

# Effectiveness of Simple Patent Protection Based on Traditional Knowledge of Creative Economic Products

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## ABSTRACT

The influence of technological developments has been tremendous on daily life in recent years, and the product is very rapid. These developments are not only supported by high technology, such as computers, electricity, telecommunications and biotechnology but also in the fields of mechanics, chemistry and others. In fact, along with that, awareness is also increasing to increase the utilization of simple technology. Indonesia already has a law that specifically provides legal protection for inventors in various fields of technology; the law in question is Law Number 13 of 2016 concerning Patents. The law also manifests Indonesia's commitment to implementing the Agreement Establishing the World Trade Organization, which contains the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs), which regulates patent issues. It is hoped that with the enactment of the Patent Law in Indonesia, public legal awareness about understanding Patents, especially Simple Patents, will be higher. To optimize it, efforts need to be made to encourage the public to produce inventions to be patented so that people can experience the economic benefits of simple patents based on traditional knowledge. Patents can protect the cultural diversity and traditional knowledge we have to advance Indonesia's economic growth level. Our traditional knowledge can become a creative economy, understanding the monetary value of this traditional knowledge that we have not optimized. Indonesian conventional version must be developed and empowered sustainably so that Indonesia can compete globally,

## ABSTRAK

Pengaruh perkembangan teknologi telah luar biasa dalam kehidupan sehari-hari dalam beberapa tahun terakhir, dan produknya sangat cepat. Perkembangan tersebut tidak hanya didukung oleh teknologi tinggi, seperti komputer, kelistrikan, telekomunikasi dan bioteknologi tetapi juga dalam bidang mekanika, kimia dan lain-lain. Bahkan, seiring dengan itu, kesadaran juga meningkat untuk meningkatkan pemanfaatan teknologi sederhana. Indonesia telah memiliki undang-undang yang secara khusus memberikan perlindungan hukum bagi inventor di berbagai bidang teknologi; undang-undang yang dimaksud adalah Undang-Undang Nomor 13 Tahun 2016 tentang Paten. Undang-undang tersebut juga merupakan wujud komitmen Indonesia untuk melaksanakan Agreement Establishing the World Trade Organization, yang memuat Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs), yang mengatur masalah paten. Diharapkan dengan berlakunya UU Paten di Indonesia, kesadaran hukum masyarakat tentang pemahaman Paten khususnya Paten Sederhana akan semakin tinggi. Untuk mengoptimalkannya, perlu dilakukan upaya mendorong masyarakat untuk menghasilkan invensi yang akan dipatenkan sehingga masyarakat dapat merasakan manfaat ekonomi dari paten sederhana berbasis pengetahuan tradisional. Paten dapat melindungi keragaman budaya dan pengetahuan tradisional yang kita miliki untuk memajukan tingkat pertumbuhan ekonomi Indonesia. Pengetahuan tradisional kita bisa menjadi ekonomi kreatif, memahami nilai moneter dari pengetahuan tradisional ini yang belum kita optimalkan. Versi konvensional Indonesia harus dikembangkan dan diberdayakan secara berkelanjutan agar Indonesia mampu bersaing secara global,

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## I. INTRODUCTION

At present, Indonesia is a country that has a wealth of genetic resources and traditional knowledge, which domestic and foreign inventors often use to produce new inventions. Therefore, in the new Patent Law, there is a stipulation regarding the obligation of the inventor to clearly and honestly state, based on the principle of good faith, the material used in an invention if the part used is derived from genetic resources and traditional knowledge originating from Indonesia in a description of a Patent or Simple Patent that an inventor has applied for. The arrangement, as stated above, aims to show that Indonesia intends to provide legal protection to inventors in various fields of technology. The law in question is Law Number 13 of 2016 concerning Patents<sup>5</sup>. Technological developments have been considered daily, and the product is very rapid. This development is not only supported by high technology, such as computers, electricity, telecommunications and biotechnology but also in the fields of mechanics, chemistry and others. In fact, along with that, awareness is also increasing to increase the utilization of simple technology.<sup>6</sup> The 2016 Patent Law was established not only to protect Indonesian and foreign inventors but is also a form of Indonesia's commitment to implement the Indonesia Agreement. Showing the World Trade Organization in 1994 contained the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs), which also regulates patent issues. With the ratification of TRIPs by Indonesia, Indonesia is also obliged to harmonize its national laws regarding TRIPs. At least this research was conducted because public knowledge about patents, especially simple patents, is still deficient, so public awareness of the registration of simple patents is also daily. In addition, because the Simple Patent has a certain period of validity, people do not want to register their inventions of traditional knowledge.

With the Patent Cooperation Treaty (PCT), applications for patent registration in Indonesia are still very few compared to other countries in the ASEAN region. Indonesia is far behind Singapore, Malaysia, Thailand, the Philippines and Vietnam. Indonesia is only above Brunei Darussalam. The 1945 Constitution does not mention the protection of objects belonging to individuals or legal entities does not mean that objects or things that can be used as objects of property rights do not receive positive legal protection. When viewed from the whole article from the body of the 1945 Constitution, only one report has a connection with objects, namely Article 33, paragraph (2) and paragraph (3). However, Article 33 paragraph (2) does not mention explicitly explicit things. Article 33 paragraph (2): "Production branches that are important for the state that affects the livelihood of the people are controlled by the state". Paragraph (3) adds again: "earth and water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people". Article 33 paragraphs (2) and (3) have a close relationship with material matters, especially regarding the social function of material rights, because these provisions provide legal justification for the state and the government to carry out social tasks on materials, namely for the public (national) interest. ) or for the welfare of the people. The link between the 1945 Constitution and Intellectual Property is very close. Several articles in the 1945 Constitution show us about this relationship, namely Article 27 paragraph (2), Article 28 and Article 33 paragraph (2) and paragraph (3). Article 27 paragraph (2) of the 1945 Constitution states: "Every citizen has the right to work and a decent living for humanity". The work or activity to produce a product called a copyrighted work is the right of everyone guaranteed and protected by the 1945 Constitution. Moreover, the work of an artist, such as a painter, sculptor, or batik maker, as well as music composers, singers and artists who are his creation, is a job to earn a living to sustain his life and, of course also their family. With his profession as an artist such as Basuki Abdullah, for example, his work brings a lot of sustenance when valued in terms of money as well as honour and a good name. the meaning of Article 27 paragraph (2) of the 1945 Constitution.

