

# The Illusion of Open Access in Shadow Library Practices and Digital Copyright Infringement

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**Abstract:** The transformation of physical books into digital formats has increased information accessibility but also created new challenges, one of which is illegal distribution through shadow libraries such as LibGen, Z-Library, and Sci-Hub. These platforms provide free access to e-books and academic works without the permission of copyright holders, thereby violating intellectual property rights (IPR). This study employs a normative juridical method, drawing on a literature and statutory approach, to analyse how the distribution of digital books via shadow libraries affects copyright and how Indonesian law regulates and enforces such protection. The analysis indicates that e-books are protected under copyright law, as stipulated in Law No. 28 of 2014 and the Electronic Information and Transactions Law (UU ITE). The Indonesian government has the authority to block infringing websites as a measure to safeguard creators' economic and moral rights. The findings emphasise the importance of effective law enforcement and public awareness of the ethical distribution of content in the open information era.

**Keywords:** copyright, intellectual property violation, shadow library.

## 1. Introduction

In the digital age, books have transformed from physical to digital formats. In recent years, digital books (electronic books or e-books) have emerged as an alternative to printed books.<sup>1</sup> According to The Yale Wave, e-books offer practicality because they allow users to store thousands of titles on a single

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<sup>1</sup> Kisno and Ompon Lastiur Sianipar, "Perbandingan Efektivitas Buku Digital Versus Buku Cetak Dalam Meningkatkan Performa Belajar Mahasiswa," *JESYA: Jurnal Ekonomi & Ekonomi Syariah* Vol 2, no. 1 (2019): 229–33.



digital device such as a mobile phone, computer, or e-reader.<sup>2</sup> Another advantage of e-books is their flexibility in display settings, such as font size and page background colour, as well as additional features, such as interactive dictionaries, that can assist readers.<sup>3</sup> E-books are generally more affordable than physical books. Several digital libraries and literacy institutions now provide free access to thousands of e-book collections to expand literacy and education.<sup>4</sup>

As access to digital books increases, new challenges arise in their distribution. One phenomenon that is growing globally is the emergence of shadow libraries. The term “shadow libraries” arose because these libraries are considered to operate “in the shadows,” outside the legal boundaries of copyright law and publishing guidelines.<sup>5</sup> Shadow libraries, or pirated libraries, are online databases that provide free, easily accessible content that is generally not available to the public.<sup>6</sup> This content often takes the form of digital media, such as books, textbooks, and academic articles, but can also include software, films, videos, or audio files. Digital content in shadow libraries is often difficult to access due to paywalls, copyright restrictions, or content regulations applicable in certain regions.<sup>7</sup>

Unlike shadow libraries, digital libraries are institutions that legally manage and provide information in electronic format to meet community needs, utilising information technology, metadata systems, and internet infrastructure.<sup>8</sup> Digital libraries also facilitate the rapid and accurate dissemination

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<sup>2</sup> “From Scrolls to Ebooks: The Invention of Books,” The Yale Wave, 2021.

<sup>3</sup> Ni Ketut and Rai Yuli, “Perspektif Electronic Book (E-Book) Dalam Pelayanan Perpustakaan Berbasis Digital,” *Media Sains Informasi Dan Perpustakaan* 4, no. 2 (2024): 34–41.

<sup>4</sup> “5 Kelebihan E-Book Dibanding Buku Fisik,” Perpustakaan Universitas Brawijaya, 2025.

<sup>5</sup> M P Ram Mohan and Aditya Gupta, “Right To Research And Copyright Law: From Photocopying To Shadow Libraries,” *JIPeL: NYU Journal of Intellectual Property & Entertainment Law* 11, no. 3 (2022), <https://lib.ub.ac.id/berita/5-kelebihan-e-book-dibanding-buku-fisik/>.

<sup>6</sup> Amit Kumar Soni and Shahil Soni, “Unveiling The Shadows : Exploring Shadow Libraries And Black Open Access In The Digital Age” 4, no. 1 (2025): 29–33.

