

Copyright Protection of Authors on Indexed Journal

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Abstract -- Publication of scientific work is a manifestation of the fulfillment of *Tridharma* college lecturers in universities. Scientific publication is the result of the review of scientific research as well as lecturers in accordance with its competence. Ministry research, technology and higher education are currently using Scopus standards for scientific papers published by professors at the number of citations in the text. Scopus is a system that is owned by a company named Elsevier renowned journal publishers who own the journal Science Direct. Elsevier that rate is large enough for the access of the journal to be cited. On other hand, the author of the scientific papers published in a journal indexed by Scopus Elsevier not get the economics rights as it should be protected under the Act 28 of 2014 on Copyright (the Copyright Act). Elsevier can be said to have violated copyright authors notably the economic rights to commercialize scientific papers without the permission of the author and do not provide the economic rights as it should be in copyright as stipulated in Article 9 paragraph (1) letter a, b, e, and f and paragraph (3) of the Copyright Act. For violations of the economic rights, Elsevier may be liable to criminal penalties and civil damages.

Keywords—copyright, journal publication

I. INTRODUCTION

Tri dharma college is an obligation that must be done by teachers (lecturers) in universities, include teaching, research and service. Fulfillment tri dharma, is an obligation for lecturers as a form of career development and achievements as a lecturer at the universities. Teaching for lecturers are major task and will be easily met by the lecturer. But not so with research and public submission, the fulfillment of this obligation have require deeper thought and make it happen in a year. Lecturer must do a research and public submission required to implement a minimum each of the activities in a year.

Ministry research, technology and higher education as the ministry that houses universities

across Indonesia, has long been established that the career of a lecturer can be assessed with the fulfillment of a credit number of lecturers in the fulfillment of the tri dharma. As mentioned earlier, the instruction of a teacher can be easily met. Similarly, public submission is a little more can be achieved when compared with the research.

Research, for lecturers is the process of deepening of scientific by a lecturer so as to improve their competence. Research for a lecturer, not in practice can only be realized in a process of examining only, but can be realized or filled with writing scientific papers that will be published. Published scientific papers can be the result of research conducted as well as academic studies lecturer. Scientific publications to be embodied in a journal article (accredited and non-accredited) and in a proceedings which is paper or writing lecturer presented in a seminar.

This paper focuses on scientific papers published in the journal. Ministry research, technology and higher education give a precondition for scientific papers published by lecturers where one of them indexed Scopus to be awarded points for such papers. Points is collected lecturer for the sake of advancement in his career, as well as to become a professor.

Scopus is a largest data centers in the world that includes tens of millions of published scientific literature since decades ago until today.[1] Scopus is a well-known entity, which in turn sets the standard for a scientific papers published in a journal. This is because Scopus provide aggregate data to show the level of influence of a journal (journal impact) or institution (institutional impact) in the world of scientific publications based on the relationship of citations from and to the articles published by a journal or published by researchers from an institution. More and more scientific papers cited, would give authors and rank values documented in Scopus is because scientific papers are considered to be a reference for other writers.

In fact, it (Scopus) owned by a renowned publisher company called Elsevier. By implementing the system contained in Scopus,

Elsevier collecting journals, conference papers and even books to patents from multiple patent offices to put in Scopus that can later be accessed by the mob crowded. As a publisher, Elsevier has a journal called ScienceDirect which is collecting of a variety of writing scientific papers from various journals, books and conference papers are indexed in Scopus. Scientific paper which cited in the Scopus, gave rise to a policy of Ministry research, technology and higher education to require for the professors who write scientific papers as one of the components in the study to incorporate scientific paper in journals indexed Scopus. This is done to determine the level of citations of a scientific paper of high or low, so that the text can be interpreted quality.[2]

Its has become a natural thing, when the lecturer who has written scientific papers want to enter into a journal article will be subject to a process of money as entry documents. The imposition of this money is going on not only in national journals, but rather an international journal. On the other hand, Elsevier provides subscription rates are expensive for universities that subscribe to ScienceDirect with Scopus indexed journals whose value is almost six billion Rupiahs for a period of one year. It rate is not include royalty of economic rights for writers that their works contained in Scopus indexed journals.

This is going commercialization practices by Elsevier's journals by providing rates for the parties who wants to access the journal that has to be used as the Scopus citation. While the author of scientific papers contained in journals indexed in Scopus, do not get the economic rights and the rights contained in the attached copyright of the paper. On the law No. 28 of 2014 on Copyright (copyrights act), the paper is the object of copyright-protected as stipulated in Article 40 paragraph (1) letter a. Ministry research, technology and higher education here as though not respond to the phenomenon even using Scopus indexes as a way of knowing how many citations were made on a scientific paper.

II. RESEARCH METHODS

The methodology used in this paper is a normative legal writing. Normative legal writing focuses on the study of literature by using secondary data obtained at the primary legal materials, secondary, and tertiary. Primary legal materials sourced legislation contained in the order hirearki legislation. Secondary law rooted in literature, journals and other materials outside the legislation. Lastly tertiary legal materials are materials outside the law of primary and secondary legal materials, such as dictionaries, encyclopedias, and so forth. The legal materials collected by

literature study in accordance with the discussion in this paper.[3]

The approach in this study, using the legislation and concept approach. Both of these approaches is felt appropriate to the problems discussed in this paper, so that later can be obtained by an analysis that can describe the problem.

