

Copyright in Electronic Media: Islamic Perspectives

by

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ABSTRACT

Changes occur in a society. As such any social study has to take into consideration theories of changes. While theories of relations are a part of social change theories and this results in peaceful coexistence or conflicts. These changes also include relationships between races and different religious. In line with Malaysia towards the era of Knowledge Society, the concept of multimedia or electronic media and Islam is sufficient to think of. This study was carried out on the purpose of assessing Islamic views on copyrighting which normally occurs when dealing in the field of communication media. The study focused on the information copyrighting in electronic media, either television, radio or online media such as the Internet and other networking through computers. It was conducted basically to review related literatures regarding Intellectual Property from the perspective of Islamic and conventional laws.

Furthermore, this research also gave attention to the mechanisms consist in the Syariah or the Islamic Law in terms of handling or dealing with copyright in the electronic media, especially on the on works eligible for copyright, copyright ownership, duration of copyright, legal rights of copyrights owners and copyright infringement.

Generally the methods used in this research are observation towards the earlier researches (literature review), via data collection and data analysis. Comparative analysis was also an approach to evaluate the different views among the earlier jurists or 'fuqaha' to obtain an accurate fundamental basis for the copyright law in Malaysia as an Islamic country and relevant to the current era. At the same time, there were comparative analysis between the Islamic copyright laws and the conventional copyright laws.

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CHAPTER 1

1.0 Introduction

Working in the field of communication media, copyright is a serious issue to think of. Searching for information from other people or other source makes the situation harder. Normally, we would think, is there any border, boundary or limitation and to what extent that we can use someone's ideas, facts or expressions. Copyright law doesn't mean that we can never quote something interesting that we can find through a certain media. The fair use rule allows us to use a small portion of an expression to comment on it or for an educational purpose. On the other hand as a Muslim, it is also crucial for us to consider the Islamic views or perspectives regarding to this subject.

Many researches or writings that can be found on the Copyright of Media, but it are irrelevant for the traditional Islamic values, especially for our Muslim's media practitioners in the borderless world or today's environment, which live in the Information Communication Technology (ICT). Even many studies made in this matter, but mostly concentrated to the Western's idealism.

All works of expression have at least one thing in common: they are protected by copyright as soon as they are created and fixed in a tangible medium. For the most part, once an expression is entered in to a computer in a form that can be read on screen or routed to a printer, it is considered fixed in a tangible medium, even if it is never printed out or saved to a disk. A copyright notice, that little C (©) followed by the year and the author's name, is not required, but it is recommended to remind people that the author claims a copyright.

The author of the expression owns the copyright, unless there has been a formal written transfer of that ownership or the expression is created as a work for hire or paid for by an employer. So, a person who enters an expression