<sup>7</sup> Brennan Whitfield, “What Is a Shadow Library?,” Built In, 2024.

<sup>8</sup> Hartono Hartono, “Strategi Pengembangan Perpustakaan Digital Dalam Membangun Aksesibilitas Informasi: Sebuah Kajian Teoritis Pada Perpustakaan Perguruan Tinggi Islam Di

of collections, preserving information and educating the public about information ethics and access rights.<sup>9</sup> Meanwhile, shadow libraries provide access to content that is difficult to obtain through official channels, but using unofficial channels is often considered a copyright violation. Therefore, digital libraries operate within a legal and institutional framework. In contrast, shadow libraries operate in a legal grey area or even an illegal area, although both seek to address the need to access information in the digital age.

Well-known examples of shadow libraries are non-profit organisations such as Sci-Hub, Z-Library, and Library Genesis (LibGen).<sup>10</sup> Sci-Hub provides access to millions of research articles and books, while Z-Library is an initiative that offers collective access to scientific journals, academic literature, and popular books.<sup>11</sup> LibGen describes itself as a “link collector” that contains digital content from publicly accessible web sources and files shared by its users.<sup>12</sup>

In general, SL is considered a form of large-scale copyright infringement, and many publishers have sued in such cases.<sup>13</sup> In 2015, the LibGen website was involved in a legal dispute with publisher Elsevier. In this case, LibGen was accused of providing unauthorised access to articles that should be accessible only through official or paid channels. Libgen functions as a repository of PDF articles taken from ScienceDirect and other sources. Most of its traffic came from countries such as Iran, China, Russia, Brazil, India,

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Indonesia,” *UNILIB: Jurnal Perpustakaan* 8, no. 1 (December 2017), <https://doi.org/10.20885/unilib.vol8.iss1.art7>.

<sup>9</sup> Dzakia Durrotul Qolbi et al., “Inovasi Perpustakaan Digital Meningkatkan Aksesibilitas Informasi Dalam Meningkatkan Aksesibilitas Informasi,” *Abdi Pustaka: Jurnal Perpustakaan Dan Kearsipan* 5, no. 1 (2025): 27–42.

<sup>10</sup> Natalie Meyers, “Shadow Libraries: The Dilemma,” *Book Scouter*, 2024.

<sup>11</sup> Daniel S Himmelstein et al., “Sci-Hub Provides Access to Nearly All Scholarly Literature,” *ELife*, 2018, 1–22.

<sup>12</sup> Md. Liton Ali, “Webometric Analysis of Alternative Access To Scholarly Publication: Special Reference To LibGen and Sci-Hub,” *International Journal of Information and Knowledge Studies* 3, no. 185–102 (2023).

<sup>13</sup> Fauzan Eka Kusuma and Rahmi Rahmi, “The Use of Shadow Libraries at Universitas Indonesia,” *First Monday* 28, no. 10 (October 2023), <https://doi.org/10.5210/fm.v28i10.12947>.

and the US. However, given that Sci-Hub is based in Russia and LibGen is based in Amsterdam, efforts to shut them down are likely to be difficult.<sup>14</sup>

A similar phenomenon is also observed on platforms such as Z-Library. Although this platform is a significant source of international literature, it also offers a variety of Indonesian-language books, including works that remain protected by copyright. This raises concerns about domestic intellectual property infringement, as book piracy is categorised as a form of copyright infringement within the creative economy.<sup>15</sup>

Since its inception, copyright protection has been understood as a form of legal recognition and protection of intellectual works created by their authors.<sup>16</sup> Copyright confers legitimacy on ownership of the work and ensures that the creator obtains exclusive rights to its use and distribution, as a reward for their creativity and efforts.<sup>17</sup> Legal protection of copyright in the digital realm must be designed to provide a robust, practical foundation for addressing the challenges posed by the ever-evolving virtual world. As with copyright in books or e-books, this is regulated under Article 40(1) of Law No. 28 of 2014 on Copyright. In addition, protection of e-books is regulated in Article 25 of the Electronic Information and Transaction Law (ITE Law), which explicitly states that electronic information and documents, including e-books, constitute intellectual property rights (IPR) that must be protected.<sup>18</sup> This protection not only recognises the moral

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<sup>14</sup> David Glance, "Elsevier Acts Against Research Article Pirate Sites and Claims Irreparable Harm," *The Conversation*, 2015.

