



## Business Analysis of Illegal Selling and Copyrights Violation on E-Commerce (Case Study Shopee)

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### Abstract

Nowadays technology is growing rapidly. Buying and selling interactions that are usually done directly can now be done online through E-Commerce applications. Because more and more people are using E-Commerce applications, the government makes regulations regarding the PMSE Government Regulation which was set in 2019. This article was carried out with the aim of finding out whether there are still business actors who do not follow the PMSE Government Regulation. This research focuses more on business actors who sell book products and also software applications on the Shopee application. This research uses three methods, namely conducting a literature study related to the PMSE Government Regulation, exploring the E-Commerce platform, conducting interviews with buyers or book readers and book creators. This study shows the results that there are still business actors who do not follow the PMSE Government Regulations. The implication of finding business actors on E-Commerce Shopee who do not follow PMSE Government Regulations is that in future research they can conduct research on other E-Commerce platforms, for example such as Lazada, Tokopedia, JD ID and other platforms.

**Keywords:** *E-Commerce Application, E-Commerce Transactions, Online Shop, E-Commerce Regulation.*

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### INTRODUCTION

Trade or commerce is an activity of exchanging goods or services based on mutual agreement and not out of compulsion. According to Agus Irnawan's research<sup>1</sup>, trade is an economic activity that links producers and consumers. As a distribution activity, trade guarantees the circulation, distribution, and supply of goods through market mechanisms. The active trading activity in a country is an indication of the level of prosperity of its people and is a benchmark for the level of the country's economy itself.

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<sup>1</sup> Agus Irawan, "Sistem Informasi Perdagangan Pada PT Yoltran Sari Menggunakan Php Berbasis Web," *POSITIF : Jurnal Sistem Dan Teknologi Informasi* 1, no. 2 (May 31, 2016): 8–15,

In the Law of the Republic of Indonesia Number 7 of 2014 which reads "Trade is a safeguard for national development in the economic field which is prepared and implemented to promote public welfare through the implementation of economic democracy with the principles of togetherness, efficiency with justice, sustainability, environmental insight, independence, and by maintaining the balance of progress and national economic unity as mandated by the 1945 Constitution of the Republic of Indonesia".<sup>2</sup>

In general, trade is carried out by selling in traditional markets and modern markets. But along with the development of technology, now trading can be done online using the help of E-Commerce applications. E-commerce is a collection of technologies, applications and businesses that connect companies or individuals as sellers with consumers to conduct transactions via the internet, mobile or other computer networks. In the book entitled "E-Commerce: Implementation, Strategy and Innovation",<sup>3</sup> explains that E-Commerce is a type of electronic business mechanism that formulates itself in individual-based business transactions using the internet as a medium for exchanging goods or services between two parties. Institutions (B-to-B) or between institutions and direct consumers (B-to-C).

E-Commerce platforms are currently starting to show very high performance, especially in Indonesia, many people use E-Commerce applications to buy various kinds of wants and needs needed. The use of E-Commerce at this time is one of the requirements for an organization or company so that the company can compete globally. As for the benefits felt by the company, especially for the benefit of customers, according to Arifin Ilham are:<sup>4</sup> getting new customers, attracting consumers to stay afloat, improving service quality and serving customers without time limits.

The increasing number of online trading transactions that have occurred recently has created not only opportunities but also challenges. One of the challenges that arise is related to the aspect of obligations that must be carried out by e-commerce business actors.<sup>5</sup> So that the government makes regulations through Government Regulations (PP) related to E-Commerce.<sup>6</sup> The potential for crimes that arise in e-commerce initially has more to do with data.<sup>7</sup>

In November 2019 the Government issued Government Regulation Number 80 of 2019 (PP 80/2019) regarding Trading Through Electronic Systems (PMSE). The establishment of this Government Regulation has indeed been mandated since the issuance of Law Number 7 of 2014 concerning Trade (UU 7/2014), and is

<sup>2</sup> Kemendag, "Regulasi 2014," 2014.

