

LEGAL PROTECTION OF INTELLECTUAL PROPERTY RIGHTS IN INDONESIA

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Abstract: Intellectual Property Rights (IPR) are a crucial foundation in supporting progress in various aspects of modern life, such as technology, culture, and economy. This protection covers various types of intellectual works, ranging from art, literature, technology, trademarks, industrial designs, trade secrets, to plant varieties. This concept provides very important recognition to creators because it provides exclusive rights to utilize their work. This study shows that IPR is an important instrument to encourage innovation and creativity in Indonesia. Through existing regulations, this protection not only protects individual rights but also provides incentives for sustainable economic and industrial development. By addressing implementation challenges and increasing awareness and capacity for law enforcement, Indonesia can optimize the potential of IPR to support sustainable and competitive economic growth. IPR provides appropriate rewards to creators, inventors, or innovators for their works or creations. This is not only morally fair, but also practically encourages individuals and companies to invest in research and development. By guaranteeing protection for their investments, IPR provides assurance that their innovative results will not be easily misused or abused by others without permission. IPR can act as an instrument to expand the market share for innovative products in Indonesia. By having exclusive rights to a particular product or technology, companies can more easily attract investment, both domestically and internationally. This directly supports national economic growth and creates new jobs.

Keywords: Protection, Law, HAKI.

Introduction

Intellectual property rights (IPR) are included in the realm of civil law that regulates objects. Property rights can be divided into two, namely material and immaterial. Property rights that Intellectual property rights are included in immaterial rights, which means that objects are intangible because IPR comes from ideas, imagination and human thoughts. There are two types of immaterial IPR, namely copyright and industrial property rights. Both include patent rights, business use rights, lease rights, rights in the form of guarantees for objects, brands, industrial layout designs, industrial designs, and trade secrets. Objects within the framework of civil law can be classified into various categories. One of them is the grouping of objects into the classification of tangible and intangible objects, this can be seen from Article 499 of the Civil Code concerning the limitations of objects which reads: "according to the understanding of the law, what is meant by objects is every item and every right that can be controlled by ownership rights". According to Prof. Mahadi, the formulation of this article means, "what can be the object of ownership rights is objects and those objects consist of goods and rights". Intellectual Property Rights (IPR) are a crucial foundation in supporting progress in various aspects of modern life, such as technology, culture, and economy. This protection covers various types of intellectual works, ranging from art, literature, technology, trademarks,

industrial designs, trade secrets, to plant varieties. This concept provides very important recognition to creators because it provides exclusive rights to utilize the results of their work. In the context of technology, IPR, such as patents and copyrights, play a vital role in driving innovation. Patents protect new technological discoveries, encouraging researchers and scientists to share their knowledge with the confidence that they will be protected from unauthorized imitation. This not only allows for faster technological development but also promotes healthy competition in the market. In the fields of art and literature, copyright provides protection for the use of creative works such as books, music, films, and visual arts. This provides an incentive for artists and writers to continue creating, because they know that their work will not be easily misused or stolen. Meanwhile, in the economic aspect, IPR plays an important role in creating additional economic value. Trademarks protect the identity of companies and products, allowing consumers to distinguish between different brands and providing incentives for companies to maintain the quality and reputation of their products. Industrial designs protect the appearance of a product, which contributes to its aesthetic appeal and function. IPR protection is also important for maintaining a country's intellectual property and encouraging foreign investment. Countries with strong IPR systems tend to attract more investment from global companies, as legal certainty and protection of innovation are highly valued by industry.

The Indonesian government has issued several legal regulations, such as Law Number 28 of 2014 concerning Copyright, Law Number 13 of 2016 concerning Patents, and Law Number 20 of 2016 concerning Trademarks and Geographical Indications, which aim to regulate IPR. The purpose of these laws is to protect IPR owners, create an environment that supports innovation, and increase the competitiveness of domestic industry. Although Indonesia has regulations governing Intellectual Property Rights (IPR), their implementation and enforcement remain major challenges. Violations of these rights often occur, especially in the areas of copyright, patents, trademarks, and industrial designs. One of the main problems is the lack of public awareness and understanding of the importance of IPR and the negative impacts of violations. Many business actors, especially small and medium enterprises, do not realize that violating IPR can harm creators, rights holders, and also hinder innovation. In addition, law enforcement is often inconsistent and hampered by slow legal processes and high costs. Greater efforts are needed from the government, legal institutions, as well as more intensive education for the community and business actors to increase awareness of the need to respect and protect intellectual property, so that IPR can function effectively as a supporter of knowledge-based economic growth in Indonesia.