<sup>15</sup> Deasy Kamila, Rika Ratna Permata, and Viona Wijaya, "Urgensi Perubahan Definisi Pembajakan Pada Rezim Pelindungan Hak Cipta Digital Di Indonesia," *Legislatif* 7, no. 2 (2024): 80–92.

<sup>16</sup> Rika Ratna Permata et al., *Hak Cipta Era Digital Dan Pengaturan Doktrin Fair Use Di Indonesia*, Cetakan I (Bandung: Refika Aditama, 2022).

<sup>17</sup> Revie Rachmansyah Pratama and Kholis Roisah, "Hubungan Hukum Terhadap Kepemilikan Hak Cipta Yang Dijadikan Merek Bagi Pencipta Dan Pemegang Merek Legal Standing to Ownership of Copyrights Made into Trademark for Creators and Trademark Holders," *Jurnal USM Law Review* 8, no. 1 (2025): 65–85.

<sup>18</sup> Arif Rahman, Efridani Lubis, and Agus Surachman, "Perlindungan Hak Ekonomi Pencipta E-Book Pada Situs Buku Gratis Merespon Perkembangan Hukum Informatika Dan Transaksi Elektronik," *Jurnal Ilmiah Living Law* 12, no. 2 (2020): 167–84.

rights of creators but also guarantees the grant of appropriate economic rights to creators and rights holders.<sup>19</sup>

The phenomenon of shadow libraries poses a complex dilemma in the landscape of digital knowledge distribution. On the one hand, these platforms provide broad access to information that is often difficult to obtain legally, especially for individuals or institutions with limited resources. On the other hand, such access frequently violates copyright and harms creators and legitimate rights holders. This situation raises crucial questions about how the legal system, particularly in Indonesia, regulates and enforces digital copyright protection. Based on this phenomenon, the research questions in this study are: How does the distribution of digital books through shadow library platforms operate, and what is its impact on copyright? How does Indonesian law analyse copyright infringement in the context of the distribution of digital books in shadow libraries?

## **2. Methods**

This study employs a normative method to examine how e-book protection regulations are disseminated in online shadow libraries, using literature and statutory studies (statute approach) to analyse relevant laws, including copyright and ITE laws. The primary legal data or materials supporting this research are laws, while the secondary data used are books, articles, and other literature.

## **3. Results and Discussion**

### **3.1. Distribution of Digital Books through Shadow Libraries and Its Impact on Copyright**

Shadow libraries are digital repositories that provide access to scientific works and copyrighted content without official distribution channels or the copyright owner's consent.<sup>20</sup> Shadow library platforms offer an alternative

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<sup>19</sup> Kamila, Permata, and Wijaya, "Urgensi Perubahan Definisi Pembajakan Pada Rezim Pelindungan Hak Cipta Digital Di Indonesia."

<sup>20</sup> Gabriel J Gardner, Stephen R McLaughlin, and Andrew D Asher, "Shadow Libraries and You :," 2015, 568–87.

to conventional academic publishing systems, which often restrict access to works through paywalls or paid subscription systems.<sup>21</sup> As shadow libraries and pirated content distribution services, platforms such as Library Genesis (LibGen) operate in a unique manner, namely, by providing open access to their collections. LibGen collects scientific texts that are freely available on the internet and other digital collections, and consolidates both content and metadata into a single open database.<sup>22</sup> Although regular users can search the catalogue and download available texts, LibGen's primary focus is actually on distributing its own library infrastructure, including source code, catalogues, and terabyte-sized collections.

