

Deconstructing Intellectual Property Rights in Fanfiction: A Case Study on Copyright Protection and Moral Rights



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ABSTRACT: The protection of intellectual property rights serves to safeguard the interests of creators by granting them exclusive ownership rights over their creative works. Copyright includes both ethical rights and financial rights. Fanfiction is safeguarded by copyright, which is a form of intellectual property rights. This article presents a case study examining the role of Intellectual Property Rights and Moral Rights in the context of Fanfiction with Normative Legal Research. The fair use doctrine, as implicitly articulated in Article 44, paragraph (1) of the IPR Act of Indonesia and comparison with another regulation, is encompassed within this category.

Furthermore, the considerable similarity test is utilized to assess the degree to which similarities and actuality exist in the work. The pattern test entails the analysis of the narrative structure and overall depiction. Finally, the feel and total idea test is employed to assess the essence and attributes of the writing, as well as the implementation of parallels in narrative themes. The establishment of legislation concerning Fanfiction is of utmost importance in order to delineate distinct boundaries between creative pursuits and legal violations. Ensuring the protection of novelists and amateur writers who have a profound emotional attachment to the narratives they have encountered is of utmost importance, as it cultivates their propensity to generate alternative stories.

KEYWORDS: fanfiction, copyright, infringement, intellectual property right

I. INTRODUCTION

Intellectual Property Rights (IPR) can be defined broadly as property rights resulting from or arising from human intellectual capacities (Suyud Margono, 2001). This IPR is the result of humans' intellectual originality. The form is tangible, not merely a notion, concept, or idea. Creativity can manifest itself in factual or absolute terms. It safeguards all manifestations of concepts, ideas, and notions.

Regarding the aforementioned, one definition of intellectual property rights can be found in the following clause: (Muhammad Djumhana dan R. Djubaedillah, 2014)

"The term intellectual property refers broadly to the creations of the human mind. Intellectual property rights protect the interests of creators by giving them property rights over their creations."

As stated in the preceding clause, intellectual property generally pertains to the products of human thought. By granting ownership rights to their creations, intellectual property rights safeguard the interests of their creators.

The domains of creativity that are safeguarded encompass the following:

1. Science, art, and literature - afforded protection by copyright;
2. Technology - granted protection through patent rights;
3. A trademark is a collection of words, characters, numbers, and colours that are used to protect goods and/or services.
4. The protection of product appearance is ensured by industrial design.
5. Data within the realm of business and/or technology that is safeguarded by trade secrets or formulas.
6. The layout design and protection of semi-conductors are ensured by the implementation of integrated circuit layout design.

While it is necessary to register brands, patents, industrial designs, and formulas in order to fully protect the rights associated with them, copyright operates differently. Copyright provides automatic protection for the tangible form or result of creativity. There is no requirement for registration or prior registration to provide comprehensive protection for the rights

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associated with the tangible form or outcome of creativity. This automatic protection arises spontaneously and does not require external assistance, although it can be officially registered.

As explained earlier, obtaining a copyright for one's work is a relatively straightforward process that does not require registration. Copyright is established once the work is completed. It will require significant effort to determine the completion date of the creation. In order to ensure the recognition and protection of a work, Law Number 28 of 2014 concerning Copyright (Undang-Undang Hak Cipta/UUHC) stipulates that it must be published or announced for the first time. (Budi Santos, 2011)

This is as stated in UUHC Article 1 number (1):

"Copyright is the exclusive right of the creator which arises automatically based on the declarative principle after a work is realized in real form without reducing restrictions by the provisions of statutory regulations."

Then, it is strengthened by the provisions of Article 13 UUHC:

"Publishing, distributing or communicating a portrait of one or several performers in a public performance is not considered a violation of copyright, unless stated otherwise or given approval by the performer or the holder of the rights to the performance before or while the performance is taking place."

Copyright is a monopoly right to reproduce or publish works owned by the Creator or other Copyright Holders, as stipulated in Articles 1 (1) and 13 of the UUHC. The execution of copyright is subject to the relevant regulations. (Budi Agus Riswandi dan Muhammad Syamsudin, 2004)

Exclusive rights refers to rights designated explicitly for the individual who holds them. As per the stipulations outlined in Article 1, paragraph (1) of the UUHC, exclusive rights are automatically granted upon creating a work. On the other hand, the rights about the publication or reproduction of a work encompass a wide range of activities, such as translation, adaptation, arrangement, conversion, sale, rental, lending, importation, exhibition, public performance, broadcasting, recording, and communication of creative through various mediums.

Based on this statement, it may be inferred that the individual possessing the authority to utilize their own creation is called the Creator. In the event that another party desires to utilize the creation, they must initially seek authorization from the creator. That is because copyright encompasses both moral rights and economic rights. When an individual, who is not the original creator, decides to make alterations to a copyrighted work without obtaining the creator's consent, despite the work being associated with the creator. Indeed, in the event of a future disagreement over the arrangement, the original creator will also be impacted. The original creator will not be overwhelmed if the modified work has acquired tangible economic rights. (Etty Sulistyowati, 2013),

Article 40 paragraph (1) UUHC describes the scope of protected works, including:

- a. books, pamphlets, published forms of written work, and all other written works;
- b. lectures, lectures, speeches and other similar works;
- c. teaching aids made for educational and scientific purposes;
- d. songs and/or music with or without text;
- e. drama, musical drama, dance, choreography, puppetry, and pantomime;
- f. works of fine art in all forms such as paintings, drawings, carvings, calligraphy, sculpture, sculpture or collage;
- g. works of applied art;
- h. architectural works;
- i. map;
- j. batik artwork or other motif arts;
- k. photographic works;
- l. Portrait;
- m. cinematographic works;
- n. translations, interpretations, adaptations, anthologies, databases, adaptations, arrangements, modifications and other works resulting from transformation;
- o. translation, adaptation, arrangement, transformation, or modification of traditional cultural expressions;
- p. compilation of works or data, either in a format that can be read by computer programs or other media;
- q. a compilation of traditional cultural expressions as long as the compilation is an original work;
- r. video games; And
- s. Computer program.

Copyright infringement is typically motivated by the desire for immediate financial profit, disregarding the rights of artists and copyright licence holders. The offenders' activities unequivocally contravene the legal courtesy, which mandates that

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individuals are obligated to comply with, honour, and uphold the rights of others in civil matters, including newly uncovered information that is acknowledged as the property of others and protected by legal requirements.