Literature Review

1. Types of Intellectual Property Rights

Copyright is an exclusive right granted to creators over their works of creation in the fields of science, art, and literature, including computer programs. Copyright protection includes the right to control the use of the work, such as reproduction, distribution, utilization, and adaptation. Examples of works protected by Copyright include books, songs, films, paintings, graphic designs, and software. In Indonesia, Copyright is regulated by Law Number 28 of 2014 concerning Copyright.² Copyright is a legal right granted to creators of intellectual works to protect their property from unauthorized use or replication. It not only provides economic rewards to creators for their work, but also encourages the creation of new works by providing clear incentives. Copyright also plays an important role in maintaining cultural diversity and encouraging innovation in various fields such as art, literature, and technology.

Although digital challenges complicate copyright protection, copyright remains relevant and necessary to support the development of intellectual and economic life in this modern era.

Method

A study cannot be said to be research if it does not have a research method (Koto & Faisal 2021). The research method is a process of collecting and analyzing data that is carried out systematically, to achieve certain goals. Data collection and analysis is carried out naturally, both quantitatively and qualitatively, experimentally and non-experimentally, interactively and non-interactively (Koto, 2020). The research method used is normative juridical research, namely legal research conducted by examining literature or secondary data (Koto & Zainuddin 2022). In qualitative research, the process of obtaining data is in accordance with the research objectives or problems, studied in depth and with a holistic approach (Rahimah & Koto, 2022).

Result and Discussion

In the face of technological advances and economic development, IPR protection in Indonesia faces a number of challenges. The main challenges include the lack of public awareness of IPR, suboptimal law enforcement, and the lack of adequate human resources and infrastructure. Rapid technological developments also pose new challenges in IPR protection. In Indonesia, the protection of Intellectual Property Rights (IPR) faces a number of significant challenges along with technological advances and economic growth. One of the main challenges faced is the low public awareness of the importance of IPR. Many people still do not understand the rights they have over their own intellectual works, such as copyright, patents, trademarks, and geographical indications. This lack of understanding can lead to misuse or violation of rights by other parties without realizing it. In addition to public awareness, law enforcement against IPR violations in Indonesia also faces challenges that are not optimal. Although there are laws regulating IPR protection, their implementation often faces obstacles in effective supervision, enforcement, and dispute resolution. This can be caused by various factors, including the lack of qualified human resources and adequate infrastructure to handle IPR violation cases efficiently. Rapid technological developments also pose new challenges in IPR protection. The ease of distributing and accessing digital content increases the risk of piracy or mass copyright infringement. In addition, phenomena such as imitation of products or trademarks through online platforms are also complex problems in efforts to protect the exclusive rights of the original owner.

There are several shortcomings related to the protection of Intellectual Property Rights (IPR) in many countries, including Indonesia. This discussion is intended to describe what intellectual property rights are as property rights and what is the relationship between intellectual property rights and copyright or company brands. Intellectual property rights are included in immaterial rights, meaning intangible objects because IPR comes from ideas, imaginations and thoughts of humans in the country, the legal system (IPR) was first translated as "intellectual property rights", then became "property rights to intellectual property". Intellectual Property rights, (IPR) consists of three keywords, namely rights, property and intellectual. Property is an abstraction that can be owned, transferred, bought or sold. Intellectual property is property for all results of the production of intelligence such as technology, knowledge, art, literature, song compositions, written works, caricatures and so on. Intellectual property rights are rights (authority/power) to do something on the intellectual property that is regulated by applicable norms or laws. Property rights are absolute rights to an object, and are civil rights. This right gives direct power over an object and can be defended

against anyone. Property rights have certain characteristics and superior features when compared to individual rights.