The openness of the system and the decentralisation of content distribution that characterise Library Genesis (LibGen) are also evident in other shadow library platforms, such as Z-Library. However, the two differ in their operational characteristics. While LibGen emphasises total openness—providing not only access to scientific e-book collections but also the distribution of technical infrastructure such as source code and databases—Z-Library prioritises access efficiency, collection completeness, and ease of information retrieval.<sup>23</sup>

Z-Library has some overlap with LibGen in its collection, but it no longer shares any connection in design or system management. What makes Z-Library stand out is its approach of involving users through gamification to manage metadata collectively. Users can take an active role in the catalogue curation process, such as editing, uploading, and tagging—essential processes to ensure that the collection remains easy to search and optimally accessible. The quality of these metadata entries is maintained through the contributions of a broad community of users, rather than by a single individual.

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<sup>21</sup> Soni and Soni, “Unveiling The Shadows : Exploring Shadow Libraries And Black Open Access In The Digital Age.”

<sup>22</sup> Fiena Saadatul Ummah, “Mengapa Library Genesis Penting Bagi Mahasiswa Dan Peneliti?,” UNESA Library Research, 2024.

<sup>23</sup> Zakayo Kjellström, “Gamifying Piracy: Functions and Users of the Z-Library,” *Journal of Documentation* 78, no. 7 (December 2022): 351–70, <https://doi.org/10.1108/JD-09-2021-0174>.

However, this openness and distribution of content without permission have legal consequences. On November 4, 2022, the FBI seized several domains associated with Z-Library, and the site's main page was replaced with a stamp from the United States Department of Justice.<sup>24</sup> This closure is a form of law enforcement against copyright infringement committed by Z-Library. However, this case also demonstrates the complexity of the relationship between access to knowledge and intellectual property rights infringement. It demands a more open and sustainable distribution model in the digital age.

Shadow libraries often obtain digital content by any means necessary, including illegal methods. This prevents authors and publishers from receiving royalties for their work. In addition, users face cybersecurity risks. Some shadow libraries are known to extract data from metadata databases, steal university login credentials to breach academic networks, and have even been accused of stealing U.S. military secrets. Because of their vast text collections, some of these sites are also used as data sources for training artificial intelligence models, raising concerns about data privacy.

Major publishing companies have long advocated for the closure of shadow libraries on copyright infringement grounds. In 2023, four major publishers in the United States sued LibGen for copyright infringement, claiming that its activities were damaging the textbook market and causing publishers to lose revenue. A similar case occurred in 2017, when Elsevier sued Sci-Hub and LibGen and won \$15 million in damages for copyright infringement.<sup>25</sup>

The phenomenon of shadow libraries such as LibGen and Z-Library reflects the ongoing tension between the need for open access to knowledge and the protection of intellectual property rights. On the one hand, shadow libraries provide a solution to the access limitations imposed by traditional academic publishing systems, particularly through expensive subscription models. On the other hand, this unauthorised content distribution model directly raises

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<sup>24</sup> Claire Woodcock, "Feds Seize One of the Largest Sites for Pirated Books and Articles, Z-Library," *Vice*, 2022.

<sup>25</sup> Whitfield, "What Is a Shadow Library?"

profound legal, ethical, and security implications for both copyright owners and users. The complexity of this issue is a key basis for further review of how Indonesia's legal framework addresses copyright infringement committed through unofficial digital platforms.

