

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6. ANALYSIS AND DISCUSSION OF RESULT

Determine whether the results obtained and its interpretation are in agreement with the research objectives, and findings are discussed with appropriate theories and references.

The article falls short in addressing its stated objectives, which revolve around (a) exploring the legal certainty and (b) protection of copyright in science within the declarative systems of Indonesia and Malaysia. It lacks a thorough examination of how these systems operate in ensuring legal certainty and protecting the rights of copyright holders. Additionally, the article does not adequately delve into the methods through which right holders can prove their case in the event of a copyright dispute in the scientific field. A more in-depth analysis and specific examples related to these aspects would enhance the paper's fulfillment of its stated objectives.

Poor *Excellent*

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7. PRESENTATION

Determine whether the tables, figures, and pictures are properly labelled, numbered, and placed in the appropriate sequence and are clearly reproduced.

The article needs proper proofreading. Some statements are not clear, for example: the statement in Introduction reads "It is not uncommon for a copyrighted work to be unknown created because it was born a long time ago by our ancestors, such as the art of wayang, you, and others."

Poor *Excellent*

1 2 3 4 5

3

8. NOVELTY

Determine whether the article makes a significant contribution in the field.

The article, upon evaluation, does not appear to make a significant contribution to the field. While the study addresses some legal aspects on the declarative system of copyright (it says the field of science, but it literally just refer to books), it falls short in providing substantial insights, innovative perspectives, or new findings related to copyright issues. The lack of a comprehensive literature review and a more in-depth analysis of the practical implications for stakeholders also contributes to the limited contribution of the article to the existing body of knowledge on the subject.

Poor Excellent

1 2 3 4 5

2

9. REFERENCES

Determine whether the reference list is complete and extensive, include current references, and used APA referencing format throughout the list.

The reference should follow proper APA format. For instance, articles in Malay language need to have the English translation in square brackets after the title. See https://guides.library.lincoln.ac.uk/c.php?g=683973&p=4882445

Poor Excellent

1 2 3 4 5

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10. KEYWORDS

Determine whether the authors provide appropriate and short keywords that encapsulate the principal topics of the paper. The maximum number of keywords is seven (7).

Appropriate keyword was used

Poor *Excellent*

1 *2* *3* *4* *5*

3

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No such disclosure is made available

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Not available

The following message is being delivered on behalf of UUM Journal of Legal Studies.

Satu lampiran • Dipindai dengan Gmail

Notifications ×

[UUMJLS] Editor Decision

20-01-2024 11:08 PM

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Poor *Excellent*

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Poor *Excellent*

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3

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Determine whether the tables, figures, and pictures are properly labelled, numbered, and placed in the appropriate sequence and are clearly reproduced.

Table on some book copyright cases needs to be properly labelled and numbered; proper citation of the caselaws should be mentioned.

Poor *Excellent*

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8. NOVELTY

Determine whether the article makes a significant contribution in the field.

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Poor *Excellent*

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Determine if the abstract contains a concise description of the study. This includes: (i) PURPOSE (problem statement or purpose), (ii) METHOD (design/methodology/approach), (iii) FINDINGS (summary of major findings), (iv) PRACTICAL IMPLICATIONS, and (v) ORIGINALITY/VALUE (contributions).

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The article falls short in addressing its stated objectives, which revolve around (a) exploring the legal certainty and (b) protection of copyright in science within the declarative systems of Indonesia and Malaysia. It lacks a thorough examination of how these systems operate in ensuring legal certainty and protecting the rights of copyright holders. Additionally, the article does not adequately delve into the methods through which right holders can prove their case in the event of a copyright dispute in the scientific field. A more in-depth analysis and specific examples related to these aspects would enhance the paper's fulfillment of its stated objectives.

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7. PRESENTATION

Determine whether the tables, figures, and pictures are properly labelled, numbered, and placed in the appropriate sequence and are clearly reproduced.

The article needs proper proofreading. Some statements are not clear, for example:

Determine whether the method is appropriate: research design (e.g. sample size, choice of methods etc.) is appropriate to address the specified research objectives to allow replication by other researchers; and the statistical analysis used is appropriate; qualitative analysis procedures were described clearly (e.g., framework used, sample analysis provided, researcherâ€™s perspective, triangulation and trustworthiness).

This research utilize qualitative method which seems appropriate for the study objectives.

Poor *Excellent*

1 *2* *3* *4* *5*

3

6. ANALYSIS AND DISCUSSION OF RESULT

Determine whether the results obtained and its interpretation are in agreement with the research objectives, and findings are discussed with appropriate theories and references.

The article falls short in addressing its stated objectives, which revolve around (a) exploring the legal certainty and (b) protection of copyright in science within the declarative systems of Indonesia and Malaysia. It lacks a thorough examination of how these systems operate in ensuring legal certainty and protecting the rights of copyright holders. Additionally, the article does not adequately delve into the methods through which right holders can prove their case in the event of a copyright dispute in the scientific field. A more in-depth analysis and specific examples related to these aspects would enhance the paper's fulfillment of its stated objectives.

Poor *Excellent*

1 *2* *3* *4* *5*

3

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The article needs proper proofreading. Some statements are not clear, for example:

1 2 3 4 5

3

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The article needs proper proofreading. Some statements are not clear, for example: the statement in Introduction reads "It is not uncommon for a copyrighted work to be unknown created because it was born a long time ago by our ancestors, such as the art of wayang, you, and others."

Poor Excellent

1 2 3 4 5

3

8. NOVELTY

Determine whether the article makes a significant contribution in the field.

The article, upon evaluation, does not appear to make a significant contribution to the field. While the study addresses some legal aspects on the declarative system of copyright (it says the field of science, but it literally just refer to books), it falls short in providing substantial insights, innovative perspectives, or new findings related to copyright issues. The lack of a comprehensive literature review and a more in-depth analysis of the practical implications for stakeholders also contributes to the limited contribution of the article to the existing body of knowledge on the subject.

Poor Excellent

1 2 3 4 5

2

9. REFERENCES

Determine whether the reference list is complete and extensive, include current references, and used APA referencing format throughout the list.

1 2 3 4 5

3

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Determine whether the reference list is complete and extensive, include current references, and used APA referencing format throughout the list.

The reference should follow proper APA format. For instance, articles in Malay language need to have the English translation in square brackets after the title. See https://guides.library.lincoln.ac.uk/c.php?g=683973&p=4882445

Poor *Excellent*

1 2 3 4 5

3

10. KEYWORDS

Determine whether the authors provide appropriate and short keywords that encapsulate the principal topics of the paper. The maximum number of keywords is seven (7).

Appropriate keyword was used

3

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Appropriate keyword was used

LIST OF AMENDMENTS

Journal : **UUM Journal of Legal Studies (UUMJLS)**

Title of Article : **Legal Issues of Scientific Works in the Copyright Declarative System in Indonesia and Malaysia**

No.	Reviewer's Comments	List of Corrections	Page(s)
REVIEW 1 (HH)			
TITLE & ABSTRACT			
1	In Malaysia it is known as Copyright Notification System Suggestion to rephrase the title In Malaysia, a more common term is copyright notification as it does not require registration.	The title has been changed accordingly Terms added; "prove if the work is registered by obtaining a certificate of copyright registration or copyright notification."	1
INTRODUCTION			
1	Consider substituting with "orphan work"	The draft has been replaced with the term "orphan work"	1
LITERATURE REVIEW			
METHODOLOGY			
1	In Malaysia, this approach is known as doctrinal study	Added the doctrinal study method in the methodology	2-3
2	This part of sentence is not clear. Please clarify or rephrase the sentence.	Rephrased the sentence with ". The conceptual approach in the study will help to elaborate further on legal doctrines regarding the topic and the legal issue. "	3

RESULT			
1	Suggestion to rename the table as: Table 1: List of cases on copyright dispute in Indonesia	It was repaired as instructed	1
OTHER COMMENTS			

No.	Reviewer's Comments	List of Corrections	Page(s)
REVIEW A			
TITLE			
1	I think it is quite unclear what is considered as science field in this article. Looking at the article, I think it could be revised to scientific works Maybe the title could be changed, for instance, to 'Legal Issues/ Challenges of Scientific Works in the Copyright Declarative System in Indonesia and Malaysia.'	The title was revised with "'Legal Issues of Scientific Works in the Copyright Declarative System in Indonesia and Malaysia.'	1
ABSTRACT			
1	I suggest the paper to deep dive into the issues of legal uncertainty which could possibly arise out of the existing system, i.e. evidentiary problem.	Fixed the following problems: first what is the legal certainty of copyright protection in the field of internal science declarative systems in Indonesia and Malaysia? secondly, how can rights holders prove if a dispute occurs due to copyright infringement in the field of science?	1
2	Both countries share a similar declarative system for copyright protection. So, comparative study seems not suitable here. However, analysis of the evidentiary issues (legal uncertainty) could be explored further (which is not thoroughly explained in the abstract and the paper). **the loophole needs to be explored in terms of the**	It has been corrected by changing the title and issues with discussions related to legal protection and evidence	1,4,6

	registration procedure of the copyrighted work.		
3	The use of legal and normative method emphasised in the articles needs clarity. Please elaborate how the legal and normative aspects of declarative system applicable to scientific works.	The declarative system has explained that the emergence of rights and legal protection is based on the birth of a work without the obligation of registration	4
RESEARCH PROBLEM AND OBJECTIVES			
1	I think the author(s) is clear about the problem and the objectives of this article, but sufficient description about the legal and normative problems around declarative system as it applies to scientific works should be discussed. I also feel that comparison is not the appropriate words to describe the critiques of declarative system because both jurisdictions use the same system. What is more appropriate is **to examine the problems on the lack of legal certainty in potential/ actual copyright disputes involving scientific works.**	It has been adjusted to change the title, problems, and discussions which contain sub-certainty of legal protection and proof in the event of a violation dispute	1,5,7
LITERATURE REVIEW			
	Adequate discussion is done on the legal aspects of declarative system applicable to copyrighted scientific works in Indonesia. So similar thing needs to be addressed in the context of Malaysia. I suggest the authors to consider broader literatures if he/she/ them would like to give both legal and normative considerations to the existing system. This is also important to show the breadth of author(s)' understanding on the topic. There is also wider literatures on first to use in copyright law which the **authors need to cite**	Several references have been added related to the declarative system that applies to copyright in the form of scientific works	

	to explain on the origin and nature of the first-to-use system, the **challenges and limitations** when it comes to enforcing their rights in courts as opposed to first-to-register system		
METHODOLOGY			
	The flows of the methodology process needs to be stated clearly. Comparison as put the author(s) in the title needs to **show the similarities and differences**, and also the normative foundation of the existing system in both jurisdictions. The overall explanation of methodology needs to be reworked on. **Suggestion - carry out doctrinal legal research by examining the enforceable domestic legislations and international instruments, and debates on the lack of legal clarity on the copyright protection of declarative system on scientific works.**	Explained as instructed This paper adopts the qualitative research method. Qualitative research is a means of gathering information for study using both primary and secondary data (Darmalaksana, 2020). The research method used in this paper is the normative research method consists of research on legal principles, legal systematics, legal synchronization, and comparative law (Benuf & Azhar, 2020). Normative legal research is a method and approach to scientific inquiry into the law and the law's normative foundations (Arliman S, 2018). This is a doctrinal study conducted using a statute approach and a conceptual approach. A statute approach is a method that is based on an analysis of relevant legal regulations. The primary source of legal information is Law No. 28 of 2014 Concerning Copyright and the Copyright Act 1987 (Act 332). The data will be thoroughly evaluated using all available resources. The conceptual method will enable comprehension by employing doctrines as legal experts' judgments. The conceptual approach in the study will help to elaborate further on legal doctrines regarding the topic and the legal issue.	3
ANALYSIS AND DISCUSSION OF RESULT			
	I think there should be a specific section on analysis and discussion. **Probably some parts of result section can be moved to the analysis section.**	Sub-titles have been made according to the problems raised, namely: Legal Certainty of Copyright Protection in the Field of Knowledge	4,6

	I would like to suggest that the author(s) **to put several sub-headings with regard to the the lack of legal certainty as to the copyrighted scientific work under declarative system.**	in the Declarative System Proof of Copyright when a Dispute Occurs Due to a Violation of Copyright in the Field of Knowledge	
PRESENTATION			
	Table on some book copyright cases needs to be properly labelled and numbered**; proper citation of the caselaws should be mentioned.**	Tables have been given titles and numbers by adding references	9,11
NOVELTY			
	The article has the element of originality, but the arrangement needs to be redone to showcase the critiques regarding declarative system applicable to scientific works. Some more It is such an interesting topic and should be addressed both as an academic exercise and the protection of scientific works. But again, a systematic analysis and thorough discussion supported by relevant literatures should be presented.	This has been clarified by improving the sub-chapters relating to the application of the declarative system for copyright which does not require registration, the consequences of legal protection and proof in the event of a dispute, which applies in Indonesia and Malaysia	5,7,11
KEYWORDS			
	The keywords should be revised. Some important keywords should be in the list - declarative system, first-to-use, scientific works,	Keywords have been corrected by adjusting the article title : *declarative system, copyright law, scientific works, legal issue.*	1

No.	Reviewer's Comments	List of Corrections	Page(s)
REVIEW D			
ARTICLE TITLE			

	The title reads "Application of the Science Field Copyright Declarative System: Comparison between Indonesia and Malaysia". However, the paper basically looks into copyright issues in only in books (hardcopies or electronically). This is simply misleading. It is not clear what "the Science Field" actually refers to. Does the author wants to discuss about the relation of copyright and scientific work / the enjoyment of right to science / medical science work?	From copyright which covers the fields of science including written works, art, and literature, the author wants to limit the field of written works to only books. By describing several examples of cases presented.	1,5
ABSTRACT			
	(i)The problem statement talks about the challenge of legal certainty in copyright protection within the declarative system in Indonesia and Malaysia, specifically focusing on "the field of science" (not clear what it means by this). A clear objectives of the paper needs to be provided. (ii)The paper employs a qualitative method and suggests the use of a normative approach for analyzing primary legal materials. (iii)Findings highlight the potential of the declarative system to offer legal protection to artists and copyright owners, emphasizing the role of copyright registration in facilitating proof during disputes. **The abstract does not clearly explain the practical implications of the study nor clearly show what is the original contribution offered by the article.**	From copyright which covers the fields of science including written works, art, and literature, the author wants to limit the field of written works to only books. By describing several examples of cases presented. Explained that the declarative system still provides legal protection for copyright owners, but registration by obtaining a certificate will provide more certainty of legal protection and make it easier to prove if a dispute occurs	1
RESEARCH PROBLEM AND OBJECTIVES			

	The background and research problem seems too general. only a small portion of it focus on the issue at hand. The objectives of the study are to determine (1) how is the legal certainty and protection of copyright in the field of science in the declarative system in Indonesia and Malaysia? (2) **how can the right holder prove in the event of a dispute over copyright infringement in the scientific field?** However, the analysis and findings do not answer the research questions clearly.	It has been adjusted to change the title, problems, and discussions which contain sub-certainty of legal protection and proof in the event of a violation dispute	1,5,7
LITERATURE REVIEW			
	The article lacks a proper literature review, which is a crucial component in research that provides a comprehensive understanding of existing knowledge and establishes a context for the study**. Due to this, the paper fails to identify gaps in current knowledge,** informing research questions, and demonstrating the study's contribution to the existing body of work.	Several related references have been added, which can be seen in several quotations and reference lists	
METHODOLOGY			
	This research utilize qualitative method which seems appropriate for the study objectives.	There are a few additions	3
ANALYSIS AND DISCUSSION OF RESULT			
	The article falls short in addressing its stated objectives, which revolve around (a) exploring the legal certainty and (b) protection of copyright in science within the declarative systems of Indonesia and Malaysia. It lacks a thorough examination of how these	Has been improved by creating sub-sub-chapters which contain certainty of legal protection and evidence in the event of disputes in several cases	5,7,11

	systems operate in ensuring legal certainty and protecting the rights of copyright holders. Additionally, the article does not adequately delve into the methods through which right holders can prove their case in the event of a copyright dispute in the scientific field. A more in-depth analysis and specific examples related to these aspects would enhance the paper's fulfillment of its stated objectives.		
PRESENTATION			
	The article needs proper proofreading. Some statements are not clear, for example: the statement in Introduction reads "It is not uncommon for a copyrighted work to be unknown created because it was born a long time ago by our ancestors, such as the art of wayang, you, and others."	In this sentence, the author just wants to explain that in the absence of an obligation to register copyright, it is likely that there will be difficulties in proving when a dispute arises, especially for long-standing copyrighted works whose creator is unknown.	2
NOVELTY			
	The article, upon evaluation, does not appear to make a significant contribution to the field. **While the study addresses some legal aspects on the declarative system of copyright (it says the field of science, but it literally just refer to books**), it falls short in providing substantial insights, innovative perspectives, or new findings related to copyright issues. The lack of a comprehensive literature review and a more in-depth analysis of the practical implications for stakeholders also contributes to the limited contribution of the article to the existing body of knowledge on the subject.	From copyright which covers the fields of science including written works, art, and literature, the author wants to limit the field of written works to only books. By describing several examples of cases presented Explained that the declarative system still provides legal protection for copyright owners, but registration by obtaining a certificate will provide more certainty of legal protection and make it easier to prove if a dispute occurs	
REFERENCES			

	The reference should follow proper APA format. For instance, articles in Malay language need to have the English translation in square brackets after the title. See https://guides.library.lincoln.ac.uk/c.php?g=683973&p=4882445	Reference writing has followed APA format, and articles in Indonesian-Malay have been translated into English in square brackets after the title.	Ref.
KEYWORDS			
	Appropriate keyword was used	Keywords have been corrected by adjusting the article title: *declarative system, copyright law, scientific works, legal issue.*	1

5. Bukti Pemberitahuan Revisi, Tanggapan dan submid artikel yang diperbaiki dalam Web Tanggal 10-13 Juni 2024

[UUMJLS] A message regarding UUM Journal of Legal Studies

Participants

Managing Editor MJLI (mjli)

RADEN MURJIYANTO Murjiyanto (rmurjiya)

Messages

Note	From
Dear Raden Based on our reading of your revised version, you need to revise the paper for a second time. You need to address on comment given below: Wayang is a traditional form of puppet theatre play originating from the Indonesian island of Java (like our wayang kulit). 1) Explain what is meant by (you) written besides Wayang in the manuscript 2) Full citation is very much needed for all Malaysian cases referred in the manuscript. Thank you Managing Editor.	mjli 10-06-2024 05:00 PM
Thank you for your suggestions and input, actually the core of our discussion is copyright specifically in the field of science, especially books/scientific works. Just as in the field of copyright, there are fields of science, art, and literature. While wayang is one of the fields of art, besides there are creations in other fields of art such as dance, painting, song, music, drama, and others. However, we will try to add the requested explanation. Hope you like it.	rmurjiya 11-06-2024 06:32 PM

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6. Bukti Artikel revisi yang di submid Tanggal 13 Juni 2024

Legal Issues of Scientific Works in the Copyright Declarative System in Indonesia and Malaysia

Murjiyanto R[1], Mohd Zamre Mohd Zahir[2], Zinatul Ashiqin Zainol[2], Erna Sri Wibawanti[1]

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ABSTRACT

This research aims to answer the following questions: First, what is the legal certainty of copyright protection in the field of scientific works in the declarative system in Indonesia and Malaysia? Second, how can rights holders prove if a dispute occurs due to copyright infringement in science? Based on copyright law, the basis for the emergence of rights and legal protection is not based on registration. However, it is based on the birth of a copyrighted work, realized in a tangible form known as a declarative system. For example, creative works in science have been produced into books that may be read and used as reading material. In such a system, issues may arise concerning the certainty of legal protection and proof in the event of a disagreement. This research employs a normative approach, examining key legal documents such as statute rules and case decisions. According to the findings of the study, the declarative system can nevertheless provide clarity and legal protection to copyright proprietors or inventors. At the same time, proof can be done with witness or written evidence, but the proof will be more straightforward if a work is registered by obtaining a copyright registration certificate. With a copyright registration certificate, it provides more certainty of rights and legal protection and is easy to prove.