Article 28 of the 1945 Constitution states: "The freedom of association and assembly, of expressing ideas orally and in writing and so on are stipulated by law". This article also clearly shows a very close relationship with intellectual property. Producing a creative work such as writing a book,

composing a song lyric or making a painting is a manifestation of freedom of opinion by writing that is poured into a book or written work or written on canvas as a painting. Even verbally, such as speeches, lectures and lecture materials are a form of freedom of expression that the 1945 Constitution protects. Thus, copyrighted works manifest the freedom of expression guaranteed by the 1945 Constitution. Therefore, the notion of freedom of expression is argued that it cannot be interpreted only in the form of demonstrations by making speeches. The law in intellectual property is one channel to provide freedom of expression, as Article 28 of the 1945 Constitution mandated.

After the Second Amendment of the 1945 Constitution, Article 28 of the 1945 Constitution is the provision with the most additions and developments, namely by issuing Articles 28A to Article 28J. Article 29E paragraph (2): "Everyone has the right to freedom to believe in beliefs, to express thoughts and attitudes, according to his conscience." Then in Paragraph (3): "Everyone has the right to freedom of association, assembly and expression."

Furthermore, Article 28G Paragraph (1) states: Everyone has the right to protect himself, his family, honour, dignity, and property carried by his authority, and has the right to a sense of security and protection from the threat of fear to do or not do something which is a human right. " Article 28H paragraph (4) states again: "everyone has the right to have private property rights, and such property rights may not be taken over arbitrarily by anyone". Furthermore, Article 28J paragraph (2) it is stated: "In exercising his rights to freedom, everyone is obliged to comply with the restrictions established by law with the sole purpose of guaranteeing recognition and respect for the rights and freedoms of others and to meet fair demands. Following considerations of morals, religious values, security and public order in a democratic society". Article 33, paragraph (2) and section (3), as described above, also closely correlate with intellectual property. The provisions of paragraphs (2) and (3) of Article 33 of the 1945 Constitution provide a legal basis for the social function of intellectual property so that intellectual property has the same position as other objects, such as land related to social functions.<sup>11</sup>

Legal provisions regarding intellectual property are not found in the BW, which regulates the law on objects in general. Due to its unique and special nature, intellectual property regulation is handled in a separate direction, such as the Law on Copyrights, Patents, Trademarks, PVP, Trade Secrets, Industrial Designs and Layout Designs of Integrated Circuits. Of the three laws, only the provisions in Article 3 paragraph (1) of Law Number 6 of 1982 clearly state that copyright is included in the group of movable objects, even though they are intangible objects from their nature. Copyright can be transferred to another party. Theoretically, it can be said that Article 3 of the UHC is based on Articles 503, 504 and 509 BW because the provisions regarding objects in the second book of the BW apply in general.

Moreover, intellectual property is a relatively new branch of legal science—Unique in Indonesia and other developing countries. Even the super developed countries on the European continent, such as Germany, even though this branch of intellectual property law is still considered young. Intellectual property, be it copyrights, patents or trademarks, is grouped into movable and intangible or in the form of objects that can be transferred to other parties through inheritance, grants, or wills to become state property or by agreement (see Article 3 paragraph (2) UHC). Although Law Number 6 of 1989 concerning Patents and Law Number 19 of 1992.

Regarding Marks, no provisions classify these rights into movable objects. An analogical line can be drawn that because they are both intellectual property, both Patents and Marks can also be grouped into movable and intangible things and can be transferred to third parties. Other ownership.<sup>12</sup> Arrangements regarding objects in positive law in Indonesia can be found in various rules and regulations, such as in the Civil Code (KUHPerdata) or Burgerlijk Wetboek (BW). Intellectual property, in this case, patent rights, in civil law is contained in the second book on "Materials". There is a relationship between intellectual property rights and the public domain. Objects owned by the government or the state are called public domains or Staat Domains (public property or state property). The public domain is a supporting object owned by the state but cannot be traded because

it is outside of commerce, and the government prefers to have it as a supervisor. The public domain is under the rules of ordinary law, which also applies to every property. Because the owner is the government, in addition to being placed under the direction of common law, the public domain is also set under special rules so that certain legal institutions are domiciled as property.

This reason sometimes makes people not want to register their inventions or traditional knowledge. Where for superficial reasons, patents have a certain period of validity. As is known, a Patent whose validity period has expired cannot be extended following Article 22, paragraph (1) and paragraph (2) of Law Number 13 of 2016 concerning Patents containing: "Patents are granted for some time.

Patent arrangements as intellectual property have existed since the Dutch East Indies. In the "Reglement of het verlenen van uitsluitende rechten op uitvindingen, invoeringen en verbeteringen van voorwerpen van kunsten en volksvlijk 1817" (the provision on granting exclusive rights to inventions, introductions and improvements to the field of folk art) which was then enforced based on the principle of concordance in 1844. In the Dutch East Indies. In 1870 this Act was no longer enforced or repealed. This law was not immediately replaced with a new one because it was only in 1911 that the Law on Patents was enacted, which the previous year (The year 1910) had been passed in the Netherlands. This Act of 1911 then underwent several changes and improvements. Repairs and improvements were made in 1916, 1921, 1922, 1931, 1939, 1937, and finally 1949.

In addition, with the new Patent Law, it is also hoped that patents which are intellectual property granted by the state to inventors for their inventions in the technology field, can have a strategic role in supporting national development and advancing the general welfare of the Indonesian nation. According to the Director General of Intellectual Property Rights of the Ministry of Law and Human Rights, in optimizing the benefits of intellectual property in Indonesia, there is still a minimal contribution to gross domestic product (GDP). As in developed countries, the benefits of intellectual property are proven to contribute to GDP. 18.