According to the regulations set forth by the Indonesian Publishers Association (IKAPI) on February 15, 1984, copyright infringements can be categorised into two distinct types. The first type involves quoting a portion of another individual's work and integrating it into one's own creation, thereby presenting it as one's own. The second type entails acknowledging another individual's creation as one's own. Plagiarism refers to appropriating copyrighted works, such as books, songs, and song notations, without changing the original content, creator, or publisher/recorder. This activity is called piracy, commonly perpetrated on various forms of media such as books, audio/video recordings (including songs), and video cassettes (VCDs) due to its commercial nature. (buletinlitbang.dephan.go.id)

Regarding plagiarism, according to the Longman Dictionary of English Language and Culture, plagiarism is appropriating concepts from another individual's writing and subsequently incorporating these concepts into one's work without appropriately acknowledging the original author. (www.lidoceonline.com)

Plagiarism is defined as follows, according to a conceptual reference derived from Black's Law Dictionary:

"The deliberate and knowing presentation of another person's original ideas or creative expression as one's own. Generally, plagiarism is immoral but not illegal. If the expression's creator gives unrestricted permission for its use and the user claim the expression as original, the user commits plagiarism but does not violate copyright laws. If the original expression is copied without permission, the plagiarist may violate copyright laws, even if credit goes to the creator. And if the plagiarism results in material gain, it may be deemed a passing-off activity that violates the Lanham Act." (Henry Sulisty, 2011)

The dictionary definition distinguishes between immoral and illegal acts. If the content that has been copied is unique and creative, then the person who copied it is seen as having infringed upon the Copyright Law. Furthermore, it is explicitly stated by the World Intellectual Property that plagiarism is a clear violation of Copyright, as stated: (www.wipo.int)

"Generally understood as the act offering or presenting as one's own the work of another, wholly or partly, in a more or less altered form or context. The person so doing is called a plagiarist, he is guilty of deception and, in the case of works protected by copyright, also of infringement of copyright."

The WIPO definition highlights a normative criterion, stating that copyright infringement occurs when the plagiarised work is copyrighted. This condition implies that plagiarism is not considered copyright infringement if the work being plagiarised is a creation in the public domain. It is necessary to verify this interpretation, as plagiarism is a breach of the creator's moral rights, which may have indefinite legal protection in certain countries.

While Indonesia lacks formal legislation governing the substance of passing-off, this concept's underlying reasoning and philosophy are universally applicable. If the individual who commits plagiarism gains financial advantages from their act, they can be legally pursued for civil reparation. Due to his plagiarism, he faced legal consequences in the form of sanctions and had to provide restitution.

Enforcing an understanding of plagiarism is not just a legal infraction but also a clear breach of Moral Rights, particularly when the author's identity is intentionally omitted in the cited text. Within the framework of copyright law, moral rights necessitate the inclusion of citations alongside the source for others' creativity.

In contemporary times, due to technological advancements and the intellectual capacity of individuals, we frequently encounter creations that are commonly encountered in our daily lives. For instance, literary works such as novels in printed format have transformed into digital files that can be downloaded from a computer and stored on a website in cyberspace. These files can be accessed, either in their entirety or partially, by individuals who are not typically the original creators of the work. The ease of access enables unscrupulous individuals to manipulate files without the creator's consent and then alter them to their desired format. The behaviour mentioned above may not be explicitly classified as plagiarism, as it occasionally assumes the guise of fanfiction or fan fiction.

The term "fanfiction," commonly abbreviated as fanfic, refers to the genre of fan fiction. Fan fiction refers to a fictional creation, such as a novel, short story, drama, or film, produced by fans of the original work. These fans are highly engaged with the work and strongly desire to create their version of the author's work. With his rendition, there are other reasons for dissatisfaction with the ending, such as fans believing that some areas need to be expanded upon, the desire to produce an alternative outcome or tale, and several other factors.

The Urban Dictionary defines fanfic as:

"Fanfiction is when someone takes either the story or characters (or both) of a certain piece of work, whether it be a novel, tv show, movie, etc, and create their own story based on it. Sometimes people will take characters from one movie and put them in another, which is called a cross-over."

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According to Merriam-Webster, a reputable American dictionary, "fanfic" was initially employed in 1944 to denote narratives using well-known fictitious characters authored by enthusiasts and frequently disseminated on the Internet.

Fan fiction is a work crafted by enthusiasts, drawing inspiration from pre existing narratives, characters, or environments. It refers to an individual's creative thinking or imagination about a particular type of job that they find appealing. Fanfic can be related to various forms of media such as films, comics, novels, celebrities, and other well-known characters. Occasionally, certain fanfictions incorporate the author as a narrative character, while others do not.

The narrative of fan fiction is the outcome of the imaginative faculties of the fans. "What if..." or "What if..." is a fundamental notion employed in the composition of fanfiction. Through this notion, enthusiasts have the liberty to envision their preferred personalities. This concept facilitates the emergence of advancements that may be unrelated to the original narrative. This approach additionally grants fanfic writers the freedom to experiment by delving into and altering pre existing characters or simultaneously amalgamating characters and plots from multiple narratives. (Raizel Liebler, 2014)

An instance of fanfiction that has generated much controversy is the 50 Shades of Grey series authored by E.L. James, a British writer. This series presents a reinterpretation of the characters Edward Cullen and Bella Swan from Stephanie Mayer's Twilight novel series. The ABC TV series "Once Upon A Time" features the characters and plots from the fairy tales of Hans Christian Andersen, Walt Disney, and Robert Stevenson, published many years ago.

In order to mitigate any copyright infringements, fanfic authors commonly incorporate the "fanfic" classification inside their written works and subsequently include a disclaimer, which serves as a form of copyright acknowledgement, specifically for the original author. The absence of legislative restrictions protecting creators' creative works in fan fiction undermines the assurance of legal safeguards for original works.

The concept of copyright encompasses both moral and economic rights. An unauthorised individual alters a copyrighted work without the creator's consent, despite the work being associated with the creator. Undoubtedly, in the event of a future disagreement about the composition, the original inventor will likewise experience repercussions. Indeed, if the altered work has acquired tangible economic rights, the initial creator will not be subject to infringement.

The parameters about the presence of fanfic or fan fiction and the degree to which resemblances to pre existing works can be examined to establish the work as an independent entity and avoid instances of plagiarism or copyright violation, With a deep understanding of the legal landscape in Indonesia, the author is sure to be captivated by the opportunity to write this journal. This issue is not extensively governed by legislation, particularly the Indonesian IPR Right/Undnag-Undang Hak Cipta/UUHC.

This research delves into protecting original copyrighted works in light of fanfiction activities, examining copyright infringement indicators in fanfiction novels.