Keywords: *declarative system, copyright law, scientific works, comparative legal issue*.

INTRODUCTION

There are at least two systems for registering Intellectual Property, namely the declarative system, where registration does not create rights, so rights are not required, and the Constitutive system, where registration creates rights, so registration is a requirement for rights to arise. Copyright is one of the Intellectual Property Rights that pertains to the fields of science, art, and literature; in Indonesia, it follows a declarative system, and the emergence of rights and legal protection is based on the birth of a creation that has been embodied in actual form rather than registration. Registration is not an obligation for the emergence of legal rights and protection but only functions administratively and facilitates proof (Nemlioglu, 2019). The primary goal of copyright legislation is to stimulate the growth and development of knowledge and culture in order to further develop science for the sake of societal development (Qtait et al., 2023). In a broader sense, copyright law as part of the intellectual property law framework is crucial to safeguarding the invention of human intellect from abusive use without legitimate consent (Razak & Razak, 2023).

Copyright arrangements in national legislation in Indonesia began with Law Number 6 of 1982 concerning copyright and have undergone many changes. Since the system's inception until the passing of Law No. 28 of 2014 relating to copyright, a declarative framework has been in place. (Dahen, 2021). However, the law also regulates registration with the term recording of copyrights, which only functions administratively (Regent et al., 2021). Some of the referred IPR fields conform to their particular rights systems; for copyright, the birth of rights and legal protection is automatically based on a declarative system, which begins the minute the work is created in a material form. Legal copyright protection follows an automatic protection system (Law, 2022a). For trademark rights, legal rights and protection are born based on constitutive or first-to-file registration. Whoever registers a mark for the first time has the right to get legal protection. Patents provide legal rights and protection based on an application for registration, with the need that an invention be distinctive, feature an innovative step, and be useful in the industrial sector. Therefore, an invention registered and obtained a patent must be implemented. Suppose it is not implemented within 6 (six) months. In that case, another party can apply for a mandatory license from the government through the Directorate General of IP, Ministry of Law and Human Rights.

Current innovations in the field of books are not solely produced in physical books, but also in electronic formats such as e-books, therefore the model for disputes follows the evolution of electronic media. The most recent case involved a copyright violation on electronic books, sometimes known as e-books. However, it was successfully mediated by the Directorate General of Intellectual Property (DJKI) of the Ministry of Law and Human Rights (Kementerian Hukum & HAM RI).

This mediation began with a report from the Cipta Karya Concern Association (PPKC), which complained to DJKI about the discovery of illegal e-book sales at the e-commerce, namely *Tokopedia* and *Carousell* (Putri, 2021). Furthermore, the DJKI, through the Directorate of Investigation and Dispute Resolution, brought together the PPKC reporting party directly and the reported party who owned the *Carousell* account "Debobi2802". The meeting resulted in amicable terms between the two parties, with the reported party willing to agree on some compensation for selling e-books illegally. The agreement includes being willing to replace material losses for 20 million rupiahs, making an apology video, and writing a statement not to repeat the illegal act (DJKI Kementerian Hukum & HAM RI, 2022).

On the other hand, Copyright protection in Malaysia has started since the British era in Malaya. The law that was in effect at that time was Act 1911. After Malaysia became independent, the Copyright Act that was in effect was the Copyright Act 1969, which was valid until 1987. Since then, the law has been used in Act 332. Act 332 states that Copyright is an exclusive right granted to the copyright owner for a certain period. Protection is automatically obtained without prior registration required (Desmayanti, 2013).

Without an obligation to register copyrights and no evidence of a registration certificate when a dispute occurs, there may be difficulties in proving who the creator is (Pallas Loren, 2019). Furthermore, a work of artwork that is not in tangible form, such as a vintage work of art, is difficult to determine and protect who the author is (Clemons et al., 2022). It is not rare for copyrighted material to be a "orphan work" since it was created long ago by our ancestors, such as the art of Wayang, you, and others. Even though the law later regulates copyrighted works of national culture, including copyrighted works whose creators are unknown (Susanti et al., 2019).

Based on this background, this research is based on the following problems: First, what is the legal certainty of copyright protection in the internal science declarative systems field in Indonesia and Malaysia? Second, how can rights holders prove if a dispute occurs due to copyright infringement in science? Copyright is an exclusive license to regulate creative works made by the creator, copyright owner, and performers for a specified duration defined by the Copyright Act 1987 (MyIPO, 2024). MyIPO provides copyright notice via the Copyright Voluntary Notification System (MyIPO, 2024). From the resulting analysis, It is expected that it can make recommendations to intellectual property offices in

Indonesia and Malaysia on the application of the Copyright registration system, especially in the field of science, so that it can provide more legal protection for Copyright holders, especially for creators.

In principle, the regulation of the copyright registration system enforced in both Indonesia and Malaysia adheres to the declarative principle that registration does not give rise to rights, so Copyright registration does not become a necessity for rights to arise. Indonesia and Malaysia made the Copyright Law amended and adjusted the rules regarding copyright contained in international conventions where the two countries are members or at least ratify, namely the Berne Convention and also the World Intellectual Property Organization (WIPO). and TRIP's WTO Agreement (Sutikno & Jannah, 2019).

Malaysia accepted the WTO Agreement on April 15, 1994, while Indonesia ratified the WTO by Law No. 7 of 1994 About the Ratification of the World Trade Organization Agreement. It is the reason why copyright regulations in the two countries are identical. Article 2 Letter C of the Copyright Law states that Indonesia also safeguards creations by foreign citizens so long as their country and Indonesia are associates or members in the same multinational agreement for protection of copyright and associated rights. Indonesia and Malaysia, as signatories to the Berne Convention for the Protection of Literary and Artistic Works, participants to the same multilateral agreement on the protection of copyright and associated rights (Berne Convention). Article 5 of the Berne Convention explains that each member state is obligated to give protection to all citizens of all Berne Convention members and to accord them the same treatment as its people (the principle of national treatment) (Law, 2022b).

During the GATT negotiations, several agreements occurred, one of which became an attachment, namely the Agreement on Trade-Related Aspects of Intellectual Property Rights, abbreviated as TRIPs, which are international standards in the protection of IPRs that must be agreed upon and implemented with IPR for participating countries or at least ratifying it, including Indonesia and Malaysia. Intellectual Property Rights within the TRIPs framework consist of Copyrights and related rights such as Trademarks, Geographical Indications, Industrial Designs, Patents, Topographical Rights of Semiconductor Integrated Circuits, Protection of Undisclosed Information, and Oversight of Practices that Limit Concurrency in License Contracts.

METHODOLOGY

The study used the qualitative research method. Qualitative research is a method of acquiring information for research that employs data that is both primary and secondary (Darmalaksana, 2020). The study used the normative research technique, which includes research on legal principles, legal systems, legal synchronization, and legal comparison (Benuf & Azhar, 2020). Normative legal research is a strategy and approach for scientific investigation into the law and its normative basis (Arliman, 2018). It is doctrinal research that employs both a statute and a conceptual approach. A statute approach is a strategy that analyzes important legal regulations. The primary source of legal information is Law No. 28 of 2014 Concerning Copyright and the Copyright Act 1987 (Act 332). The data were thoroughly evaluated using all available resources. The conceptual method enabled comprehension by employing doctrines as legal experts' judgments. The study's conceptual approach helped to elaborate further on legal doctrines regarding the topic and the legal issue. Furthermore, the approach of content and critical analysis was used to analyze the data obtained for this work (Rajamanickam et al,. 2015; Shariff et al., 2019; Rajamanickam at al., 2019). Data was collected mainly from primary sources such as statutes and documents from Indonesia and Malaysia. The collection of data was so significant for the research and this reviewing process (Rahman et al., 2023; Rahman et al., 2022; Zahir et al,. 2022). When conducting research and developing this work, secondary sources and qualitative approaches were highlighted, with an emphasis on both primary and secondary sources. At the end of the study, the authors discuss the results and make suggestions.

RESULTS

Copyright Protection System in Indonesia

Legal Certainty of Copyright Protection in the Field of Knowledge in the Declarative System

Intellectual property rights, also referred to as or IPR, are a right resulting from human intellectual efforts (Rais et al., 2022). Indonesia considers intellectual property protection as a manifestation of the fifth precept of Pancasila, the country's ideology, to provide social justice for all Indonesians (Weley, 2023). Intellectual property rights are protected by law for two reasons. First, moral rights that represent the creator's personality are inherent in intellectual works. Second, due to commercial rights in the intellectual work or economic considerations (Azmi, 2021). Formerly administered by the Dutch East Indies government, IPR in Indonesia has been codified into National Law since the introduction of Law No. 6 of 1982 regulating Copyright. Then, in 1987, Law No. 7 was passed to amend Law No. 12 of 1982 on Copyright, and in 1997, Law No. 12 was passed to amend Law No. 6 of 1982 on Copyright, as Amended by Law No. 7 of 1987, which was later replaced by the issuance of Law -Law Number 19 of 2002 Concerning Copyright, and was replaced by Law Number 28 of 2014 Concerning Copyright which is in effect until now. The main motive of the amendment is to respond to the massive development of creative industries, communication, and information technology, which ultimately builds a sustainable ecosystem for the industry (Barizah, 2016). Indonesia considers its copyright law as the conceptualization of "the right to the economy" as well as "the right to morals" (Nugroho & Utama, 2020a).

As of right now, Intellectual Property Rights, also known as IPR for short, utilizes the word Intellectual Property, also known as KI, to refer to the institution that has the power to become the Ministry of Law and Human Rights' Directorate of Intellectual Property. The acronym for intellectual property rights, or IPR, is another phrase that is frequently used. The products of human mind or intellectual processes that result in works of functionality for humans are the source of intellectual property rights. When it comes to intangible or intangible items, intellectual property rights are similar to other property rights. As a right, it is only natural that you have to get legal protection.

The Paris Convention for the Protection of Industrial Property and the 1883 Paris Convention, which have undergone numerous modifications or revisions, including the 1925 Paris Convention in The Hague, in London in 1934, in Lisbon in 1958, and in Stockholm in 1967 by creating the World Intellectual Property Organization (WIPO), also have an impact on Indonesian regulations pertaining to intellectual property (Singhai, 2019), and Indonesia ratified or ratified it by Presidential Decree No. 24 of 1979. Through Presidential Decree No. 18 of 1997, Indonesia ratified the Bern Convention on the Protection of Artistic and Literary Works, also known as the World Intellectual Property Organization Copyright Treaty (WIPO Copyright Agreement), and through Presidential Decree No. 19 of 1997, it ratified the World Intellectual Property Organization Performances and Phonograms Treaty (Agreement on Performing Works and Phonogram Works WIPO), also known as WPPT. Finally, through Decree President Number 74 of 2004, Indonesia ratified the World Intellectual Property Organization Performances and Phonograms Treaty (WIPO Performances and Phonograms Treaty), also known as WPPT.

Aside from that, the negotiations for the General Agreement on Tariff and Trade (GATT) or General Agreement on Tariffs and Trade, which took place in multiple sessions beginning in 1947 and 1994 in Marrakesh, Morocco, produced the Agreement Establishing the World Trade Organization (WTO), which includes the approval documents found in every attachment. Under Law Number 7 of 1994 about the Ratification of the Agreement to Establish the World Trade Organization, Indonesia likewise ratifies the agreements in the WTO in this instance.
By granting approval or ratification, Indonesia becomes legally bound by the intellectual property rights provisions found in both the WIPO and the Agreement Establishing the World Trade Organization (WTO), which contains a number of approval documents. Among these is the Agreement on Trade-Related Aspects of Intellectual Property Rights, or TRIPs for short. TRIPs are international guidelines for intellectual property rights that all parties to the convention, including Indonesia, must abide by, even though intellectual property rights have long been implemented and protected there.

In order to guarantee legal protection for intellectual property worldwide, particularly for intellectual property brought forward by investors in the context of investing in Indonesia, the Government of Indonesia is interested in ratifying a number of international agreements pertaining to intellectual property rights. Its goal is to both draw foreign investment to Indonesia and offer legal protection for intellectual property, including patents and trademarks. Naturally, investors will be able to make investments in Indonesia if they have legal protection. Businesses that would typically avoid making investments in a certain nation because of the laxity of the local intellectual property laws (Albino-Pimentel, Dussauge, & El Nayal, 2022).

Copyright, trademarks, and patents are just a few of the many intellectual property rights that the general public is familiar with. In general, it is occasionally incorrect in society to refer to copyrights as patents and brands as copyrights, or vice versa. The distinction between the three lies in the fact that a brand is a sign or identity that can be used to distinguish goods and services produced by an individual or legal entity in the activity of trading goods and services. Examples of these elements include images, logos, names, words, letters, numbers, or color arrangements; they can also take the form of two or three dimensions; sounds; or a combination of two or more of these elements. The right to work in science, art, and literature is known as copyright. A patent, however, also represents a legal claim to a technological invention.

According to Law Number 28 of 2014, which deals with copyright, some kinds of works are protected. Article 40, paragraph one, lists work that are eligible for protection. They include books, pamphlets, printed copies of works, and other written works, artistic works of any kind (paintings, drawings, carvings, calligraphy, sculpture, and collages), Music, Cinematographic works, Computer software and video games.

In the scientific field, a printed book or an electronic book (e-book) may be protected by copyright (Tiawati & Pura, 2021). It may be downloaded and read on electronic devices in the form of files (pdf, doc, and txt) (Kusmawan, 2014). With current technological developments, what is meant by the embodiment of creation in a tangible form is interpreted broadly in printed form on sheets of paper and in electronic media such as e-books, which can be printed and read. Like literary works of novels, even though they are not printed on paper but in electronic books in e-book format, they are protected by law because they are tangible (e-book) (Simangunsong et al., 2020).

Along with the advancement of time and technology, internet access has become one of the primary human needs. However, if you look closely, the internet is where someone can easily commit copyright infringement. Through the internet, someone can easily copy and adapt other people's work without including the original link from the owner (Losung et al., 2021a). An e-book is an electronic version of a book that requires an electronic medium (computer/laptop, smartphone, tablet, and others) to be read. E-books automatically possess the characteristics of digital things since they are electronic objects, or more accurately, digital objects (Labetubun, 2019).

Since it was regulated in 1982 with changes and was replaced by Law Number 28 of 2014 concerning Copyright, the registration system adopted is a declarative system. Registration is not an obligation to raise rights and legal protection (Atsar, 2017). It is reaffirmed in the first paragraph of Article 1: When a work of art is manifested in a physical form, copyright is the creator's exclusive right that arises instantly based on the declaratory principle and is unaffected by legislative restrictions (Nurdahniar, 2016). In addition to scientific, artistic, and literary works, point three states that all works created by humans are protected by copyright. Products include scientific, artistic, and literary works that intellectual property laws have protected as the product of someone's original ideas, abilities, insights, and efforts (Abduh, 2021).

The meaning of "exclusive rights" is reserved solely for the creator, called exclusive rights, since these rights are exclusively meant for the author, preventing third parties from utilizing them without the creator's consent (Simatupang, 2021). As a result, just one party can profit from these rights with the author's consent. The exclusive rights as economic rights are only partially possessed by copyright holders who are not creators (Kholiq et al., 2022). Copyright holders in the field of science, book publishers as copyright holders who obtain rights from creators to publish and reproduce works, only have the right to exercise copyrights in the form of announcing and multiplying works by bringing benefits in the form of income with economic value, for example from book sales (Rahaditya et al., 2022).

Proof of Copyright when a Dispute Occurs Due to a Violation of Copyright in the Field of Knowledge

Based on the declarative principle, copyright for work, including works in science, such as books, emerges automatically. This means that there is no need to register; copyright is formed immediately when creativity is realized in actual form (Fuadi & Diniyanto, 2022). A copyright record is not mandatory and will not give birth to a right (Nofianti & Bustani, 2022). In the case of scientific creations such as books, copyright is born when the book has been compiled in such a way as a book with the name of the author listed, and it is printed, reproduced, announced, distributed, and traded so that a book can be used and read (Nugroho & Utama, 2020). Thus, the copyright has been born, and the creator gets legal protection.