At present Simple Patents are very interesting to study because Simple Patents (as well as other intellectual property) are attached to economic rights, moral rights and social functions. One aspect of special rights in Simple Patents is economic rights. Economic Rights are the exclusive rights of Simple Patent holders to obtain financial benefits from their inventions. It is called an economic right because intellectual property is an intangible object that can be valued in money. The economic rights are in the form of profits in the amount of money obtained due to the use of Intellectual Property (KI) or because of the service by other parties based on a license. Economic rights are taken into account because other parties in a profitable industry can use intellectual property. In other words, a Simple Patent can become an object of trade and provide economic benefits to the holder of the Simple Patent.

The Indonesian government needs to protect local communities' rights regarding their traditional knowledge, considering that the people do not realize that traditional knowledge, including in the field of medicine, has economic value. People never think that if knowledge of conventional drugs is managed as a commodity for trade, it will bring economic benefits. The management of traditional knowledge in the field of medicine by the community itself as a commodity to be traded is only carried out on a small scale, for example, in the form of a jamu carrying business. Those who use this knowledge more economically are groups of large capital owners such as herbal medicine companies in Indonesia and foreign pharmaceutical companies who use traditional knowledge as initial data for further research. The research results are in the form of discoveries in the pharmaceutical field that are profitable through patent registration and mass production. A study reported that 74% of the plants used as raw materials.

People who practice healing by utilizing their knowledge in traditional medicine do not at all use economic rewards as a motive for practising healing. The dukun or Balian are more motivated by "helping others" and do not consider the financial interests of using the knowledge in question. The Act of helping others is a virtue whose rewards are more spiritual (non-material).

The existence of a plurality of cultural systems has been recognized as reflected in the motto "Bhineka Tunggal Ika". Likewise, if we look at Article 18 of the 1945 Constitution, Article 5 of the Basic Agrarian Law (Law Number 5 of 1960), and Article 6 of the Law on Population Development and Development of Prosperous Families (Law Number 10 of 1992). The articles mentioned above provide a legal basis for recognizing the existence of Indigenous Peoples.<sup>62</sup> Until now, the government's attention to traditional knowledge is still limited to the recording process, although efforts to preserve it are still ongoing. In the current era of free trade, it is necessary to have established protection against the potential derived from traditional knowledge. These potentials must be administered to clarify ownership of conventional learning by each country. The functioning of such a function in the world of economy, especially concerning the existence of intellectual property in the form of traditional knowledge, will have consequences for economic justice and the greatest prosperity of the people. This principle is the basis for the legal politics of the Indonesian economy, including matters relating to the legal protection of intellectual property rights of traditional knowledge.

## II. METHOD

The research method used in this research is normative legal research. Normative legal research is library law research. <sup>122</sup> Normative legal research is defined as research that refers to legal norms contained in legislation and court decisions. <sup>123</sup> This research uses normative legal research methods because the main problem in this research is legal issues. <sup>124</sup> Peter Mahmud states that the scope of legal issues includes legal dogmatics, legal theory and philosophy. The legal issues in legal dogmatics are the practical aspects of legal science: First, multiple interpretations of a regulatory text; Second, the event of a legal vacuum; Third, there are differences in the performance of facts. <sup>125</sup> Meanwhile, legal issues at the level of legal theory contain legal concepts and content in the scope of philosophy that must be related to legal principles. <sup>12</sup> Also called doctrinal legal research, legal research using secondary data. <sup>12</sup>

## III. RESULT AND DISCUSSION

### 1. Simple patents for traditional goods are helpful for modern society Patent culture in conventional society

Intellectual property security is not always limited to what are known as patents, copyrights, and trademarks. (1) This Convention defines intellectual property as a broad idea (a broad concept) that can cover many human intellectual works, now not only patents, copyrights and emblems, which were universally regulated in the 19th century, namely in 1883 for the patent. And logos. Trademarks other than 1886 for copyright. The WIPO status quo convention came into force universally in 1967, and there are provisions in Article 2 (VIII) of the WIPO establishment convention concerning intellectual property in the form of intellectual sports in the fields of industry and technological knowledge, literature or humanities. ). The approach of this text is that intellectual property in the years following the entry into force of the WIPO status quo convention (1967) turned out to be highly evolutionary and adaptive.

The way of doing human intellectual works no longer only occurs in giving. Still, this recognition system has been going on for a long time and often happens from time to time in Indonesian traditional (customary) society.

Conventional (general) creations are usually produced in corporations in specific communities and are simultaneously associated with the environment/nature. How to be creative regularly occurs with the help of danger because most of what is produced by indigenous peoples is part of their daily activities, either in the form of art or which can be associated with basic desires, for example, folklore; dance, wayang, adat, medicine...

This knowledge is an understanding that has been used and developed by Indonesians in the past, present, and future and will continue to evolve and call for the safety of crime based entirely on the new high-end criminal machine—now known as traditional knowledge and conventional cultural expressions.

The problem of political hobby between developing and developing an international location in terms of the use of traditional medical knowledge inevitably results from cultural differences and differences in ethical structures. Grown (Western) international countries feel that they have done nothing wrong in taking the developing country movement as a fraud because they think they are not violating the rights of others. Developing countries need to remember that international developed countries are unfair by no longer seeing the collective rights of humans in developing countries. This happens because of differences in ethical and criminal principles regarding the owners of the property and upper-class property.

In international forums, IP regimes have been referred to as a means of defensive intellectual assets that have been identified in almost all countries of the world. Three hundred thirty-three signs that IPR is a global regime are, among others, marked by the existence of international agreements or conventions on IPR, which include: completion of travel within the WTO framework (1994), (2) regarding industrial assets, (3) concerning cooperation in the patent program, agreements Madrid (1891) and the Madrid Protocol (1989 entered press 1995) on global trademark registration, the Berne conference (1886) and the WIPO Copyright Agreement (1996) on copyright. WIPO is an international business company that addresses IP issues from conventional knowledge. In this regard, Indonesia, as a member of the United States, wants to take advantage of WIPO's observations about the difficulty of protecting traditional knowledge.

As one of the new problems in developing high-end property rights, traditional knowledge and traditional cultural expressions require legal security and the current style of high-end assets along with copyrights, emblems, patents, business designs, and integrated circuit formats. Design. , quietly. Alternatives and the safety of plant varieties. In this case, it is time for this nation to guarantee complete legal certainty for all forms of traditional creations produced through science as a form of intellectual property of conventional society. Classic craftsmanship and traditional cultural expressions must be preserved as a form of state sustainability. (4) argues that there are two ways to interpret state sustainability, especially first to preserve the current condition, which limits the modifications to be made. 2, the survival of the Indonesian state includes extraordinary dynamics so that sometimes it can improve itself and protect itself from changes and attacks that come from outside but also from within, even people who contribute to happiness and survival—a global network.