II. RESEARCH METHODS

The normative juridical approach is a method that analyzes ideas, conceptions, legal principles, and statutory rules pertaining to significant legal material in order to conduct research. This methodology is sometimes referred to as the bibliographic approach, which involves the examination of books, laws, regulations, and other relevant documents pertaining to the subject matter of the research. (Rony Hanitijo S, 1988)

Soerjono Soekanto and Sri Mamudji defined normative legal research or library legal research as the process of doing legal research solely by studying library materials or secondary data. (Soerjono Soekanto dan Sri Mamuji, 1985)

Furthermore, this study employs analytical descriptiveness, which entails doing research on legal principles for the purpose of describing normative juridical data obtained from library materials or library research. The utilization of normative approaches in the study of law involves the identification and conceptualization of law as a set of norms, rules, and regulations that pertain to the sovereign authority of the State. The legal framework established by the State is deemed adequate in safeguarding the creator (novelist) of their creative work (novel) from actions that are perceived to pose a threat to their status as the rightful owner of moral and economic rights pertaining to the work. (Zainudin Ali, 2009)

III. LITERATURE REVIEW

A. Overview of Intellectual Property Rights

Intellectual Property rights (IPR) are governed by Law Number 4 of 1994, which ratifies the Agreement Establishing the World Trade Organization (WTO). The term has its roots in legal literature from the Anglo-Saxon era. In Dutch, IPR is also called Intellectual Eigendomrecht; in Indonesian, it is translated as Hak Milik Intelektual (HMI). This stems from the concept of property rights in the Civil Code, specifically in articles 499, 501, 502, 503, and 504. Using the term, HMI is a logical decision that aligns with the consistent steps within the normative juridical thinking framework.

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Generally speaking, intellectual property refers to the outcome of human creativity that possesses economic worth, encompassing both tangible products and intangible processes. (Rachadi Usman, 2003)

Intellectual property rights only apply when human intellectual abilities have created something tangible, whether seen, heard, read, or practically used. David I Bainbridge was mentioned :

"Intellectual property is the collective name given to legal rights which protect the product of the human intellect. The term intellectual property seems to be the best available to cover that body of legal rights which arise from mental and artistic endeavour."

Intellectual property rights are granted to safeguard the creations of the human mind. IPR is a product of someone's intellectual creativity, requiring it to be manifested physically and be a unique creation, not a mere repetition of something already existing. Ideas, concepts, or concepts are not protected under intellectual property law. (Roscou Pound, 1982)

Intellectual property rights are a way to recognize and value human ingenuity, encompassing scientific breakthroughs and artistic and literary endeavours, mainly when these creative outputs are utilized for business gains.

B. Copyright is a Fundamental Aspect of the Field of Intellectual Property Law

Intellectual property rights stem from individuals' creative endeavours, resulting in innovative works with practical applications in our daily lives. Intellectual property law protects creators and inventors, ensuring their innovative works are safeguarded in the face of widespread social use. Thus, IPR law aims to direct individual creativity for the greater good of society as a whole.

The full range of intellectual property rights, as defined by TRIP'S, includes: (Prof. Dr. Mieke Kantaatmadja, SH., MCL, CN., 1988)

- 1) Copyright and related rights;
- 2) Trademarks;
- 3) Geographical Indications;
- 4) Industrial Design;
- 5) Patents;
- 6) Layout Designs of Integrated Circuits; and
- 7) Undisclosed Information.

In the legal sense, as defined by the regulations in the Indonesian UUHC, particularly Article (1) paragraph (1), the concept of Copyright refers to the exclusive rights granted to creators. These rights are automatically established once a creation is manifested in a tangible form, subject to certain limitations outlined in statutory regulations.

C. Copyright Subject: Creator and Copyright Holder

In the context of Copyright, the subject refers to the Copyright Holder, the individual or legal entity that lawfully acquires the right to the copyrighted work. Meanwhile, the subject of Copyright is an intangible entity, specifically Copyright itself. (Eddy Damian, 2002)

According to Article (1) number (2) of the UUHC, the Creator is defined as an individual or a group of individuals who, either individually or collectively, generate a creation that is distinct and individualized.

According to the stipulations outlined in this article, a distinction can be observed between the Creator and the Copyright Holder. It is only sometimes the case that the copyright holder is the Creator. The feasibility of this scenario arises from the Copyright Holder's ability to obtain the transfer of Copyright from the Creator. If the Copyright is not transferred to another party, the Copyright Holder assumes the Creator and Copyright Owner role.

The statement above is substantiated by Article (1) number (4) of the UUHC, which states that the Copyright Holder refers to the individual or entity that has the Copyright as the owner or the party that has lawfully obtained the right from the Creator, or any other party that has obtained additional rights from the party that lawfully obtained the right.

The third section of the UUHC pertains to regulating individuals and legal entities eligible to assume the role of creators. This classification is as follows:

- a. An individual (Article 31);
- b. A group of two or more individuals (Article 33 paragraph (1));
- c. An employee (Article 36); and
- d. A legal entity (Article 37).

Initially, establishing the original creator of a specific creation was relatively straightforward. Take, for instance, the individual behind a novel literary work - the novelist. Similarly, the mastermind behind a musical creation is the composer, while the visionary responsible for a sculptural masterpiece is the sculptor.

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Nevertheless, in light of technological advancements, establishing the original creator of a specific creation necessitates a fresh perspective, particularly in identifying the originator of works that fall under the category of rights associated with Copyright. As an expert in the field, one can distinguish the various roles in creating artistic works. The individual responsible for a live musical performance is commonly referred to as an actor/performer. In contrast, a broadcasting institution takes on the role of creator in music performances aired on television. Similarly, the production of a song in digital form, compact disc, or celluloid tape falls under the purview of a sound recording producer. It is worth noting the presence of individuals in the digital realm who share a piece of music on their social media profiles, making various alterations or modifications and labelling it as a cover.

In the realm of singing, literacy, and novel literary works, it has become increasingly challenging to establish the original creator of a piece. A novelist or novel writer is undoubtedly the creator of the writing they produce. Once the novel is published, the publisher gains the copyright and compensates the author with royalties. Then, if the article is published in a media with modifications, the person responsible can claim protection under the Fan Fiction label.