Therefore, copyright registration simply acts as a means of facilitating evidence that the registrant is the author of the registered copyright work; it is not the foundation for the creation of a copyright. In the case of a violation that results in a dispute, the author who does not register his creation to demonstrate that he is the author and has the right to a scientific work, such as a book, may utilize the work's form—a book with the author's name on it—as evidence of his ownership, along with a sales receipt, witness statements, and other supporting documentation. Meanwhile, creators who register their creations by obtaining a Creation Certificate can use it as solid evidence (Qtait et al., 2023), making it easier to prove and provide legal certainty. Apart from that, creators who register their creations by obtaining a Creation Certificate can function as strong evidence and make it easier to transfer rights or licenses (Jannah, 2018).

The form of legal protection given to creators or copyright holders/recipients includes prohibitions for anyone publishing or reproducing protected works (Losung et al., 2021a). Legal protection is the ability of the author to forbid third parties from utilizing his creations without the creator's permission or approval, with the exception of specific legally allowed usage restrictions (Finck & Moscon, 2019). Should there be a breach, the owner of the copyright, particularly the author, may pursue civil and criminal legal action (Baranyanan, 2021).

Even though the Copyright Law follows a declarative approach, since the creative was born in a physical form, copyright rights and legal protection instantly arise rather than requiring registration. However, the law also regulates the registration or recording of copyrights, meaning a creation can also be registered and a Copyright Registration Certificate issued. However, it does not determine the emergence of copyright because copyright rights and legal protection have existed since the creation of the copyrighted work. If an invention, such as a book in science, is registered or recorded by presenting proof in the form of a Certificate of Copyright Registration, the birth of a copyright is not determined. Copyright protection is automatic when the idea is embodied in concrete /concrete, and then the creation has been protected (Ardianto, 2022).

A creator is an individual or collective who, either separately or together, creates a one-of-a-kind, uniquely personal work of art. In contrast, the owners of copyrights are the artists themselves, the persons from whom the creators lawfully get these rights, or other parties who obtain additional rights from the parties from whom the creators lawfully obtain these rights.
The only exclusive rights that copyright holders who are not artists have been economic rights. Copyright includes both moral and economic rights. Moral rights are those that are permanently tied to the Creator himself to:

a. still include or do not include his name;
b. use aliases or pseudonyms;
c. change the Creation;
d. change the title and subtitle of the Work, and
e. defend their rights in the event of something detrimental to their self-respect or reputation.

In contrast, economic rights refer to the creator's or copyright holder's only ability to profit monetarily from a work protected by a copyright.

Not everyone is able to capitalize on copyright rights and protection for creators; rather, anybody wishing to exercise or utilize economic rights over a work's copyright must first acquire permission from the author or copyright holder. Therefore, it is forbidden for anybody to reproduce or use works for commercial purposes without the permission of the author or the owner of the copyright. Similarly, it is against the law for trade venue administrators to permit the sale and replication of products that violate copyright and associated rights at their establishments. Every work has a certain length of copyright protection, which is granted for the duration of the author's life and for seventy (seventy) years following their passing.

In the event that copyright infringement is carried out for economic gain, there are two types of legal remedies available: civil and criminal. For instance, in a scientific book, if all or a portion of the work created by another party is taken without authorization by copying and selling the work as a result of copyright infringement, a civil action may be filed by submitting a lawsuit to the District Court's Commercial Court, or a criminal complaint may be made (Losung et al., 2021b). However, if the violation

is not committed for a commercial purpose, legal action cannot be taken civilly or criminally. For example, it is used to make works as a requirement for the final study assignment in the form of a thesis, thesis, or dissertation. In such a violation, legal remedies cannot be taken using the copyright law. Still, other regulations can be used, such as regulatory provisions in the field of education, for example, regarding academic ethics regulations whose sanctions can be in the form of administrative sanctions such as postponement of graduation, up to cancellation or revocation of the degree. It has also happened in several cases in the higher education environment.

Some copyright infringements in the field of science in the form of books are several violations that may occur in the form of taking part of the contents of a book created by another party without mentioning the source altogether and compiling a book or other written work, taking part of the contents of a book created by another party with mentioning. Still, the part taken is too far beyond reasonable limits, plagiarizing by taking the entire creation of another party as if it were his creation or plagiarism, duplicating the creation of the book. Forms of copyright infringement can be piracy and duplication. A book is considered to be pirated if it is attempted to be duplicated by printing, photocopying, or any other method without the publisher's and author's express written consent (Ardianto, 2022).

One example of a copyright infringement case was resolved through mediation by the Directorate General of Intellectual Property (DJKI) of the Ministry of Law and Human Rights. Mediate the two parties disputing each other regarding an infringement of copyright on electronic books or e-books on Tuesday, 20 September 2022, at the DJKI Office. This mediation began with a report from the Cipta Karya Concern Association (PPKC), which complained to DJKI about the discovery of illegal e-book sales at the Tokopedia and Carousell marketplaces. Furthermore, the DJKI, through the Directorate of Investigation and Dispute Resolution, brought together the PPKC reporting party directly and the reported party who owned the Carousell account "Debobi2802". The meeting resulted in amicable terms between the two parties, with the notified party willing to agree on some compensation for selling e-books illegally. The agreement includes being willing to replace material losses for 20 million rupiahs, writing an apology video, and making a written statement not to repeat the illegal act (DJKI Kementerian Hukum & HAM RI, 2022). The ineffectiveness of IPR law enforcement in Indonesia could be concluded from four indicators:

1. massive distribution of pirated products in the market
2. raising the number of piracies as reported by the authority's agency
3. USTR and IIPA report that includes Indonesia as the "priority watch list."
4. Society's lack of IPR awareness as concluded by the local IPR Directorate General (Triyanto, 2017).

The absence of copyright registration does not preclude legal rights and protection. As long as the work protected by copyright was created in a tangible form, copyright is inherent and is protected by law. Copyrights in the field of science is in the form of books, which have been born and have received legal protection since the book was published in such a way, both physically or in print or electronically (e-book) (Manuaba & Sukihana, 2020), so others can read the book. In case of a disagreement, the outcome of the copyrighted work itself, in the form of a book bearing the author's name and endorsed by witnesses, can be used as proof of copyright for scientific creations like books. If the work is registered, a Certificate of Copyright Registration may also be used as proof.

Table 1: List of cases on copyright dispute in Indonesia

Case position	Parties	Completion/decision

Sales of unauthorized or fake copies of books The modus operandi: The sellers sell counterfeit books, with indications that the paper material is different from the original book, and they are sold much cheaper than the original book in comparison to the original book of around Rp. 100,000, - while books that are not original range from Rp. 20.000,- to Rp. 25.000,-	Kampoeng Ilmu Surabaya book seller.	There are no resolution actions yet
Use of other parties' creations without the author's permission The model was around 2017, the Aceh regional government issued a book entitled "Flashback on the Development of Aceh After the Helsinki MoU Flashback on The Development of Aceh After Helinski MoU" which turned out to be the creation of a journalist at the Aceh Government Economic Bureau who at that time was still on duty at there, Name: Junaidi Hanafiah (Kompasiana, 2020).	Aceh Regional Government and Junaidi Hanafiah	Handling of cases by legal advisors
Distributing fake books His mode of action was that the perpetrator, Romy Heriyanto, who owned a printing business, duplicated books illegally by buying the original book or the original dictionary, then photocopying it by scanning it, and then using low-quality paper. It will cut the price of paper and books with the same contents, but they can be sold at a lower price. If some books have e-books, Romy also provides pirated CDs((alg/try)detikNews, 2014).	Romy Heriyanto	Sentenced to imprisonment and a fine of Rp. 500 million rupiahs
Plagiarism, the mode of work that was defended at Cambridge in 1982, was allegedly similar compared to capitalism and The Bureaucratic State in Indonesia (Chandra, 2014)	Yahya Muhaimin	Both come from the same source, which is considered not copyright infringement.
The modus operandi was plagiarism for making a book entitled "Sources and Availability of Feed Raw Materials in Indonesia." It was carried out by a person named Heri Ahmad Sukria who took data from articles made by a professor who was a lecturer at IPB (Chandra, 2014).	Heri Ahmad Sukria	Reports and Summons
Anggito Abimanyu's article entitled Disaster Insurance Ideas in the Kompas Daily Opinion column on February 10, 2014. This article is similar to Hotbonar Sinaga's article in the	Anggito Abimanyu Hotbonar Sinaga	Academic Sanctions (resignation from academic staff on campus)

same media on July 21, 2006 (Dyantoro, 2017).		

Source: (Lauren, 2019)

From Table 1 above, it is evident that there are various ways in which books can be violated by copyright. For example, in the first instance, a book can be copied without the author's permission or consent, using less expensive paper and a simpler method that nevertheless results in an identical copy of the book in terms of both form and content (Siregar et al., 2022). This is harmful to the inventor since it allows the violators to sell it at a far lesser price while still making money. More copies of a counterfeit book can be sold for less money than a genuine book priced higher. Publishers who replicate or print books in greater quantities than the authors have agreed upon are also capable of engaging in this form of reproduction without authorization or approval from the creators. Of course, the creator may also suffer negative effects from it.

Besides that, in the second case, violations can occur when a copyrighted work is still in the form of a draft or material but has yet to be printed. It can happen when the draft of the book is submitted to another party, which unconsciously can result in the work that is still in the draft form being published and printed duplicated by another party, either by a colleague or another party, even by the printer himself who it had been a long time since the draft had been submitted to the publisher. Still, it had yet to be published and printed, so later, without the creator's consent, it was printed and duplicated.

The third case is almost the same as the first case, in the form of duplication by someone with a printing business who deliberately copies the original book to be reproduced with material of lower quality than the original and with a more straightforward process. Then, the book that is copied is sold to the public. In this case, the perpetrator deliberately sought the original books and then reproduced them by reprinting them using lower-quality materials in a simpler way to reduce costs. These copies were sold at a lower price than the originals. Such actions can, of course, generate large profits but at the expense of the creator.

While in this fourth case, perhaps it happened a lot, especially among academics, both students making papers for their final assignments as a requirement for terminating their studies, as well as lecturers. In writing a work, sometimes you have to use reference sources from other people's work just to strengthen your argument or compare. According to the Copyright Law, this is not considered a violation as long as it states the source completely and clearly. As long as this is done by the provisions of the law, it is not considered a violation, besides that in the Copyright Act generally, actions are considered violations and legal remedies can be taken, if this is done for commercial purposes, however, if it is not for commercial purposes, legal remedies cannot be carried out. For example, the results of his work are only to fulfill the requirements of the final study assignment for the person concerned, not being reproduced and traded. Unless the result of his work which contains an element of violation is then reproduced and traded, then this constitutes a violation and legal action can be taken both civilly and criminally. IP's complexity should be considered to enforce the copyright law itself, additional regulation on technical mechanism might be necessary to further advance the law enforcement and effectiveness (Nurhayati et al., 2019).

Copyright Protection System in Malaysia

The Copyright Act 1987 governs copyright in Malaysia (Ghani et al., 2017). The Malaysian Copyright Act's section 7(1) states that a wide range of works, including broadcasts, sound recordings, films, books, and artwork, are protected by copyright. However, section 8 of the same Act protects derivative works, which include translations, adaptations, arrangements, and other modifications to works. It ensures that only the owner of the copyright can use it for a certain amount of time (Peng, 2020).

Ownership is granted to the inventor or creator, according to a fundamental concept of intellectual property rights (Ramli et al., 2016). If the legal conditions of originality and fixation are met, copyright protection emerges immediately at the time of creation. It is consistent with the Berna Convention's automatic protection principle, which stipulates that protection cannot be contingent on procedural compliance. Unfortunately, proving ownership of copyright is not simple. Parties in a dispute are required to produce the relevant evidence of copyright, and direct evidence by the copyright is always preferred but not practical, where there have been changes to copyright ownership, as in the case of *Ester Metering Ltd. & Anor v. Premier Amalgamated Sdn. Bhd.,* the Court requires that the Court establish the chain of changes beginning from the work's author, and any break in the claim would be fatal to the plaintiff's case.

In Malaysia, several notable copyright cases have set important legal precedents. In YKL Engineering Sdn. Bhd v. Sungei Kahang Palm Oil Sdn. Bhd & Anor [2022], the court acknowledged copyright in design drawings but found no infringement. The Faiza Sdn. Bhd. & Anor v. Faiz Rice Sdn. Bhd & Anor [2019] case dealt with similar packaging designs, leading the court to presume copying due to striking similarities. In Mohd. Syamsul bin Md. Yusof & Ors v. Elias bin Idris [2019], the Court of Appeal ruled that the movie 'Bohsia: Jangan Pilih Jalan Hitam' infringed the novel 'Aku Bohsia'. Lastly, Siti Khadijah Apparel Sdn. Bhd. v. Ariani Textiles & Manufacturing (M) Sdn. Bhd. [2019] concluded that a Muslim prayer outfit was a graphic work of artistic craftsmanship, granting it copyright protection. These cases collectively highlight the judiciary's approach to balancing protection and evidence in intellectual property disputes, particularly concerning copyright law.

Table 2 below is a comprehensive summary table of the aforementioned four cases.

Table 2 : List of cases on copyright dispute in Malaysia

Issues	Parties	Decision
Similarity of fruit bunch splitter drawings.	*YKL Engineering Sdn. Bhd v. Sungei Kahang Palm Oil Sdn. Bhd & Anor* [2022]	Copyright existed in the design drawing, but no copyright infringement had been established.
Similarity of 'Beras Mughal Faiz Basmathi' packaging and 'Beras Moghul Faiza Basmathi' packaging	*Sykt. Faiza Sdn. Bhd. & Anor v Faiz Rice Sdn. Bhd & Anor* [2019]	Close striking objective similarity raises a rebuttable presumption of copying.
Similarity and differences of a novel 'Aku Bohsia' and a movie 'Bohsia: Jangan Pilih Jalan Hitam'	*Mohd. Syamsul bin Md. Yusof & Ors v Elias bin Idris* [2019]	The Court of Appeal held that the movie had infringed the novel's copyright.
Whether a Muslim prayer outfit for ladies constitutes a graphic work of artistic craftsmanship	*Siti Khadijah Apparel Sdn. Bhd. V Ariani Textiles & Manufacturing (M) Sdn. Bhd.* [2019]	Muslim prayer outfit was accepted as a graphic work.

Source: Author's own interpretation

Every case is unique, and the facts and circumstances determine whether copyright infringement and ownership difficulties are present. To demonstrate that there is a sufficient level of objective resemblance between the two works and that there is a causal relationship between the copyright works and the allegedly infringing copy, direct proof in the form of oral testimony or documentary evidence must be shown in court. More legal clarity is yet required.

In the first case of *YKL Engineering Sdn. Bhd v. Sungei Kahang Palm Oil Sdn. Bhd & Anor,* the Federal Court had to consider issues of law relating to originality, subsistence of copyright, and test of copyright infringement. It was held that copyright subsisted in the design drawing, but no copyright infringement had been established. The evidentiality value of statutory declaration was also discussed. The respondent chose not to contest the appellant's statutory statement, which said that he had expended enough time, work, and talent to make his drawing unique. Thus, the statutory declaration satisfied the basic test of originality under s 7(3)(a) of the Copyright Act 1987. However, claims of copyright infringement were not established as the appellant failed to prove the elements of sufficient objective similarity and causal connection between the two works.

In the second case of *Sykt. Faiza Sdn. Bhd. & Anor v Faiz Rice Sdn. Bhd & Anor,* rice is a product of both parties' production, distribution, and retail businesses under different labels. The Court held a close striking objective similarity between 'Beras Mughal Faiz Basmathi' and 'Beras Moghul Faiza Basmahti.' There was a reputable presumption that the Faiz logo had been copied from the Faiza logo since the defendant had access to the Faiza logo. Since not enough work was done to make the Faiz logo unique, no copyright ownership could be established.

In the third case of *Mohd. Syamsul bin Md. Yusof & Ors v Elias bin Idris,* direct evidence in the form of oral testimony or documentary evidence was adduced in court to prove copyright infringement. The main issue was whether the movie and book's similarities were the product of copying. At the High Court, the learned judge found that the essential features such as theme, plot, character, and other related elements involving the 'bohsia' phenomenon and 'mat rempit' were common social issues that had existed even before the novel's publication. It, in turn, led to the finding that substantial similarity and causal connection were not established. On appeal to the Court of Appeal, the decision was reversed. There were many significant similarities between the two pieces, more than just accidental or conceptual parallels. Not only were there similarities in terms of the overall subject, storyline, names of the characters, and locations. Even specific events and relationships in the characters' lives could not have been 'commonplace, unoriginal or consist of general ideas.' The Court of Appeal determined that the copyright of the novel had been violated by the movie.

On further appeal to the Federal Court, the High Court's decision was confirmed and made permanent. The High Court had correctly held that the similarities between the two works cannot be said to be substantial similarities. The approach taken by the High Court in examining and evaluating all the evidence in the form of oral testimonies of witnesses from both sides, documents, and exhibits was in line with the established principles of dealing with copyright infringement.

In the fourth case of *Siti Khadijah Apparel Sdn. Bhd. v Ariani Textiles & Manufacturing (M) Sdn. Bhd,* under section 42 of the Copyright Act, the Court acknowledged that a statutory statement was prima facie proof of copyright. In this case, the defendant refuted the Plaintiff's statutory statement of copyright ownership, which the Plaintiff had established. According to Section 42 of the Malaysian Copyright Act, affidavits, statutory declarations, or copies of the Register of Copyright may be used to demonstrate copyright ownership. The person named in the affidavit or statutory statement is the copyright owner, and the copy of the work attached to the affidavit or statutory declaration is an authentic copy of the work. The owner of the copyright in any works eligible for copyright is required to state that copyright exists in work at the period indicated in the affidavit or statutory declaration.

Legal certainty of copyright ownership is apparent with the introduction of voluntary notification of copyright. In 2012, the Copyright Act was amended to allow proof of copyright ownership through an extract from the Register of Copyright, essentially complementing the existing mechanism under section 42 of the Copyright Act (Tye et al., 2018). The notification of copyright is voluntary and does not affect the fact that copyright protection is automatic (Abdullah et al., 2021). According to Section 26A (1), the creator of the work, the owner of the copyright in the work, the assignee of the copyright, or anyone to whom a license has been given to have an interest in the copyright may voluntarily notify the Controller of their copyright. To comply with Section 26A(3), the copyright notification must include the following information: a statutory statement stating that the applicant is the work's author, owner, assignee, or licensee; the name, address, and nationality of the copyright holder; the work's category; the title of the work; the author's name and, if known, and if the author is dead, the year of the author's death; in the case of a published work, the date and place of the first publication; and any other relevant information.