Indigenous peoples' lives can be defined almost everywhere in the international community, and some relative terms used are indigenous peoples, tribal enterprises, minorities and ethnic businesses. There are several recommended definitions for understanding indigenous peoples, for example, suggesting the help of the Indigenous Peoples Rights Defenders network (JAPHAMA), which provides a description which is a working definition to help understand indigenous peoples who are the challenges of assistance achieved by JAPHAMA, the reason for this definition is.

"...a group of people who have ancestral origins (from technology to generations) in a particular geographic area, and have their value, ideological, economic, political, cultural, social and regional structures."

The network of standard rules of a period or indigenous peoples or indigenous peoples is an anthropological society that is homogeneous and continuously inhabits a particular environment, has historical and mystical relationships with its history, is perceived by outsiders as originating from unusual ancestors. . and highlights the distinctive identity and culture that they wish to preserve and preserve for the past, and do not have a dominant position in the current political system and structure.

In the ILO conference No. 169, international location, The United States uses the term indigenous peoples, defined as a collection of indigenous peoples in an independent international background with a determination based on ancestry beginning among the citizens of other countries inhabiting the geographic area in which a country is located. At that point. Conquest or colonization or the idea of limitation. New royal barriers without the popularity of prisons and while retaining some or all of the social, monetary, cultural and political styles, at the same time, the tribal group system is a set of people living in impartial countries with social, cultural and cultural conditions. Their economic reputation sets them apart from others in the US. Their status is regulated in whole or part through network customs and traditions or special laws and regulations.<sup>338</sup>

The life of indigenous peoples in Indonesia can be seen in the outlet description of the Articles of Association of the Alliance of Indigenous Peoples of the Archipelago 2003, in particular: 340 Indigenous peoples view nature and themselves as a unit, such as conservation, whose current existence does not result in rights that harm the Indigenous Peoples in Indonesia. Later. Now and in the future. Through their ancestral heritage, indigenous peoples govern their entire lives, each individually and as a unique, mutually exclusive social and spiritual group. This closest unique gadget must be maintained, developed and fought for as a source of enthusiasm for life and a reference for the behaviour of indigenous peoples that must be recognized and respected through a more comprehensive network and state directors.

Concerning the rights possessed by indigenous peoples (archipelago), it is essential to pay attention to the philosophical aspects of the rights themselves, at a theoretical level, to allow things to be themselves in the form of facts by acknowledging and affirming things as they are. . 'repeat. . at the realistic stage, the form taken is justice as a willingness to give someone what is their right. Recognizing and respecting one's rights means allowing them to be themselves and promoting them without arbitrarily impeding them. Rights are described as criminal prosecutions justified through a person or human institution instead of another person or group for a particular object as their property—contained in the moral-philosophical discourse. People with certain rights are raised and act lawfully and beautifully once they demand that others respect their ownership of those factors. Rights are rooted in the owner's potential to seize possession and demand that others acknowledge it. Honest recovery for the majority of organizations and countries is the right solution. There are various kinds contained in this organization, especially legal rights and moral rights. Criminal rights are carefully linked to regulations because they are primarily based on law. Those rights are based entirely on legal guidelines, crime guidelines and many prison documents. Moral rights, however, are rights that may be based on ethical norms and values. Other rights, including economic, social, and other rights, derive from the two most important rights. Fundamental rights are a by-product of the provision of rights because they derive from the highest rights. Primary rights are the source of by-product rights. Rights are related to obligations in the experience that the rights of a man or woman, to some extent, give rise to a responsibility on others not to take that right arbitrarily. The preamble to the Conventional Declaration of Human Rights affirms the recognition of human dignity as the basis of all different rights. Human rights cannot be revoked, persist in relation to human lifestyles, no longer depend on the approval of others who comprise the state, and cannot be revoked through men, women, or criminal bodies.

The science of lifestyle, elements, nature, & which means, according to experts, the expression "tradition comes from (Sanskrit) specifically "buddayah" is the plural form of the word "budhi", which means mind or intention. Understanding tradition, in general, is the result of emergence, feeling, and human paintings in gathering complex life necessities, including skills, beliefs, works of art, morals, the law of fairness, and At the same time, according to Koentjaraningrat's definition, which says that traditional beliefs are whole people from the behaviour and results that must be followed. accepted through mastery and all of it is structured in human life, because all the work, creativity, and feelings of community networks produce a generational subculture and the fabric or physical subculture (m

fabric subculture) that humans need to manipulate the nature that surrounds them so that their strengths and effects can be committed to Community needs.

The know-how lifestyle in English is known as tradition, a reasonably recent period as the term tradition itself in English was best known in the mid-nineteenth century. In the past, in 1843, anthropologists understood tradition as a way of cultivating land cultivating plants, as referred to in terms of agriculture and horticulture. We will appreciate this because the lifestyle of the times comes from the Latin coloured because of this protection, the cultivation of agricultural land. In a figurative sense, this phrase also approaches "the formation and purification of the soul". Anthropologist EB Tylor 343 defines the cultural perception that a way of life is a complex one that includes information, beliefs, arts, morals, rules, customs, and the various skills and habits acquired by using humans as members of society.

Lifestyle is a behaviour that becomes a dependency on society. There are many things we can call a lifestyle. Along with: dances, songs, traditional houses, costumes, weapons and lifestyles in a club or group are examples that we can define as examples of tradition. These examples are often mentioned in educational settings. There is too much discussion about practice with the intention of not ending it again because the subculture maintains that every element of it uses and inhibits factors.

We cannot say that a tradition works easiest when it develops, for the fact is that even undeveloped ways of life do so because the owners of rules are also different in carrying out their subcultures. A tribe develops a lifestyle with the help of accepting the latest lifestyle so that it can be seen as its cultural development. On the other hand, a lifestyle with its cultural activities is closed, hands-off and does not need to accept modernity. Lifestyle because the facts are consistent with them. Cutting-edge lifestyles will undermine the authentic way of life, so we are inspired to judge that lifestyles don't continually evolve.