<sup>3</sup> "E-Commerce: Implementasi, Strategi Dan Inovasinya - Romindo Romindo, Muttaqin Muttaqin, Didin Hadi Saputra, Deddy Wahyudin Purba, M. Iswahyudi, Astri Rumondang Banjarnahor, Aditya Halim Perdana Kusuma, Faried Effendy, Oris Krianto Sulaiman, Janner Simarma," 2019,

<sup>4</sup> Oleh : Dewi et al., "PEMANFAATAN E-COMMERCE DALAM DUNIA BISNIS," 2011.

<sup>5</sup> Emmy Febriani Thalib and Ni Putu Suci Meinarni, "Liability of Marketplace as Electronic System Provider in Regard to System Failure Occured on Online Transactions," *Activa Yuris: Jurnal Hukum* 1, no. 1 (2021): 1–9, <https://doi.org/10.25273/ay.v1i1.8677>.

<sup>6</sup> Erich C. Limbongan Sandryones Palinggi, "Pengaruh Internet Terhadap Industri Ecommerce Dan Regulasi Perlindungan Data Pribadi Pelanggan Di Indonesia | Palinggi | Semnas Ristek (Seminar Nasional Riset Dan Inovasi Teknologi)," 2020,

<sup>7</sup> Ni Putu Suci Meinarni and Happy Budyana Sari, "Analisis Potensi Kejahatan Di Dalam Dunia Maya Terkait Data," *Kertha Wicaksana* 14, no. April 2019 (2020): 9–15, <https://doi.org/https://doi.org/10.22225/kw.14.1.1530.9-15>.

precisely regulated in Article 66.<sup>8</sup> PP 80/2019 defines PMSE business actors as any individual or non-business entity in the form of a legal entity or non-entity which can be in the form of domestic business actors and foreign business actors and conduct business activities in the PSME sector. The ideal e-commerce platform should implement government regulations through rights and obligations, especially for business actors who conduct transactions on e-commerce.<sup>9</sup>

The number of E-Commerce platforms that are growing today, one of the most frequently used E-Commerce is Shopee. Shopee is the first online marketplace for consumers to consumers (C2C) that offers convenience in buying and selling online. Shopee is an International E-Commerce that first appeared in early 2015 in Singapore as the first mobile marketplace in Southeast Asia.<sup>10</sup> There are quite a number of products and services offered on the Shopee application, because of this, many people use the Shopee application to find all kinds of needs they want. Not only buying, users can also sell all kinds of products and services that are owned on this Shopee application. Of the many business actors on the Shopee application, have all business actors followed the seller's ethics as described in Government Regulation Number 80 Year 2019.

This study aims to find out whether the regulations that have been set by the government have been carried out correctly by business actors on the Shopee E-Commerce platform. Researchers will conduct research to find out whether there are still business actors who sell products illegally or violate copyright. This research is more focused on finding out about copyright infringement on books and also illegal software sales.

## METHOD

The widespread use of the Shopee E-Commerce application has created new habits among the public, especially in Indonesia. Many people use this platform to buy all the necessities they need. This provides a large enough opportunity for business actors who market their products or services on this Shopee application. However, not all business actors market the products they actually have. Researchers conducted research on the Shopee application to find business actors who sell a product belonging to someone without asking for permission first. So that it can be considered as the theft of someone's intellectual property or can be said as copyright infringement.

Copyright is the exclusive right of the creator that arises automatically based on the declarative principle after a work without reducing restrictions in accordance with the provisions of laws and regulations, in accordance with Article 1 paragraph (1) of Law Number 28 of 2014 concerning Copyright.<sup>11</sup> Copyright also

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<sup>8</sup> NUR AZIZAH SITI, "ANALISIS HUKUM ISLAM TERHADAP PELAPAK ONLINE WAJIB BERIZIN(Studi Pasal 15 Peraturan Pemerintah Nomor 80 Tahun 2019 Tentang Perdagangan Melalui Sistem Elektronik)," May 2021.

<sup>9</sup> I Putu Gede Budayasa et al., "Seller's Rights and Obligations of Marketplace in Indonesia," in *Proceeding: International Conference on Innovation in Research 2018, Section: Economic & Management Science* (Atlantis Press, 2019), <https://doi.org/https://doi.org/10.2991/iciir-18.2019.20>.