Understanding the identity of the original creator of creation holds great importance due to the distinct rights granted to them, which differ from the rights bestowed upon the creator about Copyright; Legal protection for First Creators typically has a more extended validity period compared to those who are not First Creators; and The accurate identification of the First Creator is a requirement for the validity of work registration (Article 31 paragraph (1) UUHC), although registration is not always mandatory. (H. OK. Saidin, 2010)

D. The Concept of Rights Associated with Creations Encompasses both Moral and Economic rights.

The rights of creators are commonly categorized into two distinct types: moral rights and economic rights. Moral rights pertain to the safeguarding of the Creator's personal well-being and the preservation of the integrity of his creation. In the realm of economics, economic rights pertain to the administration of commercial activities or the regulation of the economic utilization of a creation. Article 27 of The Universal Declaration of Human Rights (1948) safeguards the rights of the Creator:

- 1) *Everyone has the right freely to participate in the cultural life of community, to enjoy the art and to share in the scientific advancement and its benefits.*
- 2) *Everyone has the right to the protection of the moral and material interest resulting from many scientific, literary or artistic production of which he is the author.*

According to these principles, individuals are entitled to acquire moral and material safeguards for the outcomes of their creative endeavours. However, every individual is entitled to the moral and economic protection of their rights regarding the outcomes of their endeavours, be it in science, art, or any other domain.

E. Moral Right

The fundamental principle behind the establishment of Copyright is to offer legal safeguarding for a creative work that possesses a unique structure and demonstrates genuineness as an individual's production, rooted in their personal aptitude and ingenuity. The concept of moral rights for the inventor or their successors arises from the inherent personal element of copyright. The moral right in question is regarded as an individual entitlement possessed by a creator, used to deter any departures from their creative output and to garner recognition or admiration for their work.

This moral entitlement represents the enduring connection between the Creator and their artistic creation, even in cases where the Creator has relinquished or transferred their copyright to another individual. Consequently, if the copyright holder were to remove the Creator's name, the Creator or their successors would possess the legal right to initiate legal proceedings against the Copyright Holder, thereby ensuring the continued inclusion of the Creator's name within their creation.

The purpose of moral rights is to guarantee that the copyright holder has the ability to regulate the display and alteration of their work. The moral rights provision is based on the provisions outlined in Article 6 Bis of the Berne Convention:

- 1) *Independently of the author's economic rights, and even after the transfer of the said rights, the author shall have the right to claim authorship of the work and to object to any distortion, mutilation or other modification of, or other derogatory action in relation to, the said work, which would be prejudicial to his honor or reputation.*
- 2) *The rights granted to the author in accordance with the preceding paragraph shall, after his death, be maintained, at least until the expiry of the economic rights, and shall be exercisable by the persons or institutions authorized by the legislation of the country where protection is claimed. However, those countries whose legislation, at the moment of their ratification of or accession to this Act, does not provide for the protection after the death of the author of all the rights set out in the preceding paragraph may provide that some of these rights may, after his death, cease to be maintained.*

Dr. Ida Madieha bt Abdul Ghani Azmi explained that Article 6 Bis primarily governs the following provisions: (Ida Madieha bt Abdul Ghani Azmi, 2004)

- a. The creator's entitlement to assert paternity rights, namely asserting their status as the originator of a work.

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- b. The creator possesses the entitlement to raise objections against any sort of distortion, mutilation, or modification, as well as any other activities directed towards their work or creation. These behaviors have the potential to affect the creator's dignity and reputation.
- c. The moral rights of the Creator are distinct from the economic rights. In the event of a transfer or assignment, when a license is granted to a work, it is imperative that the moral rights associated with the work remain attributed to the Creator.
- d. Moral rights are contingent upon the existence of economic rights.

In order to safeguard the moral rights of creators, the Copyright, Design and Patent Act of 1988 in England included four distinct categories of moral rights. These categories include:

- a) *The right to be named as the author of a work—The Right of Paternity;*
- b) *The right to object to derogatory treatment of one's work—The Right of Integrity;*
- c) *The right to object to false attribution of the author of a work—The Right Against False Attribution; and*
- d) *The commissioner's right to privacy in relation to commissioned photographs and film, where commissioned for private purposes—The Right to Privacy.*

In Indonesia, moral rights are governed by Article 5 of the Indonesian Civil Code (UUHC). According to this article, moral rights, as defined in Article 4, are inherent rights of the Creator. These rights include the ability to:

- a. choose whether or not to include their name on the copy of their work for public use;
- b. use an alias or pseudonym;
- c. alter their creation to suit societal standards;
- d. Change the title and sub-title of the work; and e. protect their rights in the event of any distortion, mutilation, modification, or any actions that harm their personal honor or reputation.

F. Fanfiction and Copyright Infringement

In the civil law tradition, copyright recognition is established when a copyrighted work is completed in a tangible form, allowing it to be seen, heard, and read. However, registering a work in Indonesia is also a way to obtain recognition as a creator. Even though the Indonesian UUHC (Copyright Law) does not mandate the registration of works, it is essential to note that the purpose of work registration is not to authenticate the content of a work. In practice, revoking the registration of a work that has already been substantiated by a work registration letter is arduous, intricate, and time-intensive. The expense is exorbitant.

Given the circumstances above, the presence of creation registration in Indonesia presents significant potential for exploitation by malicious entities seeking to record the inventions of others. The potential for this possibility can be realized through registering inventions that have entered the public domain by specific entities, as well as registering trademark creations that have been denied registration under trademark legislation. The process of registering internationally recognized foreign brands for trademark protection. If this phenomenon persists indefinitely, it may create the perception of duality within Indonesia's copyright recognition framework, potentially leading to a proliferation of rights ownership conflicts between parties rooted in legal safeguards. The rationale behind registering works with the government and other entities is rooted in the automatic legal protection that occurs without the necessity of work registration. (Budi Santoso, 2007)

Adopting the registration system in Indonesia is characterized by a passive declarative approach, wherein registration applications are accepted without extensive scrutiny of the applicant's rights unless there is evidence of copyright infringement.

Various manifestations of copyright infringement encompass the act of appropriating, citing, documenting, interrogating, and disseminating a portion or the entirety of another individual's creation without obtaining the original author's or copyright holder's explicit consent, hence contravening legal statutes or breaching contractual obligations. (Henry Sulisty, 2011)

One prevalent online community among adolescents in contemporary times is the online fanfiction community. Within this community, fanfiction emerges as a manifestation of observing, comprehending, valuing, and assessing prevailing cultural phenomena. Fans of fandoms have the opportunity to express their passions through the medium of fanfiction, hence enhancing media literacy. Creating fanfiction works offers the advantage of augmenting one's skills in contemporary media advancement. Fanfiction is a narrative that emerges from an individual's comprehension of their heroes, which can be derived from various sources such as print media, video, film, or real-life participants. These narratives are reimagined to align with the desired language, characters, plot, and environment. (RDR, 2008)

Online fanfiction communities serve as platforms for cultural reproduction, where fanfiction works are created as a result of these cultural practices. Fanfiction works serve as a medium for the cultivation of literacy skills, as they are a product of cultural reproduction that encompasses several forms of literacy, including media literacy. The concept of media literacy is evident in fanfiction works that delve into original works released across many media platforms. These works are now being transformed into online media, making them readily accessible to all members of the community. These online platforms serve as both sources

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of entertainment and educational resources. Determining whether something is plagiarism or copyright infringement can be a complex matter that requires further investigation to fully grasp the indicators involved.