Indonesia is a unified country consisting of many cultural tribes, from Sabang to Merauke, all Indonesian territories, each of which has a unique way of life. The mass of indigenous Indonesian culture has characteristics that have nothing in common with any differences. The maximum simple aspect that affects the individuality of a culture is the geographic location of that culture. Cultures whose people live in mountainous areas can be extraordinary from those that penetrate the coastal regions. This is because the influence of the geographical location will affect the mindset of society, so humans with a mentality that geographical areas have driven and circumstances create a subculture that will not be the same as the others.

Javanese culture, closely driven by contemporary foreign culture, is very typical of the Papuan people, whose territory is still closed mainly from the penetration of foreign cultures. Javanese people, in terms of mindset or education, how to dress, and their lifestyle is superior and up-to-date compared to the Papuans' attitude, clothing, and way of life. In the elegant united states, especially the rich rural lifestyle, many problems stand in the form of energy. More extensive traditions can be an extra challenge in staying a lifestyle.

The welfare crisis experienced by the Indonesian people dramatically affects the course of tradition. The greater the prosperity, the smoother the direction of the lifestyle. On the other hand, the lower the welfare facilities of a network, the more it hinders the course of cultural activities. Many elements influence the lack of welfare factors in Indonesia. His book (five) mentions four elements that can become the basis for a disaster for the welfare of the community, including:

- a. We are economically colonized, our wealth is exploited using foreigners, and our humans now do not get welfare guarantees from the state because many are getting poorer. Poverty is increasingly causing crime/crime, immoral acts, and even war and violence between humans and organizations. Because without the nation's safety, many people appear as coolies/workers in other international places, our kingdom is increasingly underestimated with the help of Malaysia and other countries that are overcrowded with Indonesian Migrant Workers (TKI),



- which means our humanity ends. Until enslaved people abroad over time. Because Indonesia (it is elite) has also become a slave to foreign traders who take advantage of Indonesia's wealth.
- b. Moreover, the younger the age, the more people who are not productive. See, they no longer like the efficient sport that maintains our financial base. They no longer like farming. They choose activities such as buying and swallowing, imitating subcultures and lifestyles, and shopping for art products abroad. They are no longer producing and are still being forced to eat. So that they become structured, productivity stupid and even mentally vulnerable. That's the main goal so that our culture can be more backward in the future because the newest children are inefficient and innovative.
  - c. The emergence of innovative products and innovative activities (films, literature, soap operas, extraordinary arts, etc.) may be dominated by the market which ideologically and its contents form liberal, individualistic habits, weakening the character of society—technology (as well as a royal character). The results of his creativity are getting dull because the production of cultural arts is the result of artistic imitation. From TV shows oriented TV shows in the United States and Europe, the style of television talk (plus dech, it is how you know(h)! tired dech) spoken with the help of superstar artists that entered the hearts and minds of a new era. Do art by imitating people who are incapable of doing their craft.
  - d. Our elites continue to follow the subculture and feudalistic customs in exercising their power. Corruption, collusion, nepotism, and high-cost politics as part of a wasteful culture in politics all form our tradition of defending by saying no.

War is an aspect that we often encounter in almost every location. Combat is a social system in which people or companies seek to fulfil their desires using events instead of threats or violence. While the reasons for the struggle consist of 345

- a. Individuals have different opinions or emotions, causing a war between them.
- b. There is a personality difference between them due to their unique cultural background.
- c. There are variations in the entertainment of people or institutions among them.
- d. There are fast trades in the community due to modifications in the value/winner set.

As we understand it, the form of Indonesian society regularly raises questions about how it is integrated at the broad state level. The multidimensional pluralism of society will raise questions about how Indonesian culture combines horizontally, while social stratification manifested by Indonesian society will shape vertical national integration.

To further clarify this factor, let us briefly examine the structural-functionalist view of how social machines are integrated. In their view, the social device is permanently attached to the following ideas. A society is always incorporated based on a consensus that develops among the maximum contributors of society about simple social values. From every other attitude, the community is continuously integrated because the various individuals of society are also individuals of different national entities. Let us follow the structural functionalist view of how social systems are combined to clarify this point. In their view, social gadgets are always integrated with the idea of the following two things. A society is usually based on a consensus among most community members about simple social values. From another point of view, culture is always included because the various individuals of society are also individuals of different national entities.

At a certain level, each direction also underlies social integration in a pluralistic society because society can no longer live without them. However, as we have cited above, the pluralistic nature of humanity has fueled the premise of social integration proposed by using structural functionalists to apply the simplest to a minimal degree.

The Indonesian nation cannot deny the pluralistic nature of our country, so it is also essential to offer a forum for the development of ethnic subcultures and non-secular traditions embraced by the Indonesian population. In everyday life, ethnic and non-secular cultures, collectively with hints of the existence of kingdoms and states, colour human behaviour and activities. These various

cultures go hand in hand, complement and complement each other, do not stand alone, and are even able to adapt (flexibly) to each different in the field of daily lifestyle.

In that context, hundreds of ethnic companies in Indonesia need to be seen as state assets towards herbal environmental expertise, traditions, and cultural capacities, all of which want to be utilized for the country's progress. Alternatively, each ethnic organization has its cultural boundaries, which fluctuate from one ethnic organization to another. So it is the responsibility of the state to understand, then conquer the cultural barriers of each tribe and actively offer encouragement and the possibility of the emergence of the latest artistic potential due to a country's energy.

Many discourses about the Indonesian state refer to the pluralistic nature of the Indonesian nation and the importance of understanding Indonesian society as a multicultural society. The factor is to emphasize the importance of offering opportunities for the development of a multicultural society, each of which must be recognized as a nature to develop itself through the culture of its ancestral land. In this way, multicultural communities also need appropriate opportunities to maintain and develop a cultural understanding of their environment for better classrooms and use. The sustainability and development of environmental subcultures must be maintained and prevented from being limited. The elements of local tradition that were useful in themselves even wanted to be developed in a similar way that would become part of the royal way of life, enriching the subcultural factor throughout the country. However, as Indonesian experts, our main task is to transform multicultural reality into an asset and supply of national power, making it a national synergy, strengthening convergence and range of motion.

