Copyright Protection of Authors on Indexed Journal

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Abstract -- Publication of scientific work is a manifestation of the fulfillment of *Tri dharma* 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,
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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]

It's 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 inculde 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 copyright 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
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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

Elsevier 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 Elsevier, in principle also
have a role on the exclusive rights abuses
committed by the Elsevier on the part of the
author. These practices can not be said as a
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give the copyright to the journal publications and
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copyright if the author has given permission to the
manager of the journal to carry out its exclusive
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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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