IV. DISCUSSION

A. Indicators of copyright infringement

A copyrighted work grants the creator a minimum of two rights. The rights above encompass both moral and economic dimensions. Economic rights refer to the entitlements held by creators or authors, enabling them to derive economic advantages from the exploitation of their work. Moral rights refer to the entitlement to safeguard the authenticity of a creative work by preventing any external interference that may compromise the creator's originality. This definition implies that all commercial activities that exploit the intellectual property of others, resulting in financial gain for the user, without getting explicit consent from the original creator, can be classified as instances of copyright infringement. (Syafrinaldi, 2010) The act of replicating the work of others, which has the potential to compromise the authenticity of the original work, can also be classified as a type of copyright violation. The UUHC Articles 43 and 44 (fair use doctrine) and Articles 45-48 outline those activities that do not qualify as copyright infringement.

In order to ascertain if an action may be classified as a Copyright infringement, it must satisfy the following crucial components: (Hendratman, 2018)

1. Law prohibition. Acts perpetrated by an individual are forbidden and subject to legal penalties. Various manifestations of copyright infringement encompass the act of appropriating, citing, documenting, interrogating, and disseminating a portion or the entirety of another individual's creation without obtaining the explicit consent of the original author or copyright holder, hence contravening legal statutes or breaching contractual obligations. The act of copyright infringement is prohibited by law due to three primary reasons. Firstly, it causes harm to the creator or copyright holder, such as the act of photocopying a portion or the entirety of another individual's work and subsequently selling it to the general public. Secondly, it poses a threat to the interests of the State, such as the dissemination of creations that contradict government policies in the realm of defence and security. Lastly, it is considered contrary to public order and morality, as exemplified by the act of producing and selling pornographic video compact disks (VCDs).
2. Authorization (license). The utilization of Copyright is conducted without obtaining authorization (license) from the proprietor or officially registered Copyright Holder.
3. Legal limitations. The utilization of Copyright has surpassed the legal provisions. The UUHC imposes restrictions on actions that do not constitute copyright infringement, specifically:
 - a. The legal requirements outlined in the UUHC are satisfied;
 - b. The source is considered to be comprehensive, including the act of taking the work during a performance or at no cost, as long as it does not infringe upon the creator's reasonable interests.

The conclusion drawn is that any content that falls outside the scope of these laws may be deemed as an infringement of copyright. In a broad sense, copyright infringement encompasses the following actions:

- 1) Engaging in activities that do not possess the legal authority to publish, reproduce, or grant permission for a work;
- 2) Engaging in the act of broadcasting, exhibiting, distributing, or selling a work or items to the general public as a consequence of copyright infringement.

Overall, the majority of copyright infringement are motivated by the pursuit of immediate financial profit, disregarding the concerns of artists and copyright license holders. The criminals' activities unequivocally contravene legal ethics, which provide that individuals are obligated to adhere to, honor, and uphold the rights of others in civil interactions, including newly uncovered knowledge as the property of others, as acknowledged by legal requirements.

Based on the provisions of Article 113 of the Copyright Law Number 28 of 2014, it can be inferred that there are three categories of Copyright infringement as statutory offences. These include:

1. Intentionally publishing, reproducing, or granting permission to do so without proper authorization. These violations encompass various acts that go against the prohibition of announcing, reproducing, or granting permission for any creation that contradicts government policies in the areas of national defence and security, morality, and public order.
2. Deliberately showcasing, disseminating, or selling to the public a work or goods that have been produced through copyright infringement.
3. Intentionally and without proper authorization, reproducing the content for commercial purposes.

The aim of implementing the UUHC is to foster legal progress and ensure copyright safeguarding. However, in reality, there were numerous instances of copyright infringements after UUHC was established. These copyright violations violate the two rights included in copyright law, specifically moral rights and economic rights. (Zulivia Malka, 2017)

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B. The Infringement Of Moral Rights

Under copyright law, a creator's economic rights and moral rights can be compromised when their work is altered or manipulated for the advantage of other parties. A common occurrence in society is the act of adding or removing words, sentences, or verses from a CD recording and a video on a VCD or DVD, as well as adding text to an existing recorded copy. (Imas Rosidawati Wiradirja, 2013)

According to Article 5 of the Copyright Law, moral rights refer to the creator's right to protect their rights in case the work is distorted, mutilated, modified, or in any way that harms their honour or reputation. Nevertheless, it is unfortunate that these transgressions are solely susceptible to civil penalties. The offended party is limited to initiating a civil case against the copyright distortion act due to its failure to satisfy the criminal standards outlined in the Copyright Law, which was enacted in 2014. Consequently, the act is not deemed to contravene the criminal provisions of copyright law.

The establishment of regulations pertaining to Moral Rights may be traced back to the 19th century in France. These regulations were subsequently codified in Article 6, paragraph (1) of the updated Berne Convention, spelling out the following:

“Independently of the author’s economic rights, and even after the transfer of the said rights, the author shall have the right to claim authorship of the work and to object to any distortion, mutilation or other modification of, or other derogatory action in relation to, the said work, which would be prejudicial to his honor or reputation.”

Article 27 of The Universal Declaration of Human Rights (1948) safeguards moral rights as well:

1. *Everyone has the right freely to participate in the cultural life of the community to enjoy the art and to share in scientific advancement and its benefits.*
2. *Everyone has the right to the protection of the moral and material interest resulting from many scientific, literary, or artistic production of which he is the author.*

According to these regulations, it is asserted that each legal entity possesses the entitlement to moral safeguarding and the entitlement to derive advantages from the material they produce. Hence, it is imperative that all forms of creativity, encompassing science, art, and other artistic endeavours, are granted both moral and economic safeguards. The essence of Moral Rights encompasses the entitlement to: (Henry Sulisty, 2011)

- 1) Assert authorship, specifically the entitlement to receive an acknowledgement as a creator. This is achieved through various means, such as explicitly mentioning or including the name in the work.
- 2) The creator has the right to object to any form of distortion, mutilation, or alteration of the work. This includes refusing actions that would distort, cut, or remove the work in a manner that would harm or damage the creator's reputation and honour.
- 3) The creator also has the right to object to any other derogatory action related to the work, including rejecting any actions or treatment that could disrupt or diminish their honour and reputation.