III. RESULTS AND DISCUSSION

The protection of copyright in the creation of books, pamphlets, typographical arrangement of a published work, and all other written works as an object that is protected by copyright.go Copyright on Copyrights act given the understanding contained in Article 1 number 1 where copyright is the exclusive right for creator arising out automatically based on the principle of declarative after a work embodied in a tangible form without reducing restrictions in accordance with the provisions of the legislation. If you look at Article 1 number 1 copyrights act, a writer will get protection of copyright on the works he wrote when the paper is manifested in tangible form (handwritten or typed) based on the declarative principle. The enactment of the declarative principle asserts that creation is not ideas but the expression of an idea that is protected since it was first announced.[4]

Article 1 number 3 of copyrihts act gives the sense of creation is all the work in the fields of science, art and literature produced by inspiration, mind, imagination, dexterity, skill or expertise that is expressed in a tangible form.

Scientific papers published in copyrights act a protected object creation, as also referred to in Article 40 paragraph (1) "protected creations include creation in the fields of science, art and literature." Scientific papers published is a creation in the life sciences, where Article 40 paragraph (1) letter a, "books, pamphlets, typographical arrangement, published works, and all other written works".

Scientific papers published is a creation of a creator in the sphere of science as mentioned in Article 1 number 3 copyrights act. Exclusive rights in copyrights act granted to the creator in the form of moral rights and economic rights, Article 4 copyrights act. The moral rights in copyrights act stipulated in

article 5

(1) The moral rights referred to in Article 4 is the inherent right of self perennially on the Creator to:

- a. continues to say or not to include his name in connection with the use of copies of his work to the public;
- b. using the alias name or pseudonym;
- c. his work in accordance with the change of decency in society;

d. changes the title and subtitle of the work; and
e. defend their rights in the event of a work distortion, mutilation Creation, modification of Creation, or things that are detrimental to the self-respect or reputation.[5]

The economic rights under Article 8 copyrights act which states that economic rights is the exclusive right of the creator or copyright holder to obtain economic benefits over creation. The economic rights meant here in the form of a. publishing the work; b. reduplication creation in all its forms; c. translation of the work; d. adaptation, arrangement, or transforming the work; e. Distribution, the distribution of the work or a copy of it; f. the performance of the work; g. Announcement of the work; h. Communication of the work; and i. Creation rental. (Article 9 paragraph (1) copyrights act). In this situations, Elseviere that compiles scientific papers published in journals indexed Scopus Yag his moral rights in accordance or in other words do not violate what is regulated in copyrights act. Regarding economic rights, if we consider Article 9 copyrights act particularly in letter b, e, and g, the Elseviere even journal publications entered Scopus indexes being in violation of economic rights.

On this basis, Elseviere as the owner of Scopus has been doing multiplication, distribution creation and the announcement of creation at the same time for adverse economic rights of authors. Violations of economic rights is by the practice of commercialism which Elseviere provide fare for those who want to download scientific papers. In fact, if you want to subscribe Elseviere, tariff immense and lasted only a year. Journal publications entered Scopus indexes belonging Elseviere have contributed to the practice of violation of economic rights of the writer, which allows a journal publication Elseviere for republication tersbut scientific works without asking permission from the author of a scientific paper itself.

Rates charged for access to the journal Elseviere no penny given to the author of scientific papers published in the journal. However, to date no objection from the author of the scientific paper about the violation of its copyright. This is due to the authors feel have an interest and pride if his work can and will be indexed Scopus citations for other authors that are published scientific papers from kemenristekdikti will earn points that can be taken into consideration of an increase in the fulfillment of the author's career Tridharma college. On infringement of the economics of the rights of authors, violators can serve targeted economic rights in civil and criminal sanction as set out in copyrights act.

In principle, the journal manager is the copyright holder. Article 1 point 4 of the copyright law states that the copyright holder is the creator as

the copyright owner, the party who receives the right legally from the creator, or another party who receives further rights from the party who received the right legally.[5] This definition gives an illustration that in principle, in this case the journal manager is the copyright holder other than the creator itself. The copyright holder is not necessarily a creator.[6] This is because the copyright holder who besides the creator is not directly involved through a process of creation of a copyrighted work. In this case, elsevier can be considered as not violating the rights of the creator if indeed in the writing the author's writing has a balanced situation between the creator and Elsevier. This balanced state is that the economic rights of the creator are still considered by the journal manager (the copyright holder).

IV. CONCLUSION

Elseviere with DirectScince journal that has Scopus as a standart, in principle, has violated the economic rights are owned by the author contained in paragraph 9 article (1) letter b, e, and g copyrights act. Scopus indexed journals publications belong Elseviere, in principle also have a role on the exclusive rights abuses committed by the Elseviere on the part of the author. These practices can not be said as a elanggaran if there is permission from the author to give the copyright to the journal publications and Elseviere to practice commercialism of the published scientific papers.

Practice commercialism scientific paper can be said is not a violation of the economic rights over a copyright if the author has given permission to the manager of the journal to carry out its exclusive rights over scientific papers. However, this license does not seem to exist so that commercialism scientific paper can be regarded as copyright infringement which can be penalized or civil piidana as stipulated in copyrights act.

ACKNOWLEDGEMENT

This paper is prepared based on the existence of a madness about the potential violation of the rights of Eknomo to the copyright of the author by the manager of the journal who commercializes a written work. This paper is expected to provide an overview to the stakeholders in order to provide a more directed and wiser.

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