CONCLUSION

The following conclusions can be made based on the analysis and discussion's findings. First, in principle, the regulation of the Copyright registration system enforced in Indonesia and Malaysia adheres to the declarative principle. With the exception of specific legally allowed restrictions, the declarative approach can give copyright holders clarity and legal protection by allowing artists to forbid other parties from utilizing their works without their permission. The owner of the copyright may file a civil lawsuit or a criminal lawsuit in the case of infringement. Second, proof can be carried out with witness or written evidence in a dispute. It might take the shape of an original work of literature with the author's name on it, provided that it is registered, a Certificate of Copyright Registration can be used as evidence. The existence of a copyright registration certificate provides more certainty of rights and legal protection and is easy to prove.

In principle, the Indonesian and Malaysian Copyright Law regulations have something in common because Indonesia and Malaysia make copyright law regulations influenced by an agreement in the rules regarding copyright contained in international conventions, including the Berne Convention and also The World Intellectual Property Organization (WIPO) and the TRIP's Agreement which is one of the attached documents in the formation of the World Trade Organization or WTO Agreement formed in the GATT (General Agreement on Tariffs and Trade) negotiations. In the application of the copyright system in several cases in the field of copyright, whoever created and used the copyrighted work first is considered entitled to be the copyright holder. This is because the determination of copyright rights and legal protection is based on the realization of a produced creation, not on registration.

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7. Bukti Revisi review dalam Web Tanggal 8 & 26 Agustus 2024

traditional form of puppet theatre play originating from the Indonesian island of Java (like our wayang kulit).

b) give the citation for Malaysian case.

c) I dont think that the word 'you' is needed after the word wayang.

Could you please do the following:

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As we have explained previously,

To avoid the misunderstanding, I am not mentioning wayang in the manuscript and explaining the substance of protectable works under article 40 in general sense, including the book which is the substance of my manuscript.

Thank you

Murjiyanto

rmurjiya
26-08-2024
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Thank you
Murjiyanto

8. Bukti Revisi review, tanggapan author di Web Tanggal 18 & 25 Oktober 2024

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Dear Editor, The following is a revised manuscript submitted according to the reviewer's instructions, including references to citations of cases in Malaysia as in the manuscript. Hopefully, it will be as expected. Thanks. In Malaysia, several notable copyright cases have set important legal precedents. In YKL Engineering Sdn. Bhd v. Sungei Kahang Palm Oil Sdn. Bhd & Anor [2022], the court acknowledged copyright in design drawings but found no infringement(Saim, 2022). The Faiza Sdn. Bhd.	rmurjiya 25-10-2024 10:26 AM

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RADEN MURJIYANTO Murjiyanto (rmurjiya)

Messages

Note	From
Dear author Thank you for your revised version. However, you need to address on comment given below: The author has not given the full citation of all Malaysian cases referred in the manuscript. Unless and until the author addressed this comment, then the manuscript will be accepted for publication. Thank you Managing Editor. The following message is being delivered on behalf of UUM Journal of Legal Studies. _____	uumjls 18-10-2024 10:48 AM
Dear Editor, The following is a revised manuscript submitted according to the reviewer's instructions, including references to citations of cases in Malaysia as in the manuscript. Hopefully, it will be as expected. Thanks. In Malaysia, several notable copyright cases have set important legal precedents. In YKL Engineering Sdn. Bhd v. Sungei Kahang Palm Oil Sdn. Bhd & Anor [2022], the court acknowledged copyright in design drawings but found no infringement(Saim, 2022). The Faiza Sdn. Bhd.	rmurjiya 25-10-2024 10:26 AM

Murjiyanto Murjyanto <rmurjiyanto@janabadra.ac.id>

[UUMJLS] A message regarding UUM Journal of Legal Studies

Managing Editor UUMJLS <uumjls@uum.edu.my> 18 Oktober 2024 pukul 09.48
Balas Ke: Managing Editor UUMJLS <uumjls@uum.edu.my>
Kepada: RADEN MURJIYANTO Murjiyanto <rmurjiyanto@janabadra.ac.id>

Dear author

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The author has not given the full citation of all Malaysian cases referred in the manuscript. Unless and until the author addressed this comment, then the manuscript will be accepted for publication.

Thank you

Managing Editor.

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9. Bukti masukan revisi dari reviewer dan bukti revisi artikel yang di submid di Web Tanggal 26 dan 30 November 2024

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[UUMJLS] New notification from UUM Journal of Legal Studies ([UUM dari Jurnal Studi Hukum UUM)

Eksternal Kotak Masuk ×

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Anda memiliki pemberitahuan baru dari Jurnal Studi Hukum UUM:

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Nor Arpizah Atan

Pesan berikut disampaikan atas nama Jurnal Studi Hukum UUM. _____

Murjiyanto Murjyanto <rmurjiyanto@janabadra.ac.id>
kepada Nor

Thank you for your suggestions and input.
We have sent the manuscript that we have revised according to the suggestions and input, hopefully as intended.
We hope that this manuscript can be accepted and published in the UUM JLS Journal because it is our special requirer

Thank you

request revisions ×

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Dear author We have checked your revised version. However, you still need to address the comments below: Kindly drop the Sykt Faiza's case. In the article, the writer mentioned: "In the second case of *Sykt. Faiza Sdn. Bhd. & Anor v Faiz Rice Sdn. Bhd & Anor,* rice is a product of both parties' production, distribution, and retail businesses under different labels. The Court held a close striking objective similarity between 'Beras Mughal Faiz Basmathi' and 'Beras Moghul Faiza Basmahti.' There was a reputable presumption that the Faiz logo had been copied from the Faiza logo since the defendant had access to the Faiza logo. Since not enough work was done to make the Faiz logo unique, no copyright ownership could be established." This statement quite confusing since logo is under trademarks law not copyright. The copyright issue in this case are; "The High Court recognised that copyright may subsist in typographical arrangement of published editions pursuant to Section 9 of the Copyright Act 1987. 1. The High Court recognised that pursuant to Section 26(2)(b) of the Copyright Act 1987, for work authored in the course of the author's employment, copyright shall be deemed to be transferred to the employer in absence to any agreement to the contrary. The agreement to contrary here must be an agreement between the author and the author's employer. 2. The High Court recognised that Section 36(1) of the Copyright Act 1986 provides for 2 limbs for copyright	uumjls 26-11-2024 10:23 PM

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Legal Issues of Scientific Works in the Copyright Declarative System in Indonesia and Malaysia

ABSTRACT

This research aims to answer the following questions: First, what is the legal certainty of copyright protection in the field of scientific works in the declarative system in Indonesia and Malaysia? Second, how can rights holders prove if a dispute occurs due to copyright infringement in science? Based on copyright law, the basis for the emergence of rights and legal protection is not based on registration. However, it is based on the birth of a copyrighted work, realized in a tangible form known as a declarative system. For example, creative works in science have been produced into books that may be read and used as reading material. In such a system, issues may arise concerning the certainty of legal protection and proof in the event of a disagreement. This research employs a normative approach, examining key legal documents such as statute rules and case decisions. According to the findings of the study, the declarative system can nevertheless provide clarity and legal protection to copyright proprietors or inventors. At the same time, proof can be done with witness or written evidence, but the proof will be more straightforward if a work is registered by obtaining a copyright registration certificate. With a copyright registration certificate, it provides more certainty of rights and legal protection and is easy to prove.

Keywords: *declarative system, copyright law, scientific works, comparative legal issue*.

INTRODUCTION

There are at least two systems for registering Intellectual Property, namely the declarative system, where registration does not create rights, so rights are not required, and the Constitutive system, where registration creates rights, so registration is a requirement for rights to arise. Copyright is one of the Intellectual Property Rights that pertains to the fields of science, art, and literature; in Indonesia, it follows a declarative system, and the emergence of rights and legal protection is based on the birth of a creation that has been embodied in actual form rather than registration. Registration is not an obligation for the emergence of legal rights and protection but only functions administratively and facilitates proof (Nemlioglu, 2019). The primary goal of copyright legislation is to stimulate the growth and development of knowledge and culture in order to further develop science for the sake of societal development (Qtait et al., 2023). In a broader sense, copyright law as part of the intellectual property law framework is crucial to safeguarding the invention of human intellect from abusive use without legitimate consent (Razak & Razak, 2023).

Copyright arrangements in national legislation in Indonesia began with Law Number 6 of 1982 concerning copyright and have undergone many changes. Since the system's inception until the passing of Law No. 28 of 2014 relating to copyright, a declarative framework has been in place. (Dahen, 2021).

However, the law also regulates registration with the term recording of copyrights, which only functions administratively (Regent et al., 2021). Some of the referred IPR fields conform to their particular rights systems; for copyright, the birth of rights and legal protection is automatically based on a declarative system, which begins the minute the work is created in a material form. Legal copyright protection follows an automatic protection system (Law, 2022a). For trademark rights, legal rights and protection are born based on constitutive or first-to-file registration. Whoever registers a mark for the first time has the right to get legal protection. Patents provide legal rights and protection based on an application for registration, with the need that an invention be distinctive, feature an innovative step, and be useful in the industrial sector. Therefore, an invention registered and obtained a patent must be implemented. Suppose it is not implemented within 6 (six) months. In that case, another party can apply for a mandatory license from the government through the Directorate General of IP, Ministry of Law and Human Rights.

Current innovations in the field of books are not solely produced in physical books, but also in electronic formats such as e-books, therefore the model for disputes follows the evolution of electronic media. The most recent case involved a copyright violation on electronic books, sometimes known as e-books. However, it was successfully mediated by the Directorate General of Intellectual Property (DJKI) of the Ministry of Law and Human Rights (Kementerian Hukum & HAM RI).

This mediation began with a report from the Cipta Karya Concern Association (PPKC), which complained to DJKI about the discovery of illegal e-book sales at the e-commerce, namely *Tokopedia* and *Carousell* (Putri, 2021). Furthermore, the DJKI, through the Directorate of Investigation and Dispute Resolution, brought together the PPKC reporting party directly and the reported party who owned the *Carousell* account "Debobi2802". The meeting resulted in amicable terms between the two parties, with the reported party willing to agree on some compensation for selling e-books illegally. The agreement includes being willing to replace material losses for 20 million rupiahs, making an apology video, and writing a statement not to repeat the illegal act (DJKI Kementerian Hukum & HAM RI, 2022).

On the other hand, Copyright protection in Malaysia has started since the British era in Malaya. The law that was in effect at that time was Act 1911. After Malaysia became independent, the Copyright Act that was in effect was the Copyright Act 1969, which was valid until 1987. Since then, the law has been used in Act 332. Act 332 states that Copyright is an exclusive right granted to the copyright owner for a certain period. Protection is automatically obtained without prior registration required (Desmayanti, 2013).

Without an obligation to register copyrights and no evidence of a registration certificate when a dispute occurs, there may be difficulties in proving who the creator is (Pallas Loren, 2019). Furthermore, a work of artwork that is not in tangible form, such as a vintage work of art, is difficult to determine and protect who the author is (Clemons et al., 2022). It is not rare for copyrighted material to be a "orphan work" since it was created long ago by our ancestors, such as the art of Wayang, you, and others. Even though the law later regulates copyrighted works of national culture, including copyrighted works whose creators are unknown (Susanti et al., 2019).

Based on this background, this research is based on the following problems: First, what is the legal certainty of copyright protection in the internal science declarative systems field in Indonesia and Malaysia? Second, how can rights holders prove if a dispute occurs due to copyright infringement in science? Copyright is an exclusive license to regulate creative works made by the creator, copyright owner, and performers for a specified duration defined by the Copyright Act 1987 (MyIPO, 2024). MyIPO provides copyright notice via the Copyright Voluntary Notification System (MyIPO, 2024). From the resulting analysis, It is expected that it can make recommendations to intellectual property offices in Indonesia and Malaysia on the application of the Copyright registration system, especially in the field of science, so that it can provide more legal protection for Copyright holders, especially for creators.

In principle, the regulation of the copyright registration system enforced in both Indonesia and Malaysia adheres to the declarative principle that registration does not give rise to rights, so Copyright registration does not become a necessity for rights to arise. Indonesia and Malaysia made the Copyright Law amended and adjusted the rules regarding copyright contained in international conventions where the two countries are members or at least ratify, namely the Berne Convention and also the World Intellectual Property Organization (WIPO). and TRIP's WTO Agreement (Sutikno & Jannah, 2019).

Malaysia accepted the WTO Agreement on April 15, 1994, while Indonesia ratified the WTO by Law No. 7 of 1994 About the Ratification of the World Trade Organization Agreement. It is the reason why copyright regulations in the two countries are identical. Article 2 Letter C of the Copyright Law states that Indonesia also safeguards creations by foreign citizens so long as their country and Indonesia are associates or members in the same multinational agreement for protection of copyright and associated rights. Indonesia and Malaysia, as signatories to the Berne Convention for the Protection of Literary and Artistic Works, participants to the same multilateral agreement on the protection of copyright and associated rights (Berne Convention). Article 5 of the Berne Convention explains that each member state is obligated to give protection to all citizens of all Berne Convention members and to accord them the same treatment as its people (the principle of national treatment) (Law, 2022b).

During the GATT negotiations, several agreements occurred, one of which became an attachment, namely the Agreement on Trade-Related Aspects of Intellectual Property Rights, abbreviated as TRIPs, which are international standards in the protection of IPRs that must be agreed upon and implemented with IPR for participating countries or at least ratifying it, including Indonesia and Malaysia. Intellectual Property Rights within the TRIPs framework consist of Copyrights and related rights such as Trademarks, Geographical Indications, Industrial Designs, Patents, Topographical Rights of Semiconductor Integrated Circuits, Protection of Undisclosed Information, and Oversight of Practices that Limit Concurrency in License Contracts.

METHODOLOGY

The study used the qualitative research method. Qualitative research is a method of acquiring information for research that employs data that is both primary and secondary (Darmalaksana, 2020). The study used the normative research technique, which includes research on legal principles, legal systems, legal synchronization, and legal comparison (Benuf & Azhar, 2020). Normative legal research is a strategy and approach for scientific investigation into the law and its normative basis (Arliman, 2018). It is doctrinal research that employs both a statute and a conceptual approach. A statute approach is a strategy that analyzes important legal regulations. The primary source of legal information is Law No. 28 of 2014 Concerning Copyright and the Copyright Act 1987 (Act 332). The data were thoroughly evaluated using all available resources. The conceptual method enabled comprehension by employing doctrines as legal experts' judgments. The study's conceptual approach helped to elaborate further on legal doctrines regarding the topic and the legal issue. Furthermore, the approach of content and critical analysis was used to analyze the data obtained for this work (Rajamanickam et al,. 2015; Shariff et al., 2019; Rajamanickam at al., 2019). Data was collected mainly from primary sources such as statutes and documents from Indonesia and Malaysia. The collection of data was so significant for the research and this reviewing process (Rahman et al., 2023; Rahman et al., 2022; Zahir et al,. 2022). When conducting research and developing this work, secondary sources and qualitative approaches were highlighted, with an emphasis on both primary and secondary sources. At the end of the study, the authors discuss the results and make suggestions.

RESULTS

Copyright Protection System in Indonesia

Legal Certainty of Copyright Protection in the Field of Knowledge in the Declarative System

Intellectual property rights, also referred to as or IPR, are a right resulting from human intellectual efforts (Rais et al., 2022). Indonesia considers intellectual property protection as a manifestation of the fifth precept of Pancasila, the country's ideology, to provide social justice for all Indonesians (Weley, 2023). Intellectual property rights are protected by law for two reasons. First, moral rights that represent the creator's personality are inherent in intellectual works. Second, due to commercial rights in the intellectual work or economic considerations (Azmi, 2021). Formerly administered by the Dutch East Indies government, IPR in Indonesia has been codified into National Law since the introduction of Law No. 6 of 1982 regulating Copyright. Then, in 1987, Law No. 7 was passed to amend Law No. 12 of 1982 on Copyright, and in 1997, Law No. 12 was passed to amend Law No. 6 of 1982 on Copyright, as Amended by Law No. 7 of 1987, which was later replaced by the issuance of Law -Law Number 19 of 2002 Concerning Copyright, and was replaced by Law Number 28 of 2014 Concerning Copyright which is in effect until now. The main motive of the amendment is to respond to the massive development of creative industries, communication, and information technology, which ultimately builds a sustainable ecosystem for the industry (Barizah, 2016). Indonesia considers its copyright law as the conceptualization of "the right to the economy" as well as "the right to morals" (Nugroho & Utama, 2020a).

As of right now, Intellectual Property Rights, also known as IPR for short, utilizes the word Intellectual Property, also known as KI, to refer to the institution that has the power to become the Ministry of Law and Human Rights' Directorate of Intellectual Property. The acronym for intellectual property rights, or IPR, is another phrase that is frequently used. The products of human mind or intellectual processes that result in works of functionality for humans are the source of intellectual property rights. When it comes to intangible or intangible items, intellectual property rights are similar to other property rights. As a right, it is only natural that you have to get legal protection.

The Paris Convention for the Protection of Industrial Property and the 1883 Paris Convention, which have undergone numerous modifications or revisions, including the 1925 Paris Convention in The Hague, in London in 1934, in Lisbon in 1958, and in Stockholm in 1967 by creating the World Intellectual Property Organization (WIPO), also have an impact on Indonesian regulations pertaining to intellectual property (Singhai, 2019), and Indonesia ratified or ratified it by Presidential Decree No. 24 of 1979. Through Presidential Decree No. 18 of 1997, Indonesia ratified the Bern Convention on the Protection of Artistic and Literary Works, also known as the World Intellectual Property Organization Copyright Treaty (WIPO Copyright Agreement), and through Presidential Decree No. 19 of 1997, it ratified the World Intellectual Property Organization Performances and Phonograms Treaty (Agreement on Performing Works and Phonogram Works WIPO), also known as WPPT. Finally, through Decree President Number 74 of 2004, Indonesia ratified the World Intellectual Property Organization Performances and Phonograms Treaty (WIPO Performances and Phonograms Treaty), also known as WPPT.