Moral rights encompass the entitlement of the creator to have their name incorporated into the work, commonly referred to as the right of paternity. Additionally, the creator possesses the right to restrict others from altering their work, including the title or sub-title, which is known as the right of integrity. The following section describes the two general components: (Jeremy Phelps and Allison Firth, 2011)

- a. Attribution Rights (The legal entitlement to determine paternity, assign ownership, or acknowledge recognition).

This particular entitlement necessitates the inclusion of the creator's identity in the work, either through their full name or a pseudonym. Under some circumstances and with logical deliberation, the creator can nullify their identity and grant anonymity to their creations. Under certain conditions and with justifiable justifications (reasonable in the circumstances), this can be accomplished. The concept of attribution pertains to the acknowledgement of the primary author responsible for the creation of a particular work. The purpose of this right is to mitigate the risk of erroneous identification of the actual author and safeguard the author from asserting that others are the primary author.

- b. The Right of Integrity

The personal image and reputation associated with the creator serve as the most visible manifestation of the right to integrity. This properly grants the creator the ability to safeguard their work and its title from being destroyed, mutilated, or altered without the author's consent. The approval of adaptations and adjustments to creators' creations is contingent upon the absence of any detrimental impact on their reputation.

Further regulations pertaining to moral rights can be located in Article 5, paragraph, Article 6, Article 7, Article 21, Article 22, and Article 57 of the UUHC. According to the Indonesian UUHC, it is explicitly prohibited for individuals to infringe upon the moral rights of creators without their explicit authorization through the following means:

1. Remove or modify the author's name or alias mentioned in the work or its copy for general usage. Violations of this nature frequently transpire in the current era of technological advancement. For instance, on a writing platform such as Wattpad or

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social media platforms like Tumblr, Facebook, Twitter, or blogs, numerous individuals engage in the act of paraphrasing, quoting, or appropriating the images or drawings of others in order to share them on their social media accounts, without acknowledging the original artist, so creating the illusion of originality. The one who posted it is the creator.

2. The act of including the name of the creator in a manner that undermines their identity, or the act of including the name as the creator despite not being the actual creator.
3. The title and sub-title of the work should be modified or altered. This is typically accomplished through the use of fanfiction or fanfiction, wherein an individual alters the narrative, either entirely or partially, and proceeds with an existing piece. It involves appropriating names from celebrities or characters in stories or films, as well as parts or all of their personal lives, and subsequently reconstructing them to align with the desires of the New Creator. The New Creator possesses his creative output while acknowledging that he drew inspiration from prior works, but not entirely original.
4. Modify the content of the creation. Technological advancements have once again served as a justification for the infringement of moral rights, precisely the act of sharing song covers on social media platforms, wherein the content is altered, either partially or entirely, by re-singing an existing song with modifications from a different vocalist.
5. Remove or modify electronic data pertaining to the creator's management information. There is a deliberate attempt to manipulate the content of a creative work in order to obscure any references to its originality.

Moral rights are a feature commonly found in legal systems that follow a civil law tradition, like in Indonesia. In other legal systems, particularly in countries that follow common law principles, some provisions offer protection for these rights beyond what is covered by Copyright laws. These protections can be found in areas such as torts, unfair competition, and contract law. In practice, the emphasis in Indonesia is more on protecting Economic Rights rather than Moral Rights. (Sudartat, 2010)

The UUHC needs an adequate allocation of resources for Moral Rights and exhibits a predominantly economic nature despite the significance of upholding Moral Rights in the context of globalization, which is crucial for demonstrating respect for human intellectual labour.

From a historical standpoint, in nations that adhere to the Continental European legal system, commonly known as Common Law, Moral Rights are accorded equal importance as Economic Rights. The notion of safeguarding Moral Rights has transformed into a mere fiscal duty, or even worse, is regarded as an error or neglect devoid of any punitive repercussions.

The preservation of copyright, particularly moral rights within the framework of the Civil Law system, is an ethical principle and cultural norm throughout the 19th century that influenced the idealistic pursuit of safeguarding the intellectual property rights of creators. The consideration and reason for safeguarding and protecting the moral rights of creators are rooted in the elements of feeling and intention that are evident in the beauty of creative works. However, the implementation of Moral Rights in Indonesia has yet to be adequately upheld in light of recent advancements, as the UUHC has not provided detailed regulations for many emerging cultures, such as fan fiction and song covers. (Dirjo Sisworo Soedjono, 2000)

C. Analyzing Fanfiction through the Frame of Literacy and Copyright Law

The topic of writing ethics is currently receiving increased attention and emphasis within the realm of academic writing and scientific papers (Henry Tarigan, 1991). When it comes to academic writing, there are multiple methods for including quotations from other sources. However, this is not applicable when it comes to fictional narratives. The abrupt inclusion of a quotation mark within the narrative of a fictional story is an inconceivable occurrence. Fictional stories are regarded as the culmination of the author's unrestrained creativity. Typically, when an author draws inspiration from another story, they include a prior note or disclaimer acknowledging that another story or source influenced the fictional narrative. However, the issue arises when some aspects of a novel's narrative are derived from many sources or incorporate significant portions from a story that is purportedly inspired, commonly referred to as fanfiction in contemporary popular culture.

The concept of fanfiction may be understood by deconstructing the term "fanfiction," which is derived from the combination of "fan" and "fiction." This analysis leads to the conclusion that fanfiction refers to a creative output generated by enthusiasts, encompassing many forms of media such as novels, films, television, and other similar mediums. Narrated in accordance with individuals' subjective interpretations and grounded in a profound comprehension of their idol's persona. (Kerri L. Mathew and Devon Christopher Adams, 2006)

The phenomenon of fanfiction is really remarkable. For instance, when engaging in writing activities on applications such as Fanfiction.net or Wattpad. Fanfiction.net is regarded as a distinctive platform due to its focus on the creation of fanfiction based on preexisting literary works, including novels, drama series, and films.

Fanfiction serves as a valuable tool for fostering adolescent reading, particularly in the context of contemporary teenagers who exhibit a strong inclination towards popular culture. This form of literacy is seen in fanfiction works that delve into original works released across many media platforms. Essentially, for publishing professionals, the presence of fanfiction is a refreshing addition to a culture of literacy.

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Fanfiction is seen as a promotional tool for writers.

While it is undeniable that the fictional behaviour in question has a significant detrimental impact. The author expresses apprehension regarding the prevalence of plagiarism vulnerabilities in this fanfiction activity, whether they are aware of it or not. The pretence of inspiration appears to justify a fanfiction writer to incorporate significant elements from the original novel they enjoy into their work, even though the original work is closely associated with its author. The ambiguity around the attributes of the original author and the fanfiction author who incorporates these characters into their work may lead to concerns about producing a work that bears a resemblance yet cannot be deemed as plagiarism. Hence, the majority of writers express a desire to prevent their work from being subjected to fanfiction, despite the absence of explicit prohibition on this practice.