<sup>10</sup> Istiqomah Istiqomah, Zainul Hidayat, and Ainun Jariah, "Analisis Pengaruh Kepercayaan, Iklan Dan Persepsi Resiko Terhadap Keputusan Pembelian Di Situs Shopee Di Kota Lumajang," *Proceedings Progress Conference 2*, no. 1 (July 6, 2019): 557–63,

<sup>11</sup> Ayup Suran Ningsih and Balqis Hedyati Maharani, "Penegakan Hukum Hak Cipta Terhadap Pembajakan Film Secara Daring," *Jurnal Meta-Yuridis 2*, no. 1 (March 2019): 13–32, <https://doi.org/10.26877/M-Y.V2I1.3440>.

gives the right holder the possibility to limit use, and prevent unauthorized use of a work. Considering that exclusive rights contain an economic value that not everyone can pay for, therefore, to be fair, exclusive rights in copyright have a validity period of a certain period of time which is very limited.

This research is a normative research, where the researcher uses three research methods to obtain results that are in accordance with the initial objectives of the study. The methods used include:

### **1. Literature study of Government Regulation**

Literature study is a series of activities related to the methods of collecting library data, reading and recording the information found, and managing research materials.<sup>12</sup> This technique is carried out with the aim of revealing various theories that are relevant to the research carried out as reference material in the discussion of research results. Researchers conducted a literature study on various sources of information to study, understand and collect information data related to the PMSE Government Regulation. This is done so that the research produces an adequate literature review to support the research so that the data listed is relevant and true.

### **2. Explorative study in E-Commerce Platform**

Researchers explored the Shopee E-Commerce application. Exploration is an action taken in the process of searching or exploring with the aim of finding something desired.<sup>13</sup> Researchers are trying to find accounts of business actors on the Shopee E-Commerce platform that do not follow trade ethics in accordance with PMSE Government Regulations. For example, business actors who violate copyright and sell various products illegally without the knowledge of the owner. Researchers focus more on business actors who sell book products and software applications.

### **3. Interview**

The last method used by the researcher is to conduct interviews with buyers or sellers and creators of books whose works are sold in an improper way. An interview is a question and answer activity with someone who is needed to be asked for information or his opinion on a matter.<sup>14</sup>

## **RESULT AND DISCUSSION**

When using E-Commerce applications plays an important role today, almost everyone uses online shopping applications to buy all their needs. Apart from being practical, many users are also interested in using online shopping applications for the reason that prices are much cheaper than shops in general. Most people will definitely be tempted by a cheap price and decide to buy a product without thinking about the quality of the

<sup>12</sup> Aini Zulfa Izza, Mufti Falah, and Siska Susilawati, "STUDI LITERATUR: PROBLEMATIKA EVALUASI PEMBELAJARAN DALAM MENCAPAI TUJUAN PENDIDIKAN DI ERA MERDEKA BELAJAR," *Konferensi Ilmiah Pendidikan 2020* 1, no. 1 (May 28, 2020): 10–15,

<sup>13</sup> Salasatri Dinni et al., "Eksplorasi Karakteristik Segmentasi Demografis Dan Perilaku Berbelanja Ibu Rumah Tangga Melalui E-Commerce Di Indonesia," *Jurnal Sains Dan Seni ITS* 9, no. 2 (April 2021): D262–68, <https://doi.org/10.12962/j23373520.v9i2.55007>.

<sup>14</sup> I Komang Setia Buana, "Implementasi Aplikasi Speech to Text Untuk Memudahkan Wartawan Mencatat Wawancara Dengan Python," *Jurnal Sistem Dan Informatika (JSI)* 14, no. 2 (August 2020): 135–42, <https://doi.org/10.30864/JSI.V14I2.293>.

product purchased. Because of this, many business actors try to fulfill the wishes of buyers by selling a product illegally or violating copyright. Many business actors sell a product at a much lower price than the price on the main platform.

## Copyright's Violation

### 1. Selling a Book without Permit

The researcher found one of the seller's accounts on the Shopee application that sold a book entitled "UMKM Goes Online: Regulasi E-Commerce"<sup>15</sup>, where the book was written by "Ni Putu Suci Meinarni and her colleagues". However, the book was sold without the consent of the author.

The researcher has conducted interviews with one of the authors, and the author did not know that the book he had written was sold on the online shopping application "Shopee" by an unknown account.