Aside from that, the negotiations for the General Agreement on Tariff and Trade (GATT) or General Agreement on Tariffs and Trade, which took place in multiple sessions beginning in 1947 and 1994 in Marrakesh, Morocco, produced the Agreement Establishing the World Trade Organization (WTO), which includes the approval documents found in every attachment. Under Law Number 7 of 1994 about the Ratification of the Agreement to Establish the World Trade Organization, Indonesia likewise ratifies the agreements in the WTO in this instance.

By granting approval or ratification, Indonesia becomes legally bound by the intellectual property rights provisions found in both the WIPO and the Agreement Establishing the World Trade Organization (WTO), which contains a number of approval documents. Among these is the Agreement on Trade-Related Aspects of Intellectual Property Rights, or TRIPs for short. TRIPs are international guidelines for intellectual property rights that all parties to the convention, including Indonesia, must abide by, even though intellectual property rights have long been implemented and protected there.

In order to guarantee legal protection for intellectual property worldwide, particularly for intellectual property brought forward by investors in the context of investing in Indonesia, the Government of Indonesia is interested in ratifying a number of international agreements pertaining to intellectual property rights. Its goal is to both draw foreign investment to Indonesia and offer legal protection for intellectual property, including patents and trademarks. Naturally, investors will be able to make investments in Indonesia if they have legal protection. Businesses that would typically avoid making investments in a certain nation because of the laxity of the local intellectual property laws (Albino-Pimentel, Dussauge, & El Nayal, 2022).

Copyright, trademarks, and patents are just a few of the many intellectual property rights that the general public is familiar with. In general, it is occasionally incorrect in society to refer to copyrights as patents and brands as copyrights, or vice versa. The distinction between the three lies in the fact that a brand is a sign or identity that can be used to distinguish goods and services produced by an individual or legal entity in the activity of trading goods and services. Examples of these elements include images, logos, names, words, letters, numbers, or color arrangements; they can also take the form of two or three dimensions; sounds; or a combination of two or more of these elements. The right to work in science, art, and literature is known as copyright. A patent, however, also represents a legal claim to a technological invention.

According to Law Number 28 of 2014, which deals with copyright, some kinds of works are protected. Article 40, paragraph one, lists work that are eligible for protection. They include books, pamphlets, printed copies of works, and other written works, artistic works of any kind (paintings, drawings, carvings, calligraphy, sculpture, and collages), Music, Cinematographic works, Computer software and video games.

In the scientific field, a printed book or an electronic book (e-book) may be protected by copyright (Tiawati & Pura, 2021). It may be downloaded and read on electronic devices in the form of files (pdf, doc, and txt) (Kusmawan, 2014). With current technological developments, what is meant by the embodiment of creation in a tangible form is interpreted broadly in printed form on sheets of paper and in electronic media such as e-books, which can be printed and read. Like literary works of novels, even though they are not printed on paper but in electronic books in e-book format, they are protected by law because they are tangible (e-book) (Simangunsong et al., 2020).

Along with the advancement of time and technology, internet access has become one of the primary human needs. However, if you look closely, the internet is where someone can easily commit copyright infringement. Through the internet, someone can easily copy and adapt other people's work without including the original link from the owner (Losung et al., 2021a). An e-book is an electronic version of a book that requires an electronic medium (computer/laptop, smartphone, tablet, and others) to be read. E-books automatically possess the characteristics of digital things since they are electronic objects, or more accurately, digital objects (Labetubun, 2019).

Since it was regulated in 1982 with changes and was replaced by Law Number 28 of 2014 concerning Copyright, the registration system adopted is a declarative system. Registration is not an obligation to raise rights and legal protection (Atsar, 2017). It is reaffirmed in the first paragraph of Article 1: When a work of art is manifested in a physical form, copyright is the creator's exclusive right that arises instantly based on the declaratory principle and is unaffected by legislative restrictions (Nurdahniar, 2016). In addition to scientific, artistic, and literary works, point three states that all works created by humans are protected by copyright. Products include scientific, artistic, and literary works that intellectual property laws have protected as the product of someone's original ideas, abilities, insights, and efforts (Abduh, 2021).

The meaning of "exclusive rights" is reserved solely for the creator, called exclusive rights, since these rights are exclusively meant for the author, preventing third parties from utilizing them without the creator's consent (Simatupang, 2021). As a result, just one party can profit from these rights with the author's consent. The exclusive rights as economic rights are only partially possessed by copyright holders who are not creators (Kholiq et al., 2022). Copyright holders in the field of science, book publishers as copyright holders who obtain rights from creators to publish and reproduce works, only have the right to exercise copyrights in the form of announcing and multiplying works by bringing benefits in the form of income with economic value, for example from book sales (Rahaditya et al., 2022).

Proof of Copyright when a Dispute Occurs Due to a Violation of Copyright in the Field of Knowledge

Based on the declarative principle, copyright for work, including works in science, such as books, emerges automatically. This means that there is no need to register; copyright is formed immediately when creativity is realized in actual form (Fuadi & Diniyanto, 2022). A copyright record is not mandatory and will not give birth to a right (Nofianti & Bustani, 2022). In the case of scientific creations such as books, copyright is born when the book has been compiled in such a way as a book with the name of the author listed, and it is printed, reproduced, announced, distributed, and traded so that a book can be used and read (Nugroho & Utama, 2020). Thus, the copyright has been born, and the creator gets legal protection.

Therefore, copyright registration simply acts as a means of facilitating evidence that the registrant is the author of the registered copyright work; it is not the foundation for the creation of a copyright. In the case of a violation that results in a dispute, the author who does not register his creation to demonstrate that he is the author and has the right to a scientific work, such as a book, may utilize the work's form—a book with the author's name on it—as evidence of his ownership, along with a sales receipt, witness statements, and other supporting documentation. Meanwhile, creators who register their creations by obtaining a Creation Certificate can use it as solid evidence (Qtait et al., 2023), making it easier to prove and provide legal certainty. Apart from that, creators who register their creations by obtaining a Creation Certificate can function as strong evidence and make it easier to transfer rights or licenses (Jannah, 2018).

The form of legal protection given to creators or copyright holders/recipients includes prohibitions for anyone publishing or reproducing protected works (Losung et al., 2021a). Legal protection is the ability of the author to forbid third parties from utilizing his creations without the creator's permission or approval, with the exception of specific legally allowed usage restrictions (Finck & Moscon, 2019). Should there be a breach, the owner of the copyright, particularly the author, may pursue civil and criminal legal action (Baranyanan, 2021).

Even though the Copyright Law follows a declarative approach, since the creative was born in a physical form, copyright rights and legal protection instantly arise rather than requiring registration. However, the law also regulates the registration or recording of copyrights, meaning a creation can also be registered and a Copyright Registration Certificate issued. However, it does not determine the emergence of copyright because copyright rights and legal protection have existed since the creation of the copyrighted work. If an invention, such as a book in science, is registered or recorded by presenting proof in the form of a Certificate of Copyright Registration, the birth of a copyright is not determined. Copyright protection is automatic when the idea is embodied in concrete /concrete, and then the creation has been protected (Ardianto, 2022).

A creator is an individual or collective who, either separately or together, creates a one-of-a-kind, uniquely personal work of art. In contrast, the owners of copyrights are the artists themselves, the persons from whom the creators lawfully get these rights, or other parties who obtain additional rights from the parties from whom the creators lawfully obtain these rights.
The only exclusive rights that copyright holders who are not artists have been economic rights. Copyright includes both moral and economic rights. Moral rights are those that are permanently tied to the Creator himself to:

a. still include or do not include his name;
b. use aliases or pseudonyms;
c. change the Creation;
d. change the title and subtitle of the Work, and
e. defend their rights in the event of something detrimental to their self-respect or reputation.

In contrast, economic rights refer to the creator's or copyright holder's only ability to profit monetarily from a work protected by a copyright.

Not everyone is able to capitalize on copyright rights and protection for creators; rather, anybody wishing to exercise or utilize economic rights over a work's copyright must first acquire permission from the author or copyright holder. Therefore, it is forbidden for anybody to reproduce or use works for commercial purposes without the permission of the author or the owner of the copyright. Similarly, it is against the law for trade venue administrators to permit the sale and replication of products that violate copyright and associated rights at their establishments. Every work has a certain length of copyright protection, which is granted for the duration of the author's life and for seventy (seventy) years following their passing.

In the event that copyright infringement is carried out for economic gain, there are two types of legal remedies available: civil and criminal. For instance, in a scientific book, if all or a portion of the work created by another party is taken without authorization by copying and selling the work as a result of copyright infringement, a civil action may be filed by submitting a lawsuit to the District Court's Commercial Court, or a criminal complaint may be made (Losung et al., 2021b). However, if the violation is not committed for a commercial purpose, legal action cannot be taken civilly or criminally. For example, it is used to make works as a requirement for the final study assignment in the form of a thesis, thesis, or dissertation. In such a violation, legal remedies cannot be taken using the copyright law. Still, other regulations can be used, such as regulatory provisions in the field of education, for example, regarding academic ethics regulations whose sanctions can be in the form of administrative sanctions such as postponement of graduation, up to cancellation or revocation of the degree. It has also happened in several cases in the higher education environment.

Some copyright infringements in the field of science in the form of books are several violations that may occur in the form of taking part of the contents of a book created by another party without mentioning the source altogether and compiling a book or other written work, taking part of the contents of a book created by another party with mentioning. Still, the part taken is too far beyond reasonable limits, plagiarizing by taking the entire creation of another party as if it were his creation or plagiarism, duplicating the creation of the book. Forms of copyright infringement can be piracy and duplication. A book is considered to be pirated if it is attempted to be duplicated by printing, photocopying, or any other method without the publisher's and author's express written consent (Ardianto, 2022).

One example of a copyright infringement case was resolved through mediation by the Directorate General of Intellectual Property (DJKI) of the Ministry of Law and Human Rights. Mediate the two parties disputing each other regarding an infringement of copyright on electronic books or e-books on Tuesday, 20 September 2022, at the DJKI Office. This mediation began with a report from the Cipta Karya Concern Association (PPKC), which complained to DJKI about the discovery of illegal e-book sales at the Tokopedia and Carousell marketplaces. Furthermore, the DJKI, through the Directorate of Investigation and Dispute Resolution, brought together the PPKC reporting party directly and the reported party who owned the Carousell account "Debobi2802". The meeting resulted in amicable terms between the two parties, with the notified party willing to agree on some compensation for selling e-books illegally. The agreement includes being willing to replace material losses for 20 million rupiahs, writing an apology video, and making a written statement not to repeat the illegal act (DJKI Kementerian Hukum & HAM RI, 2022). The ineffectiveness of IPR law enforcement in Indonesia could be concluded from four indicators:

1. massive distribution of pirated products in the market
2. raising the number of piracies as reported by the authority's agency
3. USTR and IIPA report that includes Indonesia as the "priority watch list."
4. Society's lack of IPR awareness as concluded by the local IPR Directorate General (Triyanto, 2017).

The absence of copyright registration does not preclude legal rights and protection. As long as the work protected by copyright was created in a tangible form, copyright is inherent and is protected by law. Copyrights in the field of science is in the form of books, which have been born and have received legal protection since the book was published in such a way, both physically or in print or electronically (e-book) (Manuaba & Sukihana, 2020), so others can read the book. In case of a disagreement, the outcome of the copyrighted work itself, in the form of a book bearing the author's name and endorsed by witnesses, can be used as proof of copyright for scientific creations like books. If the work is registered, a Certificate of Copyright Registration may also be used as proof.

Table 1: List of cases on copyright dispute in Indonesia

Case position	Parties	Completion/decision
Sales of unauthorized or fake copies of books The modus operandi: The sellers sell counterfeit books, with indications that the paper material is different from the original book, and they are sold much cheaper than the original book in comparison to the original book of around Rp. 100,000, - while books	Kampoeng Ilmu Surabaya book seller.	There are no resolution actions yet

that are not original range from Rp. 20.000,- to Rp. 25.000,-		
Use of other parties' creations without the author's permission The model was around 2017, the Aceh regional government issued a book entitled "Flashback on the Development of Aceh After the Helsinki MoU Flashback on The Development of Aceh After Helinski MoU" which turned out to be the creation of a journalist at the Aceh Government Economic Bureau who at that time was still on duty at there, Name: Junaidi Hanafiah (Kompasiana, 2020).	Aceh Regional Government and Junaidi Hanafiah	Handling of cases by legal advisors
Distributing fake books His mode of action was that the perpetrator, Romy Heriyanto, who owned a printing business, duplicated books illegally by buying the original book or the original dictionary, then photocopying it by scanning it, and then using low-quality paper. It will cut the price of paper and books with the same contents, but they can be sold at a lower price. If some books have e-books, Romy also provides pirated CDs((alg/try)detikNews, 2014).	Romy Heriyanto	Sentenced to imprisonment and a fine of Rp. 500 million rupiahs
Plagiarism, the mode of work that was defended at Cambridge in 1982, was allegedly similar compared to capitalism and The Bureaucratic State in Indonesia (Chandra, 2014)	Yahya Muhaimin	Both come from the same source, which is considered not copyright infringement.
The modus operandi was plagiarism for making a book entitled "Sources and Availability of Feed Raw Materials in Indonesia." It was carried out by a person named Heri Ahmad Sukria who took data from articles made by a professor who was a lecturer at IPB (Chandra, 2014).	Heri Ahmad Sukria	Reports and Summons
Anggito Abimanyu's article entitled Disaster Insurance Ideas in the Kompas Daily Opinion column on February 10, 2014. This article is similar to Hotbonar Sinaga's article in the same media on July 21, 2006 (Dyantoro, 2017).	Anggito Abimanyu Hotbonar Sinaga	Academic Sanctions (resignation from academic staff on campus)

Source: (Lauren, 2019)

From Table 1 above, it is evident that there are various ways in which books can be violated by copyright. For example, in the first instance, a book can be copied without the author's permission or consent, using less expensive paper and a simpler method that nevertheless results in an identical copy of the book in terms of both form and content (Siregar et al., 2022). This is harmful to the inventor since it allows the

violators to sell it at a far lesser price while still making money. More copies of a counterfeit book can be sold for less money than a genuine book priced higher. Publishers who replicate or print books in greater quantities than the authors have agreed upon are also capable of engaging in this form of reproduction without authorization or approval from the creators. Of course, the creator may also suffer negative effects from it.

Besides that, in the second case, violations can occur when a copyrighted work is still in the form of a draft or material but has yet to be printed. It can happen when the draft of the book is submitted to another party, which unconsciously can result in the work that is still in the draft form being published and printed duplicated by another party, either by a colleague or another party, even by the printer himself who it had been a long time since the draft had been submitted to the publisher. Still, it had yet to be published and printed, so later, without the creator's consent, it was printed and duplicated.

The third case is almost the same as the first case, in the form of duplication by someone with a printing business who deliberately copies the original book to be reproduced with material of lower quality than the original and with a more straightforward process. Then, the book that is copied is sold to the public. In this case, the perpetrator deliberately sought the original books and then reproduced them by reprinting them using lower-quality materials in a simpler way to reduce costs. These copies were sold at a lower price than the originals. Such actions can, of course, generate large profits but at the expense of the creator.

While in this fourth case, perhaps it happened a lot, especially among academics, both students making papers for their final assignments as a requirement for terminating their studies, as well as lecturers. In writing a work, sometimes you have to use reference sources from other people's work just to strengthen your argument or compare. According to the Copyright Law, this is not considered a violation as long as it states the source completely and clearly. As long as this is done by the provisions of the law, it is not considered a violation, besides that in the Copyright Act generally, actions are considered violations and legal remedies can be taken, if this is done for commercial purposes, however, if it is not for commercial purposes, legal remedies cannot be carried out. For example, the results of his work are only to fulfill the requirements of the final study assignment for the person concerned, not being reproduced and traded. Unless the result of his work which contains an element of violation is then reproduced and traded, then this constitutes a violation and legal action can be taken both civilly and criminally. IP's complexity should be considered to enforce the copyright law itself, additional regulation on technical mechanism might be necessary to further advance the law enforcement and effectiveness (Nurhayati et al., 2019).

Copyright Protection System in Malaysia

The Copyright Act 1987 governs copyright in Malaysia (Ghani et al., 2017). The Malaysian Copyright Act's section 7(1) states that a wide range of works, including broadcasts, sound recordings, films, books, and artwork, are protected by copyright. However, section 8 of the same Act protects derivative works, which include translations, adaptations, arrangements, and other modifications to works. It ensures that only the owner of the copyright can use it for a certain amount of time (Peng, 2020).

Ownership is granted to the inventor or creator, according to a fundamental concept of intellectual property rights (Ramli et al., 2016). If the legal conditions of originality and fixation are met, copyright protection emerges immediately at the time of creation. It is consistent with the Berna Convention's automatic protection principle, which stipulates that protection cannot be contingent on procedural compliance. Unfortunately, proving ownership of copyright is not simple. Parties in a dispute are required to produce the relevant evidence of copyright, and direct evidence by the copyright is always preferred but not practical, where there have been changes to copyright ownership, as in the case of *Ester Metering*

Ltd. & Anor v. Premier Amalgamated Sdn. Bhd., the Court requires that the Court establish the chain of changes beginning from the work's author, and any break in the claim would be fatal to the plaintiff's case.

In Malaysia, several notable copyright cases have set important legal precedents. In YKL Engineering Sdn. Bhd v. Sungei Kahang Palm Oil Sdn. Bhd & Anor [2022], the court acknowledged copyright in design drawings but found no infringement(Saim, 2022). In Mohd. Syamsul bin Md. Yusof & Ors v. Elias bin Idris [2019], the Court of Appeal ruled that the movie 'Bohsia: Jangan Pilih Jalan Hitam' infringed the novel 'Aku Bohsia' (Ramly Hj Ali, 2019). Lastly, Siti Khadijah Apparel Sdn. Bhd. v. Ariani Textiles & Manufacturing (M) Sdn. Bhd. [2019] concluded that a Muslim prayer outfit was a graphic work of artistic craftsmanship, granting it copyright protection(Zamre et al., 2022). These cases collectively highlight the judiciary's approach to balancing protection and evidence in intellectual property disputes, particularly concerning copyright law.