Therefore, although a multicultural society must recognize its ability and right to develop itself as a supporter of its subculture in its ancestral land, at the same time, it must also be given the space and possibility to see itself and be seen through different communities in the same way. Both are Indonesian citizens as part of the Indonesian state, and their ancestral lands are protected as part of the Indonesian homeland. Thus, building oneself, building ancestral land, and how to build a country and place of birth without feeling burdened, but because of the bond of togetherness and cooperation.

## 2. Simple Patent Culture in Modern Society

Sustainability and enhancement of environmental subcultures must be maintained and avoided so as not to be limited. The closest cultural helpful factor to him even wanted to develop so that it emerged as part of the royal lifestyle, enriching the subcultural aspect at some point in the United States. However, as Indonesian experts, our fundamental mission is to change the multicultural truth as a national energy asset and supply, make it a national synergy, and strengthen convergence and range of motion.

Modern society is where most of the population has an orientation of cultural values that may be directed at the lifestyle in the latest civilization. By standard, everyday people live in cities, so miles are known as urban people. However, not all urban groups can no longer be called contemporary society because urban groups are no longer oriented to the existing, such as the homeless.

The factors that encourage the transition of society to modern society are: First, the development of science; 2, the characteristics of the technology; 1/3, business increase; and Fourth, monetary improvement. In addition to the elements that encourage the exchange of society into a modern society, it also has signs of modernization, namely:

- a. The discovery and renewal of new technological elements can improve people's welfare.
- b. Increased economic productivity, the efficiency of existing resources, and the use of natural resources that pay attention to preserving the natural surroundings.
- c. The existence of a democratic representative government system, a government that is supervised and limited in power, respects human rights and guarantees social rights.
- d. There is the development of reason (ratio) and material happiness (material), which will eventually lead to the notion of secularization and secularism.

Modern society has the following characteristics:

- a. Members of the human family are based on their hobbies.
- b. family members with other communities are carried out openly with an ecosystem that influences each other
- c. strong ideas in science and age as a means to improve human well-being
- d. Society belongs to various professions that can be discovered and enhanced in teaching, talent, and vocational institutions.
- e. The level of formal education is usually excessive and evenly distributed.
- f. The regulations that apply are very complicated written laws.
- g. The financial system is a market economic system mainly based on money and other payment approaches.

In today's society, painting is a form of self-exploitation, thus affecting the pattern of worship, eating, and the style of personal relationships with family. So in today's industrial and bureaucratic lifestyle of standardization, personalization has become a daily sight. Today's society is without the problems of stress and new emerging diseases associated with changing diet and work patterns. Modern society's dependence is to look for things that can be clean so that the mixing of antique values with modern bureaucratic subcultures is directed at personal enjoyment. As a result, dirty practices emerged along with nepotism and corruption, resulting in very low excellence. Acculturation procedures in developing countries appear to be mixed, accelerated by radical proposals, hampered by the current a82ee8a4ee179e54beacaece0423cb2, misplaced in ideology, but essentially the main direction is instantaneous: "humanitarian problems are enjoyed by all mankind". There is a mainstream that spontaneously accepts high-quality elements of the world culture.

However, in reflection and efforts to formulate it, reactions often arise because the current category of ideas has not yet reconciled itself with the new ecosystem or foreign upbringing. The range of acculturation with Western culture can stand out above all, then overlap each other so that plurality, levels, stages, and streams appear simultaneously. Western subcultures affect Indonesian society, layer by layer, more broadly.

The imitation subculture today believes that as long as humans come into contact with the products of the contemporary era, they will become modern humans. But artificial internationalism contributes nothing to our identity. Our identity is getting empty because we allow ourselves to be pushed more and more. Our tastes, our mannerisms, clothing choices, our admiration and judgment, the more we appear to be manipulated, the less we experience ourselves. This is why this culture is not authentic but imitation, half-blood.

People who are only slightly touched by the false Western subculture do not have to be modern. Nor will he recognize how Westerners judge, their beliefs about socializing, their aesthetic tastes, their ethical and non-secular ideas, and whether they acknowledge their obligations. Rostow's idea views economic development as a direct path and a gradual exchange process. In step (6), the financial system will become a complex financial system in 5 ranges, namely:

1) Traditional financial stage

At this stage, the sport of economics is still oriented toward gathering personal desires. The application of technology and management is still deficient, so productivity is still low. The characteristics of the traditional economy are as follows:

- a. Employees' production and productivity level are still deficient because they may not know the science and the current generation.
- b. The livelihood of the general public is in agriculture.
- c. Social forms remain hierarchical.
- d. Kinship relations are still very close, and electricity is held by people who own extensive lands.
- e. Modern society tends to be static, so progress is plodding.

2) Pre-Take-Off Degree

Traditional society, although very slowly, continues to move and reach the conditions for takeoff at some unspecified time in the future. This usually occurs because of interference from outside, especially from more developed societies. This degree is a transition period in which the network prepares to reach the level of takeoff. The conditions that must be met to allow you to take off are fundamental changes in financial, political, socio-cultural, and value structures. The length of this transition is a significant duration for achieving success at the takeoff level.

3) Take Off (Take Off)

The takeoff stage is the level at which the economy can grow and develop independently. At this level, the current era and control applications are increasingly intensive. In addition, there have been drastic changes in the social and political fields and the creation of rapid monetary developments due to the latest innovations and market holes. All of this will encourage investment which in turn accelerates the cost of the national income explosion on top of the burden of the population explosion. The characteristics of the United States of America are:

- a. Growth in total funding from 5% to 10% of the net National Product.
- b. Excessive price growth of some business sectors can spur different sectors,
- c. Creation of a simple political, social and institutional framework that enables sustainable improvement supported through the use of housing capital assets, and
- d. The takeoff period generally lasts in the range of 20 years.