Assessing if a novel literary work is merely quoting, inspired, or plagiarizing can be challenging. The abstract nature of an idea and the generic nature of quotations from conversational words, diction, and stories make them accessible to a wide audience.

The distinction between fanfiction activities and plagiarism is subject to ambiguity. Ultimately, fanfiction is a rephrasing or alternative mode of composing a preexisting piece of literature. Assessing the plagiarism status of a fanfiction work is challenging. Fanfiction has emerged as a contemporary cultural phenomenon, influenced by advancements in both temporal and technological realms. The initiation of fanfiction typically stems from a personal interest rather than a desire for monetary compensation, except for the potential for the work to be viewed by a wider audience. The essence of literacy lies in its ability to facilitate the expression of thoughts and the exploration of real-life subjects through storytelling.

When it comes to fanfiction involving copyrighted material, it's important to remember that using someone else's work without permission can be seen as a violation of copyright laws. However, there are instances where the original creator or copyright holder may grant permission to the author of the fanfiction.

According to UUHC in the United States, this fanfiction activity is considered a derivative work, which refers to a modified version of the original work. Derivative work is not considered illegal as long as it is conducted within the boundaries of the fair use doctrine. Fair use is commonly understood as a reasonable interest. The interests mentioned are governed by 17 U.S. Code § 107, Limitations on Exclusive Rights: Fair Use, specifically:

“Notwithstanding the provisions of sections 106 and 106A, the fair use of a copyrighted work, including such use by reproduction in [copies](#) or [phonorecords](#) or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include :

- 1. the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;*
- 2. the nature of the copyrighted work;*
- 3. the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and*
- 4. the effect of the use upon the potential market for or value of the copyrighted work.”*

According to these provisions, it can be inferred that a copyrighted work can be utilized in specific ways without needing permission or payment, as long as it is not used for commercial purposes or non-profit educational purposes, and as long as the essence of the work is not copied, and it does not undermine the value of the Copyright itself (which would violate the rights of attribution and integrity). Nevertheless, this article does not imply a validation of fanfiction, because: (inyourwritemind.setonhill.edu)

1. Creating derivative works without explicit permission from the Copyright Holder remains unlawful.
2. Individuals who infringe on copyright do not possess the authority to assert that their work is safeguarded by the Fair Use doctrine. The determining factor lies with the Arbitration Council.
3. Fair Use is not a privilege. The fair use doctrine serves as a defence argument in legal proceedings and is an indirect provision that does not provide guaranteed protection against copyright infringers.
4. Attribution does not protect against copyright infringement.
5. Including statements about ownership and fair use does not protect against copyright infringement. Regardless of the points made earlier, individuals involved in creating derivative works, such as fanfiction, are still required to seek permission from the original author, rights holder, and trademark owner.

It is worth noting that Article 6 bis of the Berne Convention supports the notion that creators, including authors, possess not only economic rights but also the right to prevent any actions that may distort, alter, or remove their work in a manner that could potentially harm their reputation and honour.

Based on this explanation, it can be inferred that exceptions to copyright are not without limits. There are economic and moral principles that must be respected, as well as the inherent form and nature of copyright work that cannot be altered.

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Additionally, the interests of the copyright owner must be upheld. Just like a legal expert in intellectual property, it is important to establish clear boundaries when it comes to exceptions to copyright. The concept of fairness can be analyzed through the principles of propriety within Indonesia's legal framework for intellectual property rights.

Legislation in Indonesia does not address fanfiction activities, making it challenging to determine whether fanfiction constitutes a copyright violation. The absence of regulations describing fanfiction activities and their legal consequences further complicates the matter.

D. Constraints Regarding the Degree of Similarity between Fanfictional Literary Works and Acceptable Plagiarism from the Standpoint of Copyright and Literacy Law

A piece of work cannot be considered plagiarized if it possesses genuine originality, remains unaltered, incorporates proper attribution when citing another work, and does not constitute a direct replication of a preexisting work, with a minimum copying percentage of 25%. Ideas are prevalent in novel literary works, but they do not occupy the essence of an existing work. While fiction stories do not adhere to a standardized process or style of setting like scientific works, it is essential to uphold the Moral Rights of other writers. According to the UUHC, if the source of the quotation is not explicitly mentioned in a written document, it is considered copyright infringement. In addition, engaging in the act of quoting the writings of others without obtaining prior authorization from the original creator or rights holder for commercial purposes constitutes a breach of copyright laws.

The aforementioned does not diminish the realization of Moral Rights, which holds significance given that creation is brought into existence by a sacrifice made by its creator. Therefore, integrity (dignity) and identity (paternity) must not be disregarded in the context of Copyright protection. Nevertheless, creative works serve as a tangible expression of the emotions and intentions held by humans (creators) as they originate from the selflessness of their creator. A value is a crucial element in the concept of protection and serves as the foundation for the simultaneous satisfaction of moral rights and economic concerns.

It is usual for a literary work to have basic notions as its foundation, such as the concept of separated twins. However, the implementation of the narrative or the actualization of the artistic expression would vary among different Creators. Every piece of writing possesses its distinct essence, essence, and significance, contingent upon the author's attributes, and they will not be identical to one another. When examining the phenomenon of fanfiction, wherein an author incorporates elements or the entirety of a narrative from an existing piece, it is evident that a significant degree of perplexity arises. The distinction between fanfiction and plagiarism is ambiguous. However, it remains subject to analysis and determination.

The American Uniform Copyright Act has established considerable resemblance as a criterion for assessing potential infringements of copyright reproduction rights. The emergence of this requirement can be attributed to the recognition that the mere understanding of reproducing an exclusive right from a work would lose its significance if copyright infringement were to impose restrictions on the development of a reproduction work. This serves as a pretext to rationalize engaging in fanfiction. The American Copyright Act establishes that significant resemblance to a work does not amount to a breach, provided that one takes into consideration:

1. The distinctiveness, intricacy, or intricacy of like components. A copyright violation occurs when a work incorporates recurring features that are unexpected or ironic, which are characteristic and inherent.
2. There are no instances of identical faults, such as narrative holes, typos, or other human flaws, across multiple works.
3. Variations in fictitious appellations within literary works, such as designations for institutions, urban areas, entities, or fictional personas.
4. The new work exhibits a significant endeavours to effect change.
5. Completed the comprehensive idea and feel assessment, which assesses the similarity of two or more works based on their overall concept, theme, and emotional essence. Additionally, the pattern exam was conducted to evaluate the similarities of two or more works based on their pattern, plot, or general description—the work above.