### 3.2. Analysis of Digital Book Copyright Infringement from an Indonesian Legal Perspective

In essence, every piece of writing is the result of a long and exhausting intellectual process.<sup>26</sup> A writer—whether an academic, fiction writer, or nonfiction author—devotes energy, time, and deep thought to creating a work. This process not only requires technical expertise in writing but also entails originality, research, and intellectual responsibility. Therefore, every written work has inherent economic and moral value, which is then protected by the legal system, particularly through copyright protection.<sup>27</sup>

In the digital age, characterised by the ease of information replication and distribution, such protection is increasingly being tested. Phenomena such as shadow libraries—digital platforms that provide access to copyrighted works without permission—create tension between two interests: the moral and economic rights of authors and the public's free access to knowledge. E-books are a form of digital transformation in literacy that facilitates access to reading via devices such as mobile phones, tablets, and e-readers.<sup>28</sup> Their lower cost compared with physical books makes them a practical choice for many readers, although interest in printed books remains strong. However, the ease of digital distribution opens the door to piracy, particularly in PDF format, which is readily shared via shadow libraries. Platforms such as

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<sup>26</sup> Sartika, Efendi, and Muhammad Zalnur, “Urgensi Karya Ilmiah Dalam Pengembangan Pengetahuan Ilmiah Dan Etika Keilmuan Di Perguruan Tinggi,” *Jurnal Manajemen Dan Pendidikan Agama Islam* 3, no. 6 (2025).

<sup>27</sup> Rahmat Fernando, Anggun Lestari Suryamizon, and Jasman Nazar, “Analisis Perlindungan Hukum Terhadap Hak Cipta Karya Tulis Yang Berjudul Hologramisasi Atau Kinegramisasi (Putusan Nomor: 9/Pdt.Sus-Hak Cipta/2020Pn.Jkt.Pst),” *UNES Law Review* 6, no. 1 (2023): 141–49.

<sup>28</sup> Dedy Suhada et al., “Studi Literature: Perkembangan Dan Dampak Penggunaan E-Book Dalam Dunia Pendidikan,” *Jurnal Pengabdian Masyarakat Dan Riset Pendidikan* 3, no. 4 (2025): 5213–21.



LibGen and Z-Library facilitate free access to copyrighted e-books without permission.<sup>29</sup>

The legal basis for the protection of e-books is Article 40 (1) (a) of the Copyright Law (UUHC), which provides that books and other forms of written works are among the categories of creations that receive legal protection.<sup>30</sup> With reference to these provisions, e-books, despite their digital form, are still classified as copyrighted objects that are protected in the same way as physical books. This means that any form of reproduction, distribution, or use of e-books without permission from the creators or copyright holder constitutes a violation of the established legal protection. Copyright protection for e-books is essential to ensure the security of creators and rights holders in the optimal utilisation and management of their intellectual works.<sup>31</sup>

Legal protection for e-books is further strengthened by Article 25 of the Electronic Information and Transactions Law (EIT Law), which stipulates that electronic information and documents are classified as Intellectual Property Rights (IPR) protected by law. The possibility of filing a lawsuit for damages resulting from the misuse of electronic information and documents is also explicitly regulated in Article 26 of the Electronic Information and Transactions Law (ITE Law). In the case of e-book copyright infringement, this is relevant because the distribution is carried out without the written consent or agreement of the creator. Thus, such actions can be classified as unlawful acts under Book III of the Civil Code

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<sup>29</sup> Haura Mahsa Sahda, Sarah Widia Arsad, and Asmak Ul Hosnah, "Kualitas Pengguna Internet Atas Tersediannya Situs Ebook Z- Library Yang Melanggar Hak Cipta Dan Pembajakan," *Jurnal Pendidikan Tambusai* 8, no. 1 (2024): 4557–63.

<sup>30</sup> Ni Kadek Mira Lady Virginia, "Perlindungan Hak Cipta Terhadap Penyebaran E-Book (Electronic Book) Secara Illegal Di Internet," *Jurnal Kertha Semaya* 9, no. 7 (2021), <https://doi.org/https://doi.org/10.24843/KS.2021.v09.i07.p08>.

<sup>31</sup> Kholis Roisah, *Konsep Hukum Hak Kekayaan Intelektual: Sejarah, Pengertian Dan Filosofi Pengakuan Hki Dari Masa Ke Masa* (Setara Press, 2015).