4) Adult stage

This title is a time when people have effectively used modern technology to the fullest from the elements of production and the wealth of herbal medicine. Currently, the monetary sector is overgrowing, and leading industries are in decline but are being replaced by various sectors. Although economic growth is not always as high as the result of the takeoff degree, it is balanced with qualitative change so that the financial system becomes more robust and independent. After takeoff, the development will remain for transportation, sometimes up and down. The company advanced unexpectedly and started producing imported goods earlier. At this stage, three critical changes occur, namely:

- a. The workforce becomes more educated,
- b. The worker's character changed from a manual employee to a green manager and a gentle and polite personality, and
- c. people become disinterested in the company's progress and start trying something new.

5) Stage of excessive mass intake

At this level, the level of public consumption is already very excessive, especially electricity consumption. This can be seen in the lives of people in Western Europe, North America, and Japan. The characteristics of this stage are:

- a. Workers have higher security,
- b. Availability of consumption for an increasingly ok network,
- c. The country is looking for electricity growth in the eyes of this sector.

Due to the surge in human income, consumption is no longer limited to primary needs but will increase into better wants. To this degree is a characteristic of the super age where people live without problems, so there is a tendency to inflate the number of households to make the population boom. Rostow's concept is based on the dichotomy between conventional and modern society. At this level, the essential thing in the movement of progress from one level to another is the takeoff level. The system of changing one level to another requires extended technique and time

The law is said to always be out of date; therefore, if the development of regulations in a country does not keep up with the times, it is possible that prison safety for every citizen cannot be considered. . One of the natural impacts for the new generation is the rapid development in the field of data technology including the Internet, the development of conventional understanding of intellectual property. The Internet, with its area of expertise, is not territorial. The narrow territorial concept still constrains even traditional law.

Advances in generation and statistics may not have a tremendous impact on society, but they also have a dire effect. The Internet is proof because of its presence in America in 1969 through the protection department as a medium of communication between fellow defence officials and the president, thanks to the Internet. Even from the population of consumers who use it, every 12 months, the number continues to grow. The United States continues to be at the forefront of internet use. With a population of around 280 million, internet users reach 53.77%. They are then observed in the Japanese way, with 31% of the total population or about 127 million humans. At the same time, China is ranked 3rd with 3% of internet subscribers, or about 22 million people.

China, which has been considered very closed, seems like the government is no longer restricting the use and development of the Internet, so it's no wonder when we visit China, it's easy to find internet cafes scattered everywhere. . . specifically in Indonesia, with a population of more than 280 million, net customers not more than 2% or about three million people.

These shortcomings are not spared from the cost of installation and expensive equipment, in addition to the lack of encouragement from the authorities to simplify and simplify the price of internet access. As a result, a lot of information is not absorbed with the help of the Indonesian population, especially in areas where the development of telecommunications infrastructure is still very minimal.

Another element, of course, is the language thing. Information published on the Internet is maximally in English; therefore, searching for records requires language competence and knowledge or at least learning the language that appears on the uploaded internet site; indeed, Yahoo and Google have transferred some of this information to English. Indonesia, but archival resources are considered lost. Because it is not uncommon for internet users to be bombarded daily with various emails, newsgroups, chats and others from multiple statistical media, for example, Mbah Strip, with his song "Tak Send", may be very close to the hearts of internet users. Indonesian children. Young and old, children and adults alike can sing snippets of songs with complete lyrics with the philosophy of gotong royong and ask for help.

Legally, inheritance rights want to be considered. For creators, rights are attached to them following Law Number 14 of 2001 concerning Patents, especially moral and economic rights. Moral right is the right of the author to ask the publisher who announces to include the author's name in the published media, while the monetary right is the right to apply the work made.

### 3. The information-based innovative financial system

Indonesia's financial system and innovative creative industries began to be discussed frequently in early 2006. The government itself, through the Indonesian foreign exchange minister, had previously released software for the strength of Indonesian design in the Ministry of Trade of the Republic of Indonesia ranks. The Republic of Indonesia. It is a government application expected to increase the competitiveness of Indonesian products in the domestic and export markets. This program continues to roll and covers the creative business fields and the creativity of Indonesian food business actors through SMEs. Simultaneously, the emergence of the PORTAL of Indonesia's innovative economic system, the introduction of record exporters, importers, entrepreneurs, associations and innovative business actors other than formal/non-formal educational institutions and the creation of a national creative blueprint for the 2025 commercial improvement plan.

This DCMS definition serves as a reference for the definition of innovative companies in Indonesia as stated in the Plan for Improvement of the Indonesian Creative Economy System 2009-2015, which was published through the Ministry of Trade of the Republic of Indonesia in 2008 as follows: growth of prosperity and activity is possible through the creation and use of innovative power and creativity of men or women. Women. . The authorities themselves have recognized the scope of The creative industry, which includes 14 sub-sectors, which include:

- a. Advertising (advertising): creative activities related to advertising services, one-way communication using a specific medium. Covers the creation, operation and distribution of the resulting advertising, for example, market research, advertising communications planning,