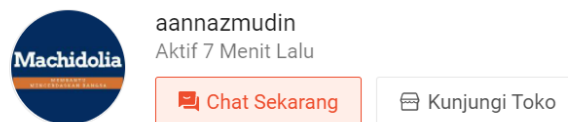


Figure 1. Bookselling Business Actor Accounts  
[Source: <https://shopee.co.id/aannazmudin?categoryId=100643&itemId=9054658646>]

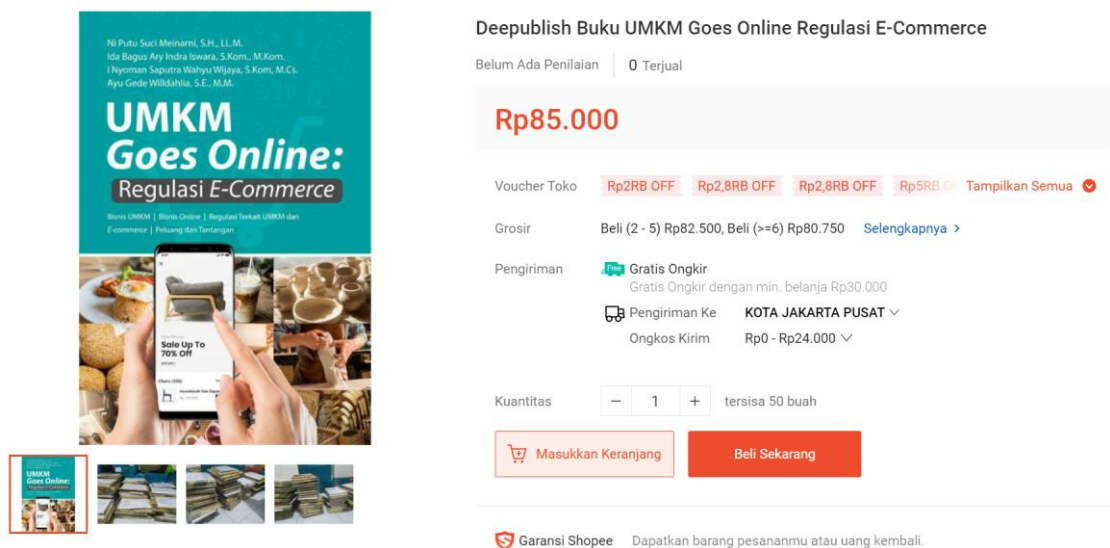


Figure 2. Selling Products  
[Source: <https://shopee.co.id/Deepublish-Buku-UMKM-Goes-Online-Regulasi-E-Commerce-i.269267373.9054658646>]

<sup>15</sup> Ni Putu Suci Meinarni; Ida Bagus Ary Indra Iswara; I Nyoman Saputra Wahyu Wijaya; Ayu Gede Willdahlia, *UMKM Goes Online: Regulasi E-Commerce* (Yogyakarta: Deepublish, 2021), <https://penerbitbukudeepublish.com/shop/buku-umkm-goes-online/>.

Spesifikasi Produk	
Merek	Deepublish
Perusahaan Penerbit	Deepublish
Bahasa	Indonesia
Impor/Lokal	Lokal
Jenis Edisi	Edisi Reguler
Jenis Cover	Soft Cover
Stok	50
Dikirim Dari	KAB. SLEMAN - NGAGLIK, DI YOGYAKARTA, ID

Figure 3. Product's Description

[Source: <https://shopee.co.id/Deepublish-Buku-UMKM-Goes-Online-Regulasi-E-Commerce-i.269267373.9054658646>]

## 2. Selling a Book under the normal rate

In this case study, the researcher uses a comparison between Gramedia and one of the seller's accounts on the Shopee application. This business actor sells a book at a lower price than the normal price. However, this book is sold in photocopy condition, which means that the book is duplicated and then sold to buyers at a cheaper price.