Table 2 below is a comprehensive summary table of the aforementioned four cases.

Table 2 : List of cases on copyright dispute in Malaysia

Issues	Parties	Decision
Similarity of fruit bunch splitter drawings.	*YKL Engineering Sdn. Bhd v. Sungei Kahang Palm Oil Sdn. Bhd & Anor* [2022]	Copyright existed in the design drawing, but no copyright infringement had been established.
Similarity and differences of a novel 'Aku Bohsia' and a movie 'Bohsia: Jangan Pilih Jalan Hitam'	*Mohd. Syamsul bin Md. Yusof & Ors v Elias bin Idris* [2019]	The Court of Appeal held that the movie had infringed the novel's copyright.
Whether a Muslim prayer outfit for ladies constitutes a graphic work of artistic craftsmanship	*Siti Khadijah Apparel Sdn. Bhd. V Ariani Textiles & Manufacturing (M) Sdn. Bhd*. [2019]	Muslim prayer outfit was accepted as a graphic work.

Source: Author's own interpretation

Every case is unique, and the facts and circumstances determine whether copyright infringement and ownership difficulties are present. To demonstrate that there is a sufficient level of objective resemblance between the two works and that there is a causal relationship between the copyright works and the allegedly infringing copy, direct proof in the form of oral testimony or documentary evidence must be shown in court. More legal clarity is yet required.

In the first case of *YKL Engineering Sdn. Bhd v. Sungei Kahang Palm Oil Sdn. Bhd & Anor,* the Federal Court had to consider issues of law relating to originality, subsistence of copyright, and test of copyright infringement. It was held that copyright subsisted in the design drawing, but no copyright infringement had been established. The evidentiality value of statutory declaration was also discussed. The respondent chose not to contest the appellant's statutory statement, which said that he had expended enough time, work, and talent to make his drawing unique. Thus, the statutory declaration satisfied the basic test of originality under s 7(3)(a) of the Copyright Act 1987. However, claims of copyright infringement were not established as the appellant failed to prove the elements of sufficient objective similarity and causal connection between the two works(Saim, 2022).

In the second case of *Mohd. Syamsul bin Md. Yusof & Ors v Elias bin Idris,* direct evidence in the form of oral testimony or documentary evidence was adduced in court to prove copyright infringement. The main issue was whether the movie and book's similarities were the product of copying. At the High Court,

the learned judge found that the essential features such as theme, plot, character, and other related elements involving the 'bohsia' phenomenon and 'mat rempit' were common social issues that had existed even before the novel's publication. It, in turn, led to the finding that substantial similarity and causal connection were not established. On appeal to the Court of Appeal, the decision was reversed. There were many significant similarities between the two pieces, more than just accidental or conceptual parallels. Not only were there similarities in terms of the overall subject, storyline, names of the characters, and locations. Even specific events and relationships in the characters' lives could not have been 'commonplace, unoriginal or consist of general ideas.' The Court of Appeal determined that the copyright of the novel had been violated by the movie(Ramly Hj Ali, 2019).

On further appeal to the Federal Court, the High Court's decision was confirmed and made permanent. The High Court had correctly held that the similarities between the two works cannot be said to be substantial similarities. The approach taken by the High Court in examining and evaluating all the evidence in the form of oral testimonies of witnesses from both sides, documents, and exhibits was in line with the established principles of dealing with copyright infringement.

In the third case of *Siti Khadijah Apparel Sdn. Bhd. v Ariani Textiles & Manufacturing (M) Sdn. Bhd,* under section 42 of the Copyright Act, the Court acknowledged that a statutory statement was prima facie proof of copyright. In this case, the defendant refuted the Plaintiff's statutory statement of copyright ownership, which the Plaintiff had established. According to Section 42 of the Malaysian Copyright Act, affidavits, statutory declarations, or copies of the Register of Copyright may be used to demonstrate copyright ownership. The person named in the affidavit or statutory statement is the copyright owner, and the copy of the work attached to the affidavit or statutory declaration is an authentic copy of the work. The owner of the copyright in any works eligible for copyright is required to state that copyright exists in work at the period indicated in the affidavit or statutory declaration(Zamre et al., 2022).

Legal certainty of copyright ownership is apparent with the introduction of voluntary notification of copyright. In 2012, the Copyright Act was amended to allow proof of copyright ownership through an extract from the Register of Copyright, essentially complementing the existing mechanism under section 42 of the Copyright Act (Tye et al., 2018). The notification of copyright is voluntary and does not affect the fact that copyright protection is automatic (Abdullah et al., 2021). According to Section 26A (1), the creator of the work, the owner of the copyright in the work, the assignee of the copyright, or anyone to whom a license has been given to have an interest in the copyright may voluntarily notify the Controller of their copyright. To comply with Section 26A(3), the copyright notification must include the following information: a statutory statement stating that the applicant is the work's author, owner, assignee, or licensee; the name, address, and nationality of the copyright holder; the work's category; the title of the work; the author's name and, if known, and if the author is dead, the year of the author's death; in the case of a published work, the date and place of the first publication; and any other relevant information.

CONCLUSION

The following conclusions can be made based on the analysis and discussion's findings. First, in principle, the regulation of the Copyright registration system enforced in Indonesia and Malaysia adheres to the declarative principle. With the exception of specific legally allowed restrictions, the declarative approach can give copyright holders clarity and legal protection by allowing artists to forbid other parties from utilizing their works without their permission. The owner of the copyright may file a civil lawsuit or a criminal lawsuit in the case of infringement. Second, proof can be carried out with witness or written evidence in a dispute. It might take the shape of an original work of literature with the author's name on

it, provided that it is registered, a Certificate of Copyright Registration can be used as evidence. The existence of a copyright registration certificate provides more certainty of rights and legal protection and is easy to prove.

In principle, the Indonesian and Malaysian Copyright Law regulations have something in common because Indonesia and Malaysia make copyright law regulations influenced by an agreement in the rules regarding copyright contained in international conventions, including the Berne Convention and also The World Intellectual Property Organization (WIPO) and the TRIP's Agreement which is one of the attached documents in the formation of the World Trade Organization or WTO Agreement formed in the GATT (General Agreement on Tariffs and Trade) negotiations. In the application of the copyright system in several cases in the field of copyright, whoever created and used the copyrighted work first is considered entitled to be the copyright holder. This is because the determination of copyright rights and legal protection is based on the realization of a produced creation, not on registration.

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10. Bukti masukan revisi dari reviewer dan komentar author di Web Tanggal 4 dan 11 Februari 2025

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11. Bukti editing dari Editor dan revisi dari Author di Web Tanggal 11Juni 2025

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12. Bukti pemberitahuan dari editor : Accept for publication Vol.16 (2) July 2025 dan pembayaran di Web Tanggal 11Juni 2025

Murjiyanto Murjyanto <rmurjiyanto@janabadra.ac.id>

[UUMJLS] Editor Decision Accept

Managing Editor UUMJLS <uumjls@uum.edu.my> 23 Juni 2025 pukul 10.13
Kepada: RADEN MURJIYANTO Murjiyanto <rmurjiyanto@janabadra.ac.id>, Mohd Zamre Mohd Zahir <zamre@ukm.edu.my>, Zinatul Ashiqin Zainol <shiqin@ukm.edu.my>, Erna Sri Wibawanti <erna@janabadra.ac.id>

RADEN MURJIYANTO Murjiyanto, Mohd Zamre Mohd Zahir, Zinatul Ashiqin Zainol, Erna Sri Wibawanti:

We have reached a decision regarding your submission to UUM Journal of Legal Studies, "Legal Issues of Scientific Works in the Copyright Declarative System in Indonesia and Malaysia".

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[UUMJLS] Editor Decision Accept

Murjiyanto Murjyanto <rmurjiyanto@janabadra.ac.id> 23 Juni 2025 pukul 15.59
Kepada: Managing Editor UUMJLS <uumjls@uum.edu.my>

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[UUMJLS] Editor Decision Accept

Murjiyanto Murjyanto <rmurjiyanto@janabadra.ac.id> 23 Juni 2025 pukul 15.59
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Regards,

Murjiyanto

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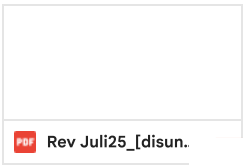

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Balas Teruskan

Legal Issues of Scientific Works in the Copyright Declarative System in Indonesia and Malaysia

ABSTRACT

This research aims to answer the following questions: First, what is the legal certainty of copyright protection in the field of scientific works in the declarative system in Indonesia and Malaysia? Second, how can rights holders prove if a dispute occurs due to copyright infringement in science? Based on copyright law, the basis for the emergence of rights and legal protection is not based on registration. However, it is based on the birth of copyrighted work, realised in a tangible form known as a declarative system. For example, creative works in science have been produced into books that may be read and used as reading material. In such a system, issues may arise concerning the certainty of legal protection and proof in the event of a disagreement. This research employs a normative approach, examining key legal documents such as statutes, rules and case decisions. According to the findings of the study, the declarative system can nevertheless provide clarity and legal protection to copyright proprietors or inventors. At the same time, proof can be done with testimony of witnesses or written evidence, but the proof will be more straightforward if the right to work is registered by obtaining a copyright registration certificate. A copyright registration certificate will provide more certainty of rights and legal protection, and is easy to prove.

Keywords: Declarative system, copyright law, scientific works, comparative legal issues.

INTRODUCTION

There are at least two systems for registering intellectual property, namely the declarative system, where registration does not create rights, so rights are not required, and the constitutive system, where registration creates rights, so registration is a requirement for rights to arise. Copyright is one of the intellectual property rights (hereinafter referred as IPR) that pertains to the fields of science, art, and literature; in Indonesia, it follows a declarative system, and the emergence of rights and legal protection is based on the birth of a creation that has been embodied in actual form rather than registration. Registration is not an obligation for the emergence of legal rights and protection, but only functions administratively and facilitates proof (Nemlioglu, 2019). The primary goal of copyright legislation is to stimulate the growth and development of knowledge and culture in order to further develop science for the sake of societal development (Qtait et al., 2023). In a broader sense, copyright law as part of the intellectual property law framework is crucial to safeguarding the invention of human intellect from abusive use without legitimate consent (Razak & Razak, 2023).

Copyright arrangements in national legislation in Indonesia began with Law Number 6 of 1982 concerning copyright and have undergone many changes. Since the system's inception until the passing of Law No. 28 of 2014 relating to copyright, a declarative framework has been in place (Dahen, 2021). However, the law also regulates registration with the term recording of copyrights, which only functions administratively (Regent et al., 2021). Some of the referred IPR fields conform to their particular rights systems; for copyright, the birth of rights and legal protection is automatically based on a declarative system, which begins the minute the work is created in a material form. Legal copyright protection follows an automatic protection system (Paraswari, 2022). For trademark rights, legal rights and protection are born based on constitutive or first-to-file registration. Whoever registers a mark for the first

time has the right to get legal protection. Patents provide legal rights and protection based on an application for registration, with the requirement that an invention be distinctive, feature an innovative step, and be useful in the industrial sector. Therefore, an invention registered and obtained a patent must be implemented. Suppose it is not implemented within six (6) months. In that case, another party can apply for a mandatory license from the government through the Direktorat Jenderal Kekayaan Intelektual (DJKI; Directorate General of Intellectual Property), Kementerian Hukum dan Hak Asasi Manusia Republik Indonesia (Ministry of Law and Human Rights of the Republic of Indonesia).

Current innovations in the field of books are not solely produced in physical books, but also in electronic formats such as e-books; therefore, the model for disputes follows the evolution of electronic media. The most recent case involved a copyright violation on electronic books, also known as e-books. However, it was successfully mediated by the Directorate General of Intellectual Property (DJKI) of the Ministry of Law and Human Rights.

This mediation began with a report from the Perkumpulan Peduli Karya Cipta (PPKC; Cipta Karya Concern Association), which complained to DJKI about the discovery of illegal e-book sales on the e-commerce sites, namely Tokopedia and Carousell (Putri, 2021). Furthermore, the DJKI, through the Directorate of Investigation and Dispute Resolution, brought together the PPKC reporting party directly and the reported party who owned the Carousell account "Debobi2802". The meeting resulted in amicable terms between the two parties, with the reported party willing to agree on some compensation for selling e-books illegally. The agreement includes being willing to replace material losses for IDR 20 million, making an apology video, and writing a statement not to repeat the illegal act (DJKI Kementerian Hukum dan Hak Asasi Manusia Republik Indonesia, 2022).

On the other hand, copyright protection in Malaysia started during the British era in Malaya. The law that was in effect at that time was the Act 1911. After Malaysia became independent, the copyright act that was in effect was the Copyright Act 1969, which was valid until 1987. Since then, the law has been used in Act 332. Act 332 states that a copyright is an exclusive right granted to the copyright owner for a certain period. Protection is automatically obtained without prior registration requirement (Desmayanti, 2013).

Without an obligation to register copyrights and no evidence of a registration certificate when a dispute occurs, there may be difficulties in proving who the creator is (Loren & Reese, 2019). Furthermore, an artwork that is not in tangible form, such as a vintage work of art, is difficult to determine and protect who the author is (Clemons et al., 2022). It is not rare for copyrighted material to be an "orphan work" since it was created long ago by our ancestors, such as the art of Wayang. Nevertheless, the law later regulates copyrighted works of national culture, including copyrighted works whose creators are unknown (Susanti et al., 2019).

Based on this background, this research is based on the following problems: First, what is the legal certainty of copyright protection in the internal science declarative systems field in Indonesia and Malaysia? Second, how can rights holders prove if a dispute occurs due to copyright infringement in science? Copyright is an exclusive license to regulate creative works made by the creator, copyright owner, and performers for a specified duration defined by the Copyright Act 1987 (MyIPO, 2024). MyIPO provides copyright notice via the Copyright Voluntary Notification System (MyIPO, 2024). From the resulting analysis, it is expected that it can make recommendations to intellectual property offices in Indonesia and Malaysia on the application of the copyright registration system, especially in the field of science, so that it can provide more legal protection for copyright holders, especially for creators.

In principle, the regulation of the copyright registration system enforced in both Indonesia and Malaysia adheres to the declarative principle that registration does not give rise to rights, so copyright registration does not become a necessity for rights to arise. Indonesia and Malaysia amended the copyright law and

the rules regarding copyright contained in international conventions where the two countries are members or have at least ratified, namely the Berne Convention, the World Intellectual Property Organization (WIPO) and the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) (Sutikno & Jannah, 2019).

Malaysia accepted the WTO Agreement on April 15, 1994, while Indonesia ratified the WTO by Law No. 7 of 1994 About the Ratification of the World Trade Organization Agreement. This is the reason copyright regulations in the two countries are identical. Article 2 Letter C of the Copyright Law states that Indonesia also safeguards creations by foreign citizens so long as their country and Indonesia are associates or members in the same multinational agreement for the protection of copyright and associated rights. Indonesia and Malaysia, as signatories to the Berne Convention for the Protection of Literary and Artistic Works, are participants in the same multilateral agreement on the protection of copyright and associated rights (Berne Convention). Article 5 of the Berne Convention explains that each member state is obligated to give protection to all citizens of all Berne Convention members and to accord them the same treatment as its people (the principle of national treatment) (Paraswari, 2022).

During the General Agreement on Tariffs and Trade (GATT) negotiations, several agreements occurred, one of which became an attachment, namely the agreement on Trade-Related Aspects of Intellectual Property Rights, abbreviated as TRIPS, which are international standards in the protection of IPR that must be agreed upon and implemented with IPR for participating countries or at least ratifying it, including Indonesia and Malaysia. IPR within the TRIPS framework consists of copyrights and related rights such as trademarks, geographical indications, industrial designs, patents, topographical rights of semiconductor integrated circuits, protection of undisclosed information, and oversight of practices that limit concurrency in license contracts.

METHODOLOGY

The study used a qualitative research method, which is a method of acquiring information for research that employs data that is both primary and secondary (Darmalaksana, 2020). The study used the normative research technique, which includes research on legal principles, legal systems, legal synchronisation, and legal comparison (Benuf & Azhar, 2020). Normative legal research is a strategy and approach for scientific investigation into the law and its normative basis (Arliman, 2018). It is doctrinal research that employs both a statutory and a conceptual approach. A statutory approach is a strategy that analyses important legal regulations. The primary source of legal information is Law No. 28 of 2014 concerning Copyright and the Copyright Act 1987 (Act 332). The data was thoroughly evaluated using all available resources. The conceptual method enabled comprehension by employing doctrines as legal experts' judgments. The study's conceptual approach helped to elaborate further on legal doctrines regarding the topic and the legal issue. Furthermore, the approach of content and critical analysis was used to analyse the data obtained for this study (Rajamanickam et al., 2015; Shariff et al., 2019; Rajamanickam et al., 2019). Data was collected mainly from primary sources such as statutes and documents from Indonesia and Malaysia. The collection of data was significant for the research and the reviewing process (Rahman et al., 2023; Rahman et al., 2022; Zahir et al., 2022). When conducting research and developing this study, secondary sources and qualitative approaches were highlighted, with an emphasis on both primary and secondary sources. At the end of the study, the authors discussed the results and made suggestions.

RESULTS

Copyright Protection System in Indonesia

Legal Certainty of Copyright Protection in the Field of Knowledge in the Declarative System

Intellectual property rights, also referred to as IPR, are rights resulting from human intellectual efforts (Rais et al., 2022). Indonesia considers intellectual property protection to be a manifestation of the fifth precept of Pancasila, the country's ideology, which is to provide social justice for all Indonesians (Weley, 2023). Intellectual property rights are protected by law for two reasons. First, moral rights that represent the creator's personality are inherent in intellectual works. Second, due to commercial rights in the intellectual work or economic considerations (Azmi, 2021). Formerly administered by the Dutch East Indies government, IPR in Indonesia has been codified into national law since the introduction of Law No. 6 of 1982 Regulating Copyright. Then, in 1987, Law No. 7 was passed to amend Law No. 12 of 1982 on Copyright, and in 1997, Law No. 12 was passed to amend Law No. 6 of 1982 on Copyright, as amended by Law No. 7 of 1987, which was later replaced by the issuance of Law Number 19 of 2002 Concerning Copyright, and was replaced by Law Number 28 of 2014 Concerning Copyright which is in effect until now. The main motive of the amendment is to respond to the massive development of creative industries, communication, and information technology, which ultimately builds a sustainable ecosystem for the industry (Barizah, 2016). Indonesia considers its copyright law to be the conceptualisation of 'the right to the economy' as well as 'the right to morals' (Nugroho & Utama, 2020a).