- outdoor advertising media, production of advertising materials, promotions and public relations campaigns. In addition, advertising displays in print (newspapers and magazines) and electronic (television and radio) media, installation of various posters and pictures, distribution of leaflets, pamphlets, circulars, brochures and other similar advertising media, distribution and delivery of advertising materials or samples, and rental of columns for advertising.
- b. Architecture: creative activities related to building design, from the macro level (town planning, urban design, landscape architecture) to the micro-level (construction details). Examples are garden architecture, urban planning, construction cost planning, conservation of historical heritage buildings, construction supervision, urban planning, consulting on engineering and engineering activities such as city buildings and mechanical and electrical engineering.
  - c. Art Goods Market: creative activities related to the trade in original, unique and rare goods with high artistic and historical aesthetic value through auctions, galleries, shops, supermarkets and the Internet, including music, Printing, handicrafts, automobiles, and movies.
  - d. Crafts: creative activities related to the creation, production and distribution of products made or produced by artisans starting from the initial design to the completion of the product. These include handicrafts made of precious stones, natural and artificial fibres, leather, rattan, bamboo, wood, metal (gold, silver, copper, bronze and iron), glass, porcelain, cloth, marble, clay, and lime. . Handicrafts products are generally only produced in relatively small quantities (not mass production).
  - e. Design: creative activities related to graphic design creation, interior design, product design, industrial design, corporate identity consulting and marketing research services, packaging production and packaging services.
  - f. Fashion (fashion): creative activities related to the creation of clothing design, footwear design, and other fashion accessories design, production of fashion clothing and accessories, product line consultation and distribution of fashion products.
  - g. Video, Film and Photography: creative activities related to the creation of video production, film, and photography services, as well as the distribution of video and film recordings. This includes thesis writing, film dubbing, cinematography, soap operas, and exhibitions or film festivals.
  - h. Interactive Games (games): creative activities related to the creation, production, and distribution of computer and video games of entertainment, agility, and educational nature. The interactive game sub-sector is not dominated by mere entertainment but also as a learning or educational aid.
  - i. Music: creative activity related to the creation, composition, performance, reproduction and distribution of sound recordings.
  - j. Performing Arts (showbiz): creative activities related to content development and performance production. Examples include puppet shows, ballet, traditional dance, contemporary dance, drama, traditional music, theatre music, opera, ethnic music, design and manufacture of performance clothing, stage layout, and lighting.
  - k. Publishing and Printing: creative activities related to content writing and publishing of books, journals, newspapers, magazines, tabloids, and digital content, as well as the actions of news agencies and news seekers. This subsector also includes the issuance of stamps, stamp duty, banknotes, check forms, demand deposits, share certificates, bonds, stocks and other securities, passports, airline tickets, and other special issues. It also includes the publication of photographs, engraving and postcards, forms, posters, reproductions, Printing of paintings, and other printed matter, including microfilm recordings.
  - l. Computer Services and Software (software): creative activities related to information technology development, including computer services, data processing, database development, system integration, system design and analysis, software architecture design, software infrastructure design and hardware, and portal design, including maintenance.

- m. Television & Radio (broadcasting): creative activities related to the creation, production and packaging of television shows (such as games, quizzes, reality shows, infotainment, and others), broadcasting, and transmitting television and radio program content, including station relay activities (transmitter) radio and television broadcasts.
- n. Research and Development (R&D): creative activities related to innovative businesses that offer scientific and technological discoveries and take the applied benefits of these sciences and technologies for product improvement and the creation of new products, new processes, new materials, new tools, new methods, and new technologies that can meet market needs. Including those related to the humanities, such as research and development of language, literature, and the arts, as well as business and management consulting services.

To overcome the backwardness of Indonesian cooperatives, various efforts must be made, including increasing the best human resources, strengthening cooperative capital through individuals and governments with competitive interests, and the vision and dream of cooperatives must be globalized. Ranking. Cooperatives, the firmness of the authorities to revoke cooperatives that do not use their identification marks. For cooperatives, cooperative guidelines must be adapted to cross-organizational modes, a new paradigm of joint management, strengthening cooperatives, training and entrepreneurship assistance for pioneering cooperatives to be innovative and progressive, and professional management tools. Therefore, if cooperatives are successfully managed respectively in a commercial business environment and the field of education, then the institutional improvement of the creative financial system whose pillars can be placed within the framework of the people's economy and cooperatives.

#### 4. Creative Economy Develops Economic Growth

The idea of a creative economy system is a concept in the new financial technology whose prominent supporters are records and creativity, where the vision and understanding of Human assets (HR) is the main production factor in economic interests. This improvement can be said to be the effect of the financial system in the arena, which is undergoing a rapid wave of technological transformation in line with the increase in the economy, from what was initially based on herbal resources (SDA) to becoming primary-based. Human Resources (SDA) is primarily based on Human Resources (SDA). Sources (HR) of genetic and extractive technologies. Towards production technology and recording services as well as the development of modern times that are getting closer to creative financial system technology. However, the idea of innovative economics, which does not seem like an entirely new concept, is implied in his classic 1911 treatise. Through *Theorie der wirtschaftlichen Entwicklungen* (the principle of financial development), Schumpeter put forward the idea of "creative destruction". This principle states that new organizations with an entrepreneurial spirit emerge and replace old, less progressive agencies. This phenomenon then directs the dynamics of the company's lifestyle to a better level of the financial boom. Perhaps specific at this time, the concept of a creative financial system seems more precise, which marks a new generation of civilization and is well described. The innovative economy is a phenomenon and trend of choices, especially in contributing to world economic growth in Indonesia. . this third millennium. To that end, the Department of Way of Life, Media, and Recreation (DCMS) defines innovative industries as:

"Innovative Industry as an industry that is rooted in the creativity of characters, abilities & talents, and which has the potential for the introduction of tasks and wealth through technology and exploitation of intellectual property and content materials (eleven) greater explicitly (8) defines innovative financial systems as financial interests where entry and exit are thoughts or, in one quick sentence, the essence of creativity is ideas. It turns out that each entrepreneurial idea and the innovative economic concept have elements of an unusual common thread, especially the concept of creativity, thoughts or ideas and the concept of innovation. Creativity is a method of asking questions and galvanizing concepts uniquely from the traditional, where someone is challenged in an attempt to provide a new delivery, either in the form of an idea or a real work that may be very specific from

what already exists. Creativity in business is a way to apply creativity in our work to provide new merchandise, strategies and structures and even improve the way we paint in a better direction.

#### IV. CONCLUSION

The reason for the low legal awareness of the public regarding the meaning of simple patents is due to several factors. Among others, it is seen that historically the wealth of the upper classes in Indonesia, especially easy patents, which are still in their infancy, has encouraged the management of studies throughout the country to become unclear. The general public no longer understands the importance of safety. patents for innovation, the role of a smaller authority in disseminating patent regulations which causes the expertise of the people to generally tend not to know about simple patents, except for the cost of filing an easy patent is relatively long. The cost of filing a simple patent is very long. Simple patents and maintenance costs Easy patents are considered very low. Expensive for inventors across the country who are generally now not prominent businessmen. In addition, which includes the general public's reluctance to sign their innovations into easy patents, in addition to the shorter term of simple patents, which after the expiration of the invention turns into the general public domain, and the lack of public acceptance as truth in law enforcement. . This is also part of the lack of public awareness to conduct a simple patent examination.

The community's economic benefits from simple patents based on traditional knowledge are not broad or even too small. This is due to the scarcity of easy patents in Indonesia, meaning that Indonesia currently has not applied the law as a tool. . for economic improvement. . More and