Figure 4. Books Sell at Gramedia

[Source: <https://www.gramedia.com/products/the-lean-startup-republish>]

Deskripsi	Detail
Jumlah Halaman	440
Tanggal Terbit	4 Jul 2018
ISBN	9786022914983
Bahasa	Indonesia
Penerbit	Bentang Pustaka
Berat	0.5 kg
Lebar	13 cm
Panjang	20.5 cm

Figure 5. Product Details at Gramedia

[Source: <https://www.gramedia.com/products/the-lean-startup-republish>]

On the Gramedia online platform, products are sold at a price of Rp. 67,200 and product details are given a complete explanation of the book, but on one of the seller's accounts in the Shopee application the book is sold at a price of Rp. 38,999 and in the product description the seller explains that the product being sold is not used and is in new condition. However, it turns out that the product being sold is a duplicate or photocopy of the book.

The researcher got one of the comments from the buyer, and he said that the product was a duplicate and not original book. But there are also buyers who don't care about the condition of the book, because buyers can have the book at a much cheaper price than the price in bookstores in general.

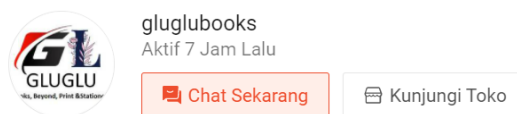


Figure 6. Fake Booksellers Account on Shopee

[Source: <https://shopee.co.id/gluglubooks?categoryId=100643&itemId=9916101640>]



Figure 7. Book Products sold on Shopee

[Source: [https://shopee.co.id/The-Lean-Startup-\(Indonesia\)-i.298732593.9916101640](https://shopee.co.id/The-Lean-Startup-(Indonesia)-i.298732593.9916101640)]

### Deskripsi Produk

PRODUK :

- Semua produk dalam keadaan baru, Kami tidak menjual produk bekas
- Kualitas buku baik, tidak cacat, dan sesuai gambar
- Kertas HVS/Putih
- Semua produk Ready stock
- Jika produk dicatalog belum ada silahkan chat

Figure 8. Description of Books Sell on Shopee

[Source: [https://shopee.co.id/The-Lean-Startup-\(Indonesia\)-i.298732593.9916101640](https://shopee.co.id/The-Lean-Startup-(Indonesia)-i.298732593.9916101640)]



nantiatryp



Nextnya di info dong di deskripsinya klo itu fotokopian

Figure 9. Buyer's Comments

[Source: [https://shopee.co.id/The-Lean-Startup-\(Indonesia\)-i.298732593.9916101640](https://shopee.co.id/The-Lean-Startup-(Indonesia)-i.298732593.9916101640)]



a\*\*\*\*\*a



Pengemasan lama,, gak taunya msih d fotocopy....  
Yaudahlah yg penting bukunya ada

Figure 10. Buyer's Comments

[Source: [https://shopee.co.id/The-Lean-Startup-\(Indonesia\)-i.298732593.9916101640](https://shopee.co.id/The-Lean-Startup-(Indonesia)-i.298732593.9916101640)]



s\*\*\*\*\*e

Silver



Ya harganya miring, tapi ternyata bukan terbitan aslinya. Bingung juga ya mau ngasih review. Buat yang budgetnya cekak kayak saya boleh juga.

Figure 11. Buyer's Comments

[Source: [https://shopee.co.id/The-Lean-Startup-\(Indonesia\)-i.298732593.9916101640](https://shopee.co.id/The-Lean-Startup-(Indonesia)-i.298732593.9916101640)]

### 3. Selling software applications illegally

In this third case study, the researcher found one account of a business actor who sold software applications at a much cheaper price than the original seller's account. The application being sold is a video editing application, on the original account the software company sells at a price of \$69.99 per year or around Rp. 1.050.000 in rupiah. However, in the Shopee application, one business actor sells at a price of Rp. 23,250 this can be regarded as an illegal sale, and has violated the seller's ethics in the PMSE Government Regulation.