The following are types of intellectual property rights: (Latifiani, 2022)

1. Copyright, is a right granted to the creator of the company's literary and artistic works, the purpose of which is of course to provide protection for the company's copyright and support and provide appreciation for the creativity expressed (Law No. 24 of 2014).
2. Patent, is an exclusive right granted by the state to an inventor for the results of his invention in the field of technology, for a certain period of time to carry out his own invention or give his consent to another party to carry it out (Law No. 14 of 2001).
3. Trademark, is a sign in the form of an image, name, word, letter, number, color arrangement, or combination of these elements that have a distinguishing mark that is usually used in the trading of goods or services (Law No. 15 of 2001).
4. Industrial design, is a creation of a form, configuration or composition of lines or colors, or lines and colors or a combination in three dimensions or two dimensions that gives an aesthetic impression and can be used to produce a product, goods, industrial commodities, or handicrafts (Law No. 31 of 2000).
5. Integrated circuit, is a finished or semi-finished product in which there are various elements and at least one of these elements is an active element, some or all of which are interconnected and formed in an integrated manner in a semiconductor material to produce electronic functions (Law No. 32 of 2000).
6. Trade secret, is information that is not known to the public in the field of business technology, has economic value that is useful for business activities, and its confidentiality is maintained by the owner of the trade secret.

One of the main shortcomings is the low level of public awareness and understanding of the importance of IPR. Many people do not fully understand their rights to the intellectual works they create or own. This can lead to practices of abuse or violation of IPR that are not realized by the rights owner or by other parties. In the context of law enforcement, there are still challenges in the effectiveness and speed of handling IPR violation cases. The judicial system is often slow or less responsive to complex IPR cases, which can reduce public and rights owner confidence in existing legal protections. In some cases, the cost and time required to obtain IPR protection (such as patents or trademarks) can also be a barrier for individuals or small businesses to effectively secure their rights. This can hinder innovation and business development at the micro and medium levels. In the current era of globalization and digitalization, new challenges arise in the form of the spread and misuse of digital content. Technology allows for easy copying and distribution of digital works without permission, which creates new challenges in protecting copyright and other rights in this complex digital environment. Harmonization and coordination between various national and international legal regulations related to IPR is also a challenge. The heterogeneity in IPR protection across countries can complicate the process of securing rights at the international level, especially for companies or individuals operating across borders. Thus, while IPR protection provides an important framework for encouraging innovation, creativity, and economic protection, these challenges indicate that there is still room for improvement in IPR protection around the world, including in Indonesia.

In addressing these challenges, the government and relevant stakeholders need to work together to raise public awareness of IPR through effective education and campaigns. Strengthening law enforcement, including increasing the capacity of law enforcement officers and supporting infrastructure, is also a crucial step to ensure the effectiveness of IPR protection in today's digital era. Thus, stronger IPR protection can encourage innovation, increase

investment confidence, and support sustainable economic growth in Indonesia. Nevertheless, the future prospects for IPR protection in Indonesia are promising. Efforts to improve education and socialization about IPR are expected to increase public awareness. Strengthening law enforcement, improving human resources, and infrastructure are also positive prospects. The use of technology can be a solution to increase the effectiveness of IPR protection, while harmonization of IPR regulations with international standards will support further progress in this protection. The future prospects of IPR protection in Indonesia show encouraging potential. One of the key strategies that is expected to increase the effectiveness of IPR protection is through increasing education and socialization to the community. By increasing understanding of the importance of IPR, it is hoped that public awareness of their rights to intellectual works will increase, thereby reducing the number of violations and abuses of IPR in the future. In addition, strengthening law enforcement is also a positive prospect in protecting IPR in Indonesia. Improvements in supervision, enforcement, and resolution of disputes related to IPR can reduce legal uncertainty and provide confidence to IPR owners to protect their investments and creativity. It is also necessary to increase qualified human resources and adequate infrastructure to support effective law enforcement in cases of IPR violations. The use of technology also has an important role in the future of IPR protection (Edyson, 2024).

Conclusion

This study shows that IPR is an important instrument to encourage innovation and creativity in Indonesia. Through existing regulations, this protection not only protects individual rights but also provides incentives for sustainable economic and industrial development. By addressing implementation challenges and increasing awareness and capacity for law enforcement, Indonesia can optimize the potential of IPR to support sustainable and competitive economic growth. IPR provides fair rewards to creators, inventors, or innovators for their works or creations. This is not only morally fair, but also practically encourages individuals and companies to invest in research and development. By guaranteeing protection for their investments, IPR provides assurance that their innovative results will not be easily misused or abused by others without permission. IPR can act as an instrument to expand the market share for innovative Indonesian products. By having exclusive rights to certain products or technologies, companies can more easily attract investment, both domestically and abroad. This directly supports national economic growth and creates new jobs.

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