Currently, intellectual property rights (IPR), or Kekayaan Intelektual (KI) in Indonesian, refers to the legal framework administered by the Directorate General of Intellectual Property under the Ministry of Law and Human Rights. The products of the human mind or intellectual processes that result in works of functionality for humans are the source of intellectual property rights. When it comes to intangible or tangible items, intellectual property rights are like other property rights. As a right, it is inherently accompanied by the necessity for legal protection.

The Paris Convention for the Protection of Industrial Property and the 1883 Paris Convention, which have undergone numerous modifications or revisions, including the 1925 Paris Convention in The Hague, in London in 1934, in Lisbon in 1958, and in Stockholm in 1967 by creating the World Intellectual Property Organization (WIPO), also have impacted Indonesian regulations pertaining to intellectual property (Singhai, 2019), and Indonesia ratified it by Presidential Decree No. 24 of 1979. Through Presidential Decree No. 18 of 1997, Indonesia ratified the Bern Convention on the Protection of Artistic and Literary Works, also known as the World Intellectual Property Organization Copyright Treaty (WCT), and through Presidential Decree No. 19 of 1997, it ratified the World Intellectual Property Organization Performances and Phonograms Treaty (Agreement on Performing Works and Phonogram Works WIPO), also known as WPPT. Finally, through Decree President Number 74 of 2004, Indonesia ratified the World Intellectual Property Organization Performances and Phonograms Treaty (WIPO Performances and Phonograms Treaty), also known as WPPT.

Aside from that, the negotiations for the General Agreement on Tariffs and Trade (GATT), which took place in multiple sessions beginning in 1947 and 1994, in Marrakesh, Morocco, produced the Agreement Establishing the World Trade Organization (WTO), which includes the approval documents found in every attachment. Under Law Number 7 of 1994 about the Ratification of the Agreement to Establish the World Trade Organization, Indonesia likewise ratified the agreements in the WTO in this instance.

By granting approval or ratification, Indonesia becomes legally bound by the intellectual property rights provisions found in both the WIPO and the Agreement Establishing the World Trade Organization (WTO), which contains several approval documents. Among these is the Agreement on Trade-Related Aspects of Intellectual Property Rights, or TRIPS for short. TRIPS are international guidelines for intellectual property rights that all parties to the convention, including Indonesia, must abide by, even though intellectual property rights have long been implemented and protected there.

In order to guarantee legal protection for intellectual property worldwide, particularly for intellectual property brought forward by investors in the context of investing in Indonesia, the Government of Indonesia is interested in ratifying several international agreements pertaining to intellectual property rights. Its goal is to both draw foreign investment to Indonesia and offer legal protection for intellectual property, including patents and trademarks. Naturally, investors will be able to make investments in Indonesia if they have legal protection. Businesses would typically avoid making investments in a certain nation because of the laxity of the local intellectual property laws (Albino-Pimentel et al., 2022).

Copyrights, trademarks, and patents are just a few of the many intellectual property rights that the public is familiar with. In general, it is occasionally incorrect in society to refer to copyrights as patents and brands as copyrights, or vice versa. The distinction between the three is that a brand is a sign or identity that can be used to distinguish goods and services produced by an individual or legal entity in the activity of trading goods and services. Examples of these elements include images, logos, names, words, letters, numbers, or colour arrangements; they can also take the form of two or three dimensions, sounds, or a combination of two or more of these elements. The right to work in science, art, and literature is known as copyright. A patent, however, also represents a legal claim to a technological invention.

According to Law Number 28 of 2014, which deals with copyright, some kinds of works are protected. Article 40, paragraph one, lists works that are eligible for protection. They include books, pamphlets, printed copies of works, and other written works, artistic works of any kind (paintings, drawings, carvings, calligraphy, sculpture, and collages), music, cinematographic works, computer software and video games.

In the scientific field, a printed book or an electronic book (e-book) may be protected by copyright (Tiawati & Pura, 2021). It may be downloaded and read on electronic devices in the form of files (PDF, DOC, and TXT) (Kusmawan, 2014). With current technological developments, what is meant by the embodiment of creation in a tangible form is interpreted broadly in printed form on sheets of paper and in electronic media such as e-books, which can be printed and read. Like literary works of novels, even though they are not printed on paper but in e-book format, they are protected by law because they are tangible (e-book) (Simangunsong et al., 2020).

Along with the advancement of time and technology, internet access has become one of the primary human needs. However, upon closer examination, the internet is where an individual can easily commit copyright infringement. Through the internet, the individual can easily copy and adapt other individuals' work without including the original link from the owner (Losung et al., 2021). An e-book is an electronic version of a book that requires an electronic medium (computer or laptop, smartphone, tablet, etc.). E-books automatically possess the characteristics of digital things since they are electronic objects, or more accurately, digital objects (Labetubun, 2019).

Since copyright was regulated in 1982 with changes and was replaced by Law Number 28 of 2014 concerning Copyright, the registration system adopted is a declarative system. Registration is not an obligation to raise rights and legal protection (Atsar, 2017). It is reaffirmed in the first paragraph of Article 1: When a work of art is manifested in a physical form, a copyright is the creator's exclusive right that arises instantly based on the declaratory principle and is unaffected by legislative restrictions (Nurdahniar, 2016). In addition to scientific, artistic, and literary works, point three states that all works created by humans are protected by copyright. Products such as scientific, artistic, and literary works are protected by intellectual property laws as a result of an individual's original ideas, abilities, insights, and efforts (Abduh, 2021).

The meaning of 'exclusive rights' is reserved solely for the creator since these rights are exclusively meant for the author, preventing third parties from utilising them without the creator's consent (Simatupang, 2021). As a result, just one party can profit from these rights with the author's consent. The exclusive rights as economic rights are only partially possessed by copyright holders who are not creators (Kholiq et al., 2022). Copyright holders in the field of science, book publishers as copyright holders who obtain rights from creators to publish and reproduce works, only have the right to exercise copyrights in the form of announcing and multiplying works by bringing benefits in the form of income with economic value, e.g., through book sales (Rahaditya et al., 2022).

Proof of Copyright when a Dispute Occurs Due to a Violation of Copyright in the Field of Knowledge

Based on the declarative principle, copyright for works, including works in science, such as books, emerges automatically. This implies that registration is not required, as copyright is formed immediately when creativity is realised in actual form (Fuadi & Diniyanto, 2022). A copyright record is not mandatory and will not give birth to a right (Nofianti & Bustani, 2022). In the case of scientific creations such as books, copyright is born when a book is compiled in a manner that includes the name of the author, and the book is printed, reproduced, announced, distributed, and traded so that it can be used and read (Nugroho & Utama, 2020). Thus, the copyright is established, granting the creator legal protection.

> Copyright registration simply acts as a means of facilitating evidence that the registrant is the author of the registered copyright work, and it is not the foundation for the creation of a copyright. In the case of a violation that results in a dispute, the author, who does not register his creation to demonstrate his ownership and has the right to a scientific work, such as a book, may utilise the published form of the work—a book with the author's name on it—as evidence of his ownership, along with a sales receipt, witness statements, and other supporting documentation. Meanwhile, creators who register their creations by obtaining a creation certificate can use it as solid evidence (Qtait et al., 2023), making it easier to prove and provide legal certainty. Apart from that, the creation certificate can function as strong evidence and make it easier to transfer rights or licenses (Jannah, 2018).

The form of legal protection given to creators or copyright holders/recipients includes prohibitions for anyone publishing or reproducing protected works (Losung et al., 2021). Legal protection is the ability of a creator to forbid third parties from utilising their creations without their permission or approval, except for specific legally allowed usage restrictions (Finck & Moscon, 2019). Should there be a breach, the owner of the copyright, particularly the author, may pursue civil and criminal legal action (Baranyanan, 2021).

Even though Copyright Law follows a declarative approach, since creative work is established in a physical form, copyright rights and legal protection instantly arise, without the need for registration. However, the law also regulates the registration or recording of copyrights, meaning a creation can also be registered, and a copyright registration certificate is issued. However, it does not determine the emergence of copyright because copyright rights and legal protection have existed since the creation of the copyrighted work. If an invention, such as a book in science, is registered or recorded by presenting proof in the form of a certificate of copyright registration, the birth of a copyright is not determined. Copyright protection is automatic when the idea is embodied in concrete, and then the creation has been protected (Ardianto, 2022).

A creator is an individual or collective who, either separately or together, creates a one-of-a-kind, uniquely personal work of art. In contrast, the owners of copyrights are the artists themselves, the persons from whom the creators lawfully get these rights, or other parties who obtain additional rights from the parties from whom the creators lawfully obtain these rights. The only exclusive rights that copyright holders who are not artists have are economic rights. Copyright includes both moral and economic rights. Moral rights are those that are permanently tied to the creator himself:

(i) still include or do not include his name;
(ii) use aliases or pseudonyms;
(iii) change the creation;
(iv) change the title and subtitle of the work, and
(v) defend their rights in the event of something detrimental to their self-respect or reputation.

In contrast, economic rights refer to the creator's or copyright holder's only ability to profit monetarily from a work protected by a copyright. Not everyone is able to capitalise on copyright rights and protection for creators; rather, anybody wishing to exercise or utilise economic rights over a work's copyright must first acquire permission from the author or copyright holder. Therefore, it is forbidden for anybody to reproduce or use works for commercial purposes without the permission of the author or the owner of the copyright. Similarly, it is against the law for trade venue administrators to permit the sale and replication of products that violate copyright and associated rights at their establishments. Every work has a certain length of copyright protection, which is granted for the duration of the author's life and for seventy (70) years following their passing.

If the copyright infringement is carried out for economic gain, there are two types of legal remedies available: civil and criminal. For instance, in a scientific book, if all or a portion of the work created by another party is taken without authorisation by copying and selling the work as a result of copyright infringement, a civil action may be filed by submitting a lawsuit to the District Court's Commercial Court, or a criminal complaint may be made (Losung et al., 2021). However, if the violation is not committed for a commercial purpose, legal action cannot be taken civilly or criminally. For example, it is used as a requirement for a final study assignment in the form of a thesis or dissertation. In such a violation, legal remedies cannot be taken using the copyright law. Still, other regulations can be used, such as regulatory provisions in the field of education, for example, regarding academic ethics regulations, whose sanctions can be in the form of administrative sanctions such as postponement of graduation, up to cancellation or revocation of the degree. It has also happened in several cases within higher education.

Copyright infringements in the field of scientific publishing may occur in the form of taking part of the contents of a book created by another party without proper attribution, or altogether compiling it into a book or other written work. Plagiarism happens when materials are taken far beyond reasonable limits, such as by taking the entire creation of another party's book as one's own. Other forms of copyright infringement include piracy and duplication. A book is considered to be pirated if it is duplicated by printing, photocopying, or any other method without the publisher's and author's express written consent (Ardianto, 2022).

One example of a copyright infringement case was resolved through mediation by the Directorate General of Intellectual Property (DJKI) of the Ministry of Law and Human Rights between the two parties disputing each other regarding an infringement of copyright on electronic books or e-books on Tuesday, September 20, 2022, at the DJKI Office. This mediation began with a report from the Cipta Karya Concern Association (PPKC), which complained to DJKI about the discovery of illegal e-book sales on Tokopedia and Carousell. Furthermore, the DJKI, through the Directorate of Investigation and Dispute Resolution, brought together the PPKC reporting party directly and the reported party who owned the Carousell account "Debobi2802". The meeting resulted in amicable terms between the two parties, with the notified party willing to agree on some compensation for selling e-books illegally. The agreement includes being willing to replace material losses for IDR 20 million, writing an apology video, and making a written statement not to repeat the illegal act (DJKI Kementerian Hukum dan Hak Asasi Manusia Republik Indonesia, 2022). The ineffectiveness of IPR law enforcement in Indonesia can be concluded from four indicators:

(i) Massive distribution of pirated products in the market.
(ii) The rising number of piracies as reported by the authority's agency.
(iii) The USTR and IIPA report includes Indonesia as the priority watch list.
(iv) Society's lack of IPR awareness, as concluded by the local IPR Directorate General (Triyanto, 2017).

The absence of copyright registration does not preclude legal rights and protection. As long as the work protected by copyright is created in a tangible form, copyright is inherent and is protected by law. Copyrights in the field of science typically take the form of books, which receive legal protection from the moment they are published, whether in physical print or electronic (e-book) format, making them accessible for others to read (Manuaba & Sukihana, 2020). In case of disagreement, the copyrighted work itself, in the form of a book bearing the author's name and endorsed by witnesses, can be used as proof of ownership for scientific publication. If the work is registered, its certificate of copyright registration may also be used as proof.

Table 1

List of Cases on Copyright Disputes in Indonesia

Case position	Parties	Completion/Decision
(i) Sales of unauthorised or fake copies of books.	Kampoeng Ilmu Surabaya book seller.	There are no resolution actions yet.

The modus operandi: The sellers sell counterfeit books, with indications that the paper material is different from the original book, and they are sold much cheaper than the original book, which is **around** IDR 100,000, **while books that are not original range from** IDR 20,000 to IDR 25,000.		
(ii) Use of other parties' creations without the author's permission. In **2017, the Aceh regional government issued a book entitled "*Flashback on the Development of Aceh After the Helsinki MoU*", which turned out to be the creation of a journalist**, named Junaidi Hanafiah, **at the Aceh Government Economic Bureau**, **who at that time was still on duty (Kompasiana, 2020)**.	Aceh Regional Government and Junaidi Hanafiah	Handling of cases by legal advisors.
(iii) Distributing fake books. **Romy Heriyanto, who owned a printing business, duplicated books illegally by buying original book**s **or dictionar**ies**, then photocopying** them **by scanning** and printing them **using low-quality paper.** With the low quality, the price of the **books with the same content** was reduced; hence, they were **sold at a lower price. If some** of the **books** had **e-books, Romy also provide**d **pirated CDs (Detik News, 2014).**	Romy Heriyanto	Sentenced to imprisonment and a fine of IDR 500 million.

(iv) Plagiarism claim **Plagiarism, the mode of work that was defended at Cambridge in 1982, was allegedly similar to "*Capitalism and the Bureaucratic State in Indonesia*" (Chandra, 2014)**.	Yahya Muhaimin	Both came from the same source, which is considered not copyright infringement.
(v) Plagiarism in book publication **The modus operandi** involved **plagiarism** in **making a book entitled "*Sources and Availability of Feed Raw Materials in Indonesia*." It was carried out by Heri Ahmad Sukria**, **who took data from articles made by a professor who was a lecturer at IPB (Chandra, 2014).**	Heri Ahmad Sukria	Reports and summons.
(v) Content overlap **Anggito Abimanyu's article entitled "*Disaster Insurance Ideas*" in the Kompas Daily Opinion column on February 10, 2014. This article is similar to Hotbonar Sinaga's article in the same media on July 21, 2006 (Dyantoro, 2017).**	Anggito Abimanyu Hotbonar Sinaga	Academic sanctions (resignation from academic staff on campus)

Source. Lauren (2019).

From Table 1, it is evident that there are various ways in which copyright can be violated in book publication. In the first instance, a book can be copied without the author's permission or consent, using lower-priced paper and simpler production methods that nevertheless result in identical copies of similar books in terms of form and content (Siregar et al., 2022). This practice is disadvantageous to the original writer since it allows violators to sell duplicates at a far lesser price while still making money. More copies of counterfeit books can be sold for less money than genuine copies, which are typically priced

higher. Publishers who reprint books in greater quantities than the authors have agreed upon are also capable of engaging in unauthorised reproduction or approval from the creator. Of course, the creator may also suffer negative consequences from it.

Besides that, in the second case, violations can occur when a copyrighted work is still in the form of a draft or material that has yet to be printed. It can happen when the draft of the book is submitted to a third party, which unconsciously, can result in the unpublished draft being duplicated and printed without authorisation, either by a colleague or another individual, even by a printer, especially if a long time has passed since it has been submitted to the publisher. The work had yet to be published and printed, but without the original author's consent, it was printed and duplicated.

The third case is the same as the first case, but in the form of duplication by someone with a printing business, who deliberately copies the original books to be reproduced with lower-quality materials and less complicated processes. The copied books are then distributed and sold to the public. In the third case, the perpetrator deliberately bought the original books and reproduced them by reprinting using lower-quality materials and simpler production methods to reduce the selling price. These copies were sold at lower prices than the originals. Such unethical actions can, of course, generate large profits, but at the expense of the original owner.

The fourth case may be the case in academic settings where students write papers or dissertations as a graduation requirement, and lecturers produce research papers. In writing a work, it is often necessary to support arguments with sources from others' work. According to the Copyright Law, this is not considered a violation as long as the sources are stated completely and clearly. As long as this is done by the provisions of the law, it is not considered a violation. In accordance with the Copyright Act, these actions are considered violations and legal remedies only if they are done for commercial purposes. However, if it is not for commercial purposes, legal remedies cannot be carried out. This includes fulfilling the requirement of the final study assignment for the person concerned, and not being reproduced or traded. However, if the work contains elements of violation and is subsequently reproduced and traded, it constitutes an infringement, and legal action may be pursued under both civil and criminal law. Intellectual property complexity should be considered to enforce the copyright law itself; additional regulation on technical mechanisms might be necessary to further advance law enforcement and effectiveness (Nurhayati et al., 2019).

Copyright Protection System in Malaysia

The Copyright Act 1987 governs copyright in Malaysia (Ghani et al., 2017). The Malaysian Copyright Act Section 7(1) states that a wide range of works, including broadcasts, sound recordings, films, books, and artwork, are protected by copyright. However, Section 8 of the Act protects derivative works, which include translations, adaptations, arrangements, and other modifications to works. It ensures that only the owner of the copyright can use it for a certain amount of time (Peng, 2020).