The regulation of plagiarism parameters in fanfiction works in Indonesia needs to be more comprehensive legislation, hence reverting to the fair use theory as outlined in articles 43 and 44 of the UUHC:

Article 43

"Acts that are not considered copyright infringement include:

a. Announcement, Distribution, Communication, and Reproduction of the state symbol and national anthem according to their original nature;

b. Announcement, Distribution, Communication, and Reproduction of anything carried out by or on behalf of the government, unless stated to be protected by statutory regulations, a statement on the Work, or when the Work is Announced Distribution, Communication, and Duplication ;

c. taking actual news, whether in whole or in part, from news agencies, Broadcasting Institutions, newspapers, or other similar sources, provided that the source must be stated in full; or

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d. creation and dissemination of Copyright content through information and communication technology media that is non-commercial and benefits the Creator or related parties, or the Creator states that he has no objection to such creation and dissemination.

e. Duplication, Announcement, and Distribution of Portraits of the President, Vice President, former President, former Vice President, National Heroes, heads of state institutions, heads of ministries/non-ministerial government institutions, and regional heads with due regard for dignity and fairness in accordance with regulatory provisions legislation."

Article 44

(1) The use, taking, duplication, and modification of a work and product of related rights in whole or in substantial part is not considered a violation of Copyright if the source is stated or included in the total for:

a. education, research, writing scientific papers, preparing reports, writing criticism, or reviewing a problem without harming the reasonable interests of the Creator or Copyright Holder;

b. security and administration of government, legislature, and justice;

c. lectures that are only for educational and scientific purposes; or

d. performances or performances that are free of charge provided that they do not harm the reasonable interests of the Creator.

(2) Facilitating access to a work for blind people, people with visual impairment or limited reading ability, and users of braille letters, audiobooks, or other means is not considered a violation of Copyright if the source is stated or included in full, except commercial.

(3) In the case of a work in the form of an architectural work, the alteration as intended in paragraph (1) is not considered a violation of Copyright if it is carried out based on technical implementation considerations.

(4) Further provisions regarding facilitating access to Works for blind people, people with visual impairment, and limitations in reading and using braille, audiobooks, or other means as intended in paragraph (2) are regulated by Government Regulation.

The phenomenon of fanfiction is deemed acceptable, provided that its primary objective is non-commercial, given the emergence of a novel literary culture. Despite a lack of desire for tangible remuneration, it is imperative to acknowledge the existence of moral entitlements that cannot be disregarded.

The absence of comprehensive regulations pertaining to fanfiction has encouraged fanfiction writers to perceive their activity as unproblematic.

The act of commercializing fanfiction without obtaining the explicit consent of the original creator constitutes an act of plagiarism. The fanfiction writer possesses sole ownership of the newly crafted narrative, while the creator of the preexisting work retains ownership of the characters, story concepts, overall depiction, language, and characterization.

As to Article 41, letter (b) of the UUHC, ideas and thoughts are not eligible for copyright protection. Nevertheless, a literary composition represents the embodiment of an individual's imaginative faculties, encapsulating the essence of the author. Consequently, the concepts contained within the work constitute an inseparable component of the creative endeavour, inseparable from the author. Every piece of writing possesses distinct features that reflect the attributes of the author. The individuality of each person's character necessitates a reevaluation of whether the presence of a shared idea or broad concept indicates plagiarism from a preexisting work.

The distinction between plagiarism and fanfiction is very subjective, as ideas are a shared concept and are not subject to copyright protection. Nevertheless, the likeness concept provides a measure of the degree to which a piece of work can be considered a plagiarized duplicate. This is accomplished through the use of a pattern test, which involves the comparison of plot elements from other works in order to identify significant similarities. The greater the number of similarities identified, the higher the probability of classifying it as a violation.

V. CONCLUSION

From a literary standpoint, further examination is required to ascertain the presence or absence of plagiarism in a given work. Fanfiction has emerged as a new cultural phenomenon where works might seek refuge within its realm. However, it is essential to note that this practice can also lead to copyright infringement, as the new work incorporates significant elements from a preexisting work, which is subsequently acknowledged as its original creation.

Legal requirements in the United States, as well as in nations that follow the common law tradition, prioritize the economic dimensions of a work. This approach aims to provide more explicit guidelines for prohibitions on fanfiction. This is achieved by the implementation of pattern tests and comprehensive concept and feel testing. In Indonesia, a nation that follows civil law that acknowledges moral rights, the act of fanfiction primarily centers around causing harm to a literary work, as viewed through the lens of moral rights as stipulated by the fair use doctrine outlined in article 44 of the UUHC.

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The appreciation of fanfiction as a burgeoning culture within the realm of literacy is warranted. Nevertheless, it is imperative to establish comprehensive regulations that safeguard the rights of all stakeholders, including the primary author, publisher, and fanfiction author. In the present context, legal safeguards continue to be derived from the UUHC, more notably from articles 112, 113, and 116-118.

The author posits that laws are formed with the purpose of safeguarding society in accordance with the prevailing circumstances and advancements of the era. Nevertheless, the progression of time will invariably precede the establishment of legal frameworks.

In light of the circumstances above pertaining to fanfiction, the government, and relevant stakeholders must undertake additional measures aimed at mitigating the inherent prejudice associated with assessing whether it constitutes a copyright infringement or a novel cultural phenomenon necessitating further legal scrutiny.

The actions of reproduction, adaptation, and paraphrasing are intricately linked to instances of plagiarism since they encompass the act of acknowledging and acknowledging literary works that are not one's own unless accompanied by a disclaimer indicating inspiration or basis, as well as the act of modifying the original work. The act of fanfiction involves the paraphrasing, adaptation, and reproduction of an existing work, hence establishing a distinction between this form of fanfiction and an act of plagiarism.

The classification of fanfiction actions as a violation of the law and plagiarism can be determined through various assessments or tests. These include the fair use doctrine, as implicitly stated in Article 44, paragraph (1) of the UUHC. Additionally, the substantial similarity test is employed to evaluate the extent to which similarities and substance are present in the work. The pattern test involves examining the structure of the storyline and general description. Lastly, the feel and total concept test is utilized to analyze the spirit and characteristics of the writing, as well as the execution of similarities in story concepts.

It is imperative to establish regulations pertaining to fanfiction in order to establish clear demarcations between creative endeavors and legal transgressions. This is crucial to safeguard the well-being of novelists, as well as amateur writers who possess a deep emotional connection to the narratives they have encountered, thereby fostering their inclination to produce alternative stories.

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