(KUHPerdata), which provides rights holders with a basis to claim compensation for losses incurred.<sup>32</sup>

In practice, many books by Indonesian authors—both independently published and those published by mainstream publishers—are also found to be illegally distributed on global shadow library platforms, such as Z-Library, LibGen, and Anna's Archive. These works can be accessed freely without permission or compensation to their creators. This phenomenon shows that shadow libraries have transcended geographical boundaries and become a transnational threat to copyright protection, including under Indonesian law. These platforms are not tied to any particular country. They are often operated in a decentralised manner, moving from domain to domain, including onion sites (hidden services/Tor), to avoid detection by blocking and law enforcement.

In international law, copyright protection is governed by the Berne Convention for the Protection of Literary and Artistic Works. This multilateral convention serves as the foundational instrument for the global intellectual property rights regime. The provisions in this convention were later reinforced and further adopted in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs)<sup>33</sup>, which is part of the World Trade Organisation (WTO) legal system. TRIPs aims to strengthen standards for the protection and enforcement of Intellectual Property Rights (IPR). The basic rules governing creative works protected by copyright under the TRIPS Agreement are set out in Articles 9-14. This section explicitly covers various forms of works, including literary and artistic works. It establishes the exclusive rights granted to creators and rights holders, including the rights to reproduce, distribute, and communicate their works to the public. These rules in TRIPs are then harmonised with IPR regulations in Indonesia, especially in copyright.

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<sup>32</sup> Virginia, “Perlindungan Hak Cipta Terhadap Penyebaran E-Book (Electronic Book) Secara Illegal Di Internet.”

<sup>33</sup> Khoirul Hidayat, *Hukum Hak Kekayaan Intelektual* (Setara Press, 2018).

In accordance with this international commitment, Law No. 28 of 2014 on Copyright was enacted. One concrete form of protection is the delegation to the government, through the relevant ministries, of authority to take repressive measures, such as blocking access to websites that violate copyright, as regulated in Articles 56 to 58 of the Copyright Law.<sup>34</sup> The purpose of this protection is to encourage creators to continue working creatively and productively, and to ensure that the works they produce can generate economic benefits. The Ministry of Communication and Digital Affairs of the Republic of Indonesia plays an active role in blocking websites that provide digital content.<sup>35</sup> Based on reports from the public or findings by the ministry, blocking must be carried out immediately. Therefore, after a report is filed, the Ministry of Communication and Digital Affairs may block or shut down access to these websites to protect creators' rights, both in terms of the economic and moral value of legitimate works.

#### **4. Conclusions**

The distribution of e-books through shadow library platforms such as LibGen and Z-Library clearly violates copyright and harms creators and rights holders economically and morally. In Indonesian law, the protection of e-books is clearly regulated by the Copyright Law and the Electronic Information and Transactions Law. It is reinforced by international commitments under the Berne Convention and the TRIPS Agreement. The state, in this case, the government through the Ministry of Communication and Digital Affairs, has the authority to take repressive measures, such as blocking infringing sites, to ensure the protection of Intellectual Property Rights (IPR) and promote the sustainability of a fair and legitimate digital literacy ecosystem.

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<sup>34</sup> Arda Pramesti Agustiani, Hilman Nur, and Aji Mulyana, "Perlindungan Hukum Terhadap Pencipta Atas Pembajakan Buku Elektronik ( E-Book ) Yang Di Sebarluaskan Secara Bebas Melalui Website," *Journal of Contemporary Law Studies* 2, no. 2 (2025): 125–40, <https://doi.org/https://doi.org/10.47134/lawstudies.v2i2.3333>.

<sup>35</sup> Valdy Alhakim, Sinta Dewi, and Adrian Rompis, "Pembentukan Lembaga Independen Dalam Pengawasan Konten Digital: Studi Komparasi Hukum Antara Indonesia Dengan Australia," *COMSERVA: Jurnal Penelitian Dan Pengabdian Masyarakat* 3, no. 9 (2024): 3627–43, <https://doi.org/10.59141/comserva.v3i09.1150>.

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