Figure 12. Software Applications on Wondershare Filmora  
[Source: <https://filmora.wondershare.net/video-editor/>]

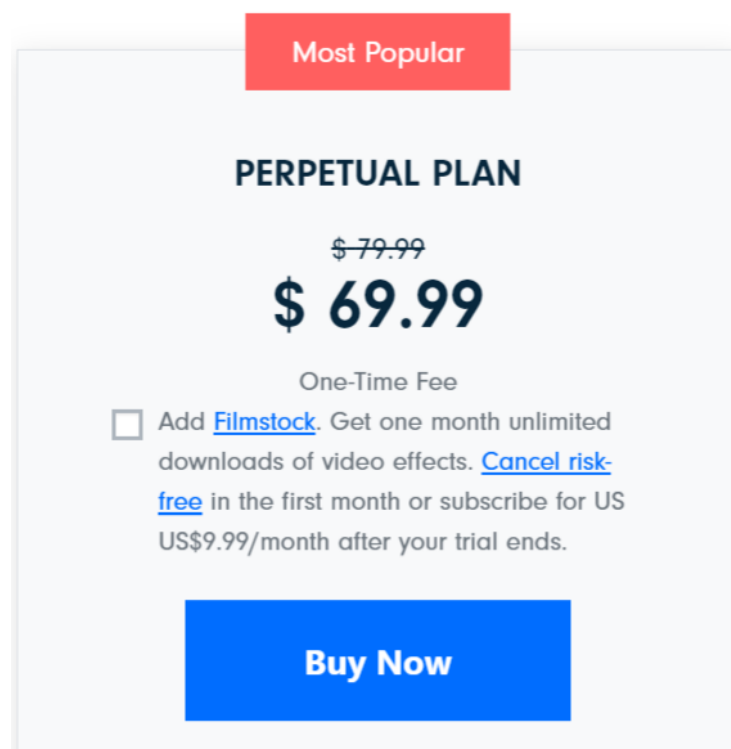


Figure 13. Price of Software Applications on Wondershare Filmora  
[Source: <https://filmora.wondershare.net/shop/buy/buy-filmora-win-idco.html?f=pro>]

The software application on Wondershare Filmora can be used to edit videos so that they get maximum results. The features provided in this application are quite a lot, including: making zooming and panning views more seamless, being able to match the color of the selected clip with frames from other clips, and many other features. On the Wondershare Filmora website, this video editing software application has different prices.

What makes the price different is that it depends on the type of application selected (Filmora or FilmoraPro) and also the type of laptop the buyer has (Windows or Mac).

While the Shopee application is sold at the same price and also at a very much cheaper price than software companies. Because of this, many users who need the application will buy it on Shopee at a much cheaper price. This can give a big loss to the company that owns the software application.

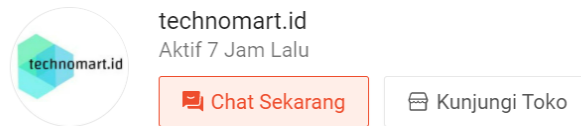


Figure 14. Illegal Software App Seller Account

[Source: <https://shopee.co.id/technomart.id?categoryId=100644&itemId=3679087232>]



Figure 15. Illegal Software Application Products

[Source: <https://shopee.co.id/Wondershare-Filmora-10-Pro-2021-Bonus-Efek-Lengkap-komplit-Aplikasi-Edit-Video-Termudah-Windows-i.366728938.3679087232?adsid=0&26amp;paigned=0&position=-1>]

## CONCLUSION

In general, buying and selling interactions between traders and buyers are carried out directly at the market or shop. However, along with the development of technological sophistication, buying and selling interactions can now be done online through the E-Commerce application. One example of an online shopping application that is often used is the Shopee application. The Shopee application is often used to find and buy all the needs needed by users. This makes many business actors promote or sell their products on the Shopee application. As more and more business actors sell their products to Shopee, the government finally makes regulations related to online trading. After making regulations related to online trading, it is not yet known whether the

business actor has complied with the requirements or trade regulations in accordance with the applicable Government Regulations.

This study aims to find out whether all business actors on the E-Commerce platform have followed and run their business in accordance with the PMSE Government Regulation. This study uses 3 methods, namely:

1. Conduct a literature study related to the PMSE Government Regulation.
2. Exploring the E-Commerce platform
3. Conduct interviews with buyers or book readers and book creators.

From all the methods that have been carried out, it can finally be concluded that there are still business actors who do not follow the PMSE Government Regulation. There are still business actors who sell a book product without asking the author's permission first. In addition, there are also business actors who sell a software application illegally at a much cheaper price than the original company. So that the case can be considered as copyright infringement and selling illegal products.

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