Ownership is granted to the inventor or creator, according to a fundamental concept of intellectual property rights (Ramli et al., 2016). If the legal conditions of originality and fixation are met, copyright protection emerges immediately at the time of creation. It is consistent with the Berne Convention's automatic protection principle, which stipulates that protection cannot be contingent on procedural compliance. Unfortunately, proving ownership of copyright is not simple. Parties in a dispute are required to produce the relevant evidence of copyright, and direct evidence by the copyright is always preferred, but not practical, where there have been changes to copyright ownership, as in the case of *Ester Metering Ltd. & Anor v. Premier Amalgamated Sdn. Bhd.*, the Court requires that the Court establish the chain of

changes beginning from the work's author, and any break in the claim would be fatal to the plaintiff's case.

In Malaysia, several notable copyright cases have set important legal precedents. In *YKL Engineering Sdn. Bhd v. Sungei Kahang Palm Oil Sdn. Bhd. & Anor* [2022] MLJU 1843, the Court acknowledged copyright in design drawings but found no infringement (Saim, 2022). In *Mohd Syamsul bin Md Yusof & Ors v Elias bin Idris* [2019] 4 MLJ 788, the Court of Appeal ruled that the movie '*Bohsia: Jangan Pilih Jalan Hitam*' infringed the novel '*Aku Bohsia*' (Ramly Hj Ali, 2019). Lastly, *Siti Khadijah Apparel Sdn. Bhd. v. Ariani Textiles & Manufacturing (M) Sdn. Bhd.* [2019] 6 MLJ 165, concluded that a Muslim prayer outfit was a graphic work of artistic craftsmanship, granting it copyright protection(Zahir et al., 2022). These cases collectively highlight the judiciary's approach to balancing protection and evidence in intellectual property disputes, particularly concerning copyright law. Table 2 demonstrates a comprehensive summary of the aforementioned four cases.

Table 2
List of Cases on Copyright Disputes in Malaysia

Issues	Parties	Decision
Similarity of fruit bunch splitter drawings.	*YKL Engineering Sdn. Bhd. v. Sungei Kahang Palm Oil Sdn. Bhd. & Anor* [2022] MLJU 1843	Copyright existed in the design drawing, but no copyright infringement had been established.
Similarities **and differences of** the **novel '*Aku Bohsia*' and** the **movie '*Bohsia: Jangan Pilih Jalan Hitam*'**.	*Mohd Syamsul bin Md Yusof & Ors v Elias bin Idris* [2019] 4 MLJ 788	The Court of Appeal held that the movie had infringed the novel's copyright.
Whether a Muslim prayer outfit for ladies constitutes a graphic work of artistic craftsmanship.	*Siti Khadijah Apparel Sdn. Bhd. V Ariani Textiles & Manufacturing (M) Sdn. Bhd*. [2019] 6 MLJ 165	The Muslim prayer outfit was accepted as a graphic work.

Every case is unique, and facts and circumstances determine whether copyright infringement and ownership difficulties are present. To demonstrate that there is a sufficient level of objective resemblance between the two works and that there is a causal relationship between the copyright works and the allegedly infringing copy, direct proof in the form of oral testimony or documentary evidence must be shown in court. More legal clarity is yet required.

In the first case of *YKL Engineering Sdn. Bhd. v. Sungei Kahang Palm Oil Sdn. Bhd. & Anor* [2022] MLJU 1843*,* the Federal Court had to consider issues of law relating to originality, subsistence of copyright, and the test of copyright infringement. It was held that copyright subsisted in the design drawing, but no copyright infringement had been established. The evidential value of statutory declaration was also discussed. The respondent chose not to contest the appellant's statutory statement, which said that he had expended enough time, work, and talent to make his drawing unique. Thus, the statutory declaration satisfied the basic test of originality under Section 7(3)(a) of the Copyright Act 1987. However, claims of copyright infringement were not established as the appellant failed to prove the elements of sufficient objective similarity and causal connection between the two works (Saim, 2022).

In the second case of *Mohd Syamsul bin Md Yusof & Ors v Elias bin Idris* [2019] 4 MLJ 788*,* direct evidence in the form of oral testimony or documentary evidence was adduced in court to prove

copyright infringement. The main issue was whether the movie and the book's similarities were the product of copying. At the High Court, the learned judge found that the essential features, such as theme, plot, character, and other related elements involving the *bohsia* phenomenon and *mat rempit* were common social issues that had existed even before the novel's publication. It, in turn, led to the finding that substantial similarity and causal connection were not established. On appeal to the Court of Appeal, the decision was reversed. There were many significant similarities between the two pieces, more than just accidental or conceptual parallels. Not only were there similarities in terms of the overall subject, storyline, names of the characters, and locations, but also specific events and relationships in the characters' lives could not have been "commonplace, unoriginal or consist of general ideas". The Court of Appeal determined that the movie had violated the copyright of the novel (Ramly Hj Ali, 2019). On further appeal to the Federal Court, the High Court's decision was confirmed and made permanent. The High Court had correctly held that the similarities between the two works could not be said to be substantial. The approach taken by the High Court in examining and evaluating all the evidence in the form of oral testimonies of witnesses from both sides, documents, and exhibits was in line with the established principles of dealing with copyright infringement.

In the third case of *Siti Khadijah Apparel Sdn. Bhd. v Ariani Textiles & Manufacturing (M) Sdn. Bhd.* [2019] 6 MLJ 165*,* under Section 42 of the Copyright Act, the court acknowledged that a statutory statement was *prima facie* proof of copyright. In this case, the defendant refuted the plaintiff's statutory statement of copyright ownership, which the plaintiff had established. According to Section 42 of the Copyright Act, affidavits, statutory declarations, or copies of the Register of Copyright may be used to demonstrate copyright ownership. The person named in the affidavit or statutory statement is the copyright owner, and the copy of the work attached to the affidavit or statutory declaration is an authentic copy of the work. The owner of the copyright in any works eligible for copyright is required to state that copyright exists in the work at the period indicated in the affidavit or statutory declaration (Zahir et al., 2022).

Legal certainty of copyright ownership is apparent with the introduction of voluntary notification of copyright. In 2012, the Copyright Act was amended to allow proof of copyright ownership through an extract from the Register of Copyright, essentially complementing the existing mechanism under Section 42 of the Copyright Act (Tye et al., 2018). The notification of copyright is voluntary and does not affect the fact that copyright protection is automatic (Abdullah et al., 2021). According to Section 26A(1), the creator of the work, the owner of the copyright in the work, the assignee of the copyright, or anyone to whom a license has been given to have an interest in the copyright may voluntarily notify the controller of their copyright. To comply with Section 26A(3), the copyright notification must include the following information: a statutory statement stating that the applicant is the work's author, owner, assignee, or licensee; the name, address, and nationality of the copyright holder; the work's category; the title of the work; the author's name and, if known, and if the author is dead, the year of the author's death; in the case of a published work, the date and place of the first publication; and any other relevant information.

CONCLUSION

The following conclusions are made based on the analysis and findings. First, in principle, the regulation of the copyright registration system enforced in Indonesia and Malaysia adheres to the declarative principle. With the exception of specific legally allowed restrictions, the declarative approach can give

copyright holders clarity and legal protection by allowing artists to forbid other parties from utilising their works without their permission. The owner of the copyright may file a civil lawsuit or a criminal lawsuit in the case of infringement. Second, proof can be carried out with a witness or written evidence in a dispute. It might take the shape of an original work of literature with the author's name on it, provided that it is registered, the certificate of copyright registration can be used as evidence. The existence of a copyright registration certificate provides more certainty of rights and legal protection and is easy to prove.

In principle, the Indonesian and Malaysian copyright law regulations have something in common because Indonesia and Malaysia make copyright law regulations influenced by an agreement in the rules regarding copyright contained in international conventions, including the Berne Convention and also The World Intellectual Property Organization (WIPO) and the TRIPS Agreement which is one of the attached documents in the formation of the World Trade Organization or WTO Agreement formed in the GATT (General Agreement on Tariffs and Trade) negotiations. In the application of the copyright system in several cases, whoever has created and used the copyrighted work first is considered the copyright holder. This is because the determination of copyright rights and legal protection is based on the realisation of a produced creation, not on registration.

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15. Daftar Korespondensi Komentar Revisi Reviewer Dan Tanggapan Author melalui Web Jurnal 20 Januari 2024 sd 31 Juli 2025

DAFTAR KORESPONDENSI KOMENTAR REVISI REVIEWER DAN TANGGAPAN AUTHOR

No.	Tgl. Komen Review	Komentar Review	Tgl Tanggapan Author	Respons Autor
1	20 Januari 2024	Your manuscript entitled "Application of the Science Field Copyright Declarative System (Comparison between Indonesia and Malaysia)" has undergone a review process. 1. Please revise the paper based on the reviewers and editorial board comments. Authors must **COPY and PASTE** your corrections and/or rebuttal onto the corresponding column in the rebuttal form and highlight your corrections in the text as well using RED font. Click here to download the Rebuttal Form 2. You also reminded to format your manuscript and reference list according to the American Psychological Association (APA) Style Manual. You also need to cite the previous articles that has been published in UUMJLS that suits your title. Kindly visit our website at http://uumjls.uum.edu.my for further reference. 3. You must ensure that your article has been edited and proof by a professional editor. **You need to sent the proof/evidence that this paper has been edited by a professional editor**. We would not accept article with grammatical mistakes and spelling errors. Tables and Figures must be clear and sharp by using jpeg or tiff. Turnitin <20%. 4. List of authors full names and full affiliation with their e-mail. We hope to see your revised version by or before **25 February 2024.**	23 Februari 2024	Created and submitted in the form of a list of changes and improvements in the Journal's web system
1	10 Juni 2024	Based on our reading of your revised version, you need to revise the paper for a second time. You need to address on comment given below:	11 Juni & 13 Juni 2024	Thank you for your suggestions and input, actually the core of our discussion is copyright specifically in the field of science, especially

		Wayang is a traditional form of puppet theatre play originating from the Indonesian island of Java (like our wayang kulit). 1) Explain what is meant by (you) written besides Wayang in the manuscript 2) Full citation is very much needed for all Malaysian cases referred in the manuscript.		books/scientific works. Just as in the field of copyright, there are fields of science, art, and literature. While wayang is one of the fields of art, besides there are creations in other fields of art such as dance, painting, song, music, drama, and others. However, we will try to add the requested explanation. First of all, I would like to express my thankfulness and appreciation for your comments and suggestions dealing with my manuscript. I have revised my manuscript according to your suggestion and comments. Dealing with your question about Wayang, it is protected under Article 40 as far it is a work which consists of originality and is not part of public domain works. Traditional and Public Domain Wayang Kulit is protected under Article 38. This article provides the protection for unknown creators or public domain works. To avoid the misunderstanding, I am not mentioning wayang in the manuscript and explaining the substance of protectable works under article 40 in general sense, including the book which is the substance of my manuscript. (please kindly read and refer to my new revised manuscript)
	08 Agust 2024	Assoc. Prof. Dr. Ahmad Shamsul Abd. Aziz: The above article has been amended by the writer following your previous comments. Your previous comments stated: a) I gave the meaning to wayang in the article. Wayang is a traditional form of puppet theatre play originating from the Indonesian island of Java (like our wayang kulit). b) give the citation for Malaysian case. c) I dont think that the word 'you' is needed after the word wayang. Could you please do the following:	26 Agust 2024	To avoid the misunderstanding, I am not mentioning wayang in the manuscript and explaining the substance of protectable works under article 40 in general sense, including the book which is the substance of my manuscript.

		1. Counter check to ensure that all comments have been addressed with regards to content (refer to author revised version based on your previous comments) 2. Use your discretion to judge acceptability where there are minor discrepancies. Please provide your written note/feedback regarding the decision of publication within three weeks.		
2	18 Okt 2024	Thank you for your revised version. However, you need to address on comment given below: The author has not given the full citation of all Malaysian cases referred in the manuscript. Unless and until the author addressed this comment, then the manuscript will be accepted for publication.	25 Oktober 2024	In Malaysia, several notable copyright cases have set important legal precedents. In YKL Engineering Sdn. Bhd v. Sungei Kahang Palm Oil Sdn. Bhd & Anor [2022], the court acknowledged copyright in design drawings but found no infringement(Saim, 2022). The Faiza Sdn. Bhd. & Anor v. Faiz Rice Sdn. Bhd & Anor [2019] case dealt with similar packaging designs, leading the court to presume copying due to striking similarities(Wong Kian Kheong Jc, 2019). In Mohd. Syamsul bin Md. Yusof & Ors v. Elias bin Idris [2019], the Court of Appeal ruled that the movie 'Bohsia: Jangan Pilih Jalan Hitam' infringed the novel 'Aku Bohsia' (Ramly Hj Ali, 2019). Lastly, Siti Khadijah Apparel Sdn. Bhd. v. Ariani Textiles & Manufacturing (M) Sdn. Bhd. [2019] concluded that a Muslim prayer outfit was a graphic work of artistic craftsmanship, granting it copyright protection(Zamre et al., 2022). These cases collectively highlight the judiciary's approach to balancing protection and evidence in intellectual property disputes, particularly concerning copyright law.
3	26 Nov 2024	We have checked your revised version. However, you still need to address the comments below:	30 November 2024	We have removed the description of the second case Sykt. Faiza Sdn. Bhd. & Anor v Faiz Rice Sdn. Bhd & Anor. Regarding the citations, we have also included reference data in the Bibliography for the three cases, namely: Saim, HD (2022), document The

		Kindly drop the Sykt Faiza's case. In the article, the writer mentioned: "In the second case of *Sykt. Faiza Sdn. Bhd. & Anor v Faiz Rice Sdn. Bhd & Anor,* rice is a product of both parties' production, distribution, and retail businesses under different labels. The Court held a close striking objective similarity between 'Beras Mughal Faiz Basmathi' and 'Beras Moghul Faiza Basmahti.' There was a reputable presumption that the Faiz logo had been copied from the Faiza logo since the defendant had access to the Faiza logo. Since not enough work was done to make the Faiz logo unique, no copyright ownership could be established." This statement quite confusing since logo is under trademarks law not copyright. The copyright issue in this case are; "The High Court recognised that copyright may subsist in typographical arrangement of published editions pursuant to Section 9 of the Copyright Act 1987. 1. The High Court recognised that pursuant to Section 26(2)(b) of the Copyright Act 1987, for work authored in the course of the author's employment, copyright shall be deemed to be transferred to the employer in absence to any agreement to the contrary. The agreement to contrary here must be an agreement between the author and the author's employer. 2. The High Court recognised that Section 36(1) of the Copyright Act 1986 provides for 2 limbs for copyright infringement - the first for doing an act controlled by copyright, the second for causing a person to do an act controlled by copyright. 3. The High Court held that the test to be adopted for infringement under the first limb is a 3-elements test:		Federal Court Of Malaysia (Appellate Jurisdiction) Civil Appeal No 02(f)-63-08/2018(W), and Zahir, MZM, et al..

		• The plaintiff must prove sufficient objective similarity between the copyright work and the alleged infringing work; • The plaintiff must prove causal connection between the copyright work and the alleged infringing work, namely, that the alleged infringing work was copied from the copyright work. If the first element is proven, there is a rebuttable presumption that the alleged infringing work is as a result of copying. The burden shifts to the defendant to show that the alleged infringing work was not as a result of copying. • What was copied by the alleged infringing work must constitute a substantial part of the copyright work. " Therefore, it is requested that the author not discuss this case As regards to case citation, the author need to give full citation including year and the name of the report in the Reference List then the manuscript will be acceptable.		
4	04-02-2025	Thank you for your revised version. However, there are still some issues with the citations that need to be revised. Please double-check all citation based on the comments below: The author still do not put the full citation of the cases i.e Mohd Ali bin Md Yusof & Ors v Elias bin Idris [2019] and it suppose to be Mohd Ali bin Md Yusof & Ors v Elias bin Idris [2019] 4 MLJ 788. i.e page 11: -In YKL Engineering Sdn. Bhd v. Sungei Kahang Palm Oil Sdn. Bhd & Anor [2022]	11 Februari 2025	The following is a revised manuscript according to the suggestions and input from the editor. Hopefully it meets the editor's standards and requirements for publication at UUM JLS Journal. Thank you for your attention and I look forward to hearing from you.

		Please double-check all citation and highlight your corrections.		
	11 Juni 2025	There are a few technical errors. Please refer the attachment. Kindly update us within two days.	11 Juni 2025	Attached please find the final revision of our manuscript based on the comment from the editor.
	23 Juni 2025	We have reached a decision regarding your submission to UUM Journal of Legal Studies, "Legal Issues of Scientific Works in the Copyright Declarative System in Indonesia and Malaysia". Our decision is to: Accept for publication UUMJLS Vol.16 (2) July 2025 With effect from 1st January 2022 onwards, all acceptances for publication will be charged. Kindly refer to https://e-journal.uum.edu.my/index.php/uumjls/fee. ***Method of payment:*** You may make online payment here **https://epay.uum.edu.my/payment_form.php** with the description: **UUM JLS Publication Fees (UUM Press) and YOUR NAME;** and Payment Category: **Other Services**. Please notify us once the payment has been made with proof of payment.	23 Juni 2025	Hereby I send the proof of payment for publication fee of UUMJLS. The paper entitled Legal Issues of Scientific Works in the Copyright Declarative System in Indonesia and Malaysia which is accepted for publication UUMJLS Vol.16 (2) July 2025.
	16 Juli 2025	The article titled *"Legal Issues of Scientific Works in the Copyright Declarative System in Indonesia and Malaysia"* has been proofread.	17 Juli 2025	I have revised the final draft according to your comments as attached. Please let me know if there are any mistakes in the manuscript.

		However, some revisions are required before it can proceed to the next stage. Kindly revise the manuscript based on the comments provided. Please note that no new data may be added during the revision. We would appreciate it if you could submit the revised version within 2 days.		
	31 Juli 2025	An issue has been published. Published: 31-07-2025 **Articles** • **LEGAL ISSUES OF SCIENTIFIC WORKS IN THE COPYRIGHT DECLARATIVE SYSTEM IN INDONESIA AND MALAYSIA** Murjiyanto R, Mohd Zamre Mohd Zahir, Zinatul Ashiqin Zainol, Erna Sri Wibawanti 1-19 ○ PDF Link: https://e-journal.uum.edu.my/index.php/uumjls/issue/current Assoc. Prof. Dr. Che Thalbi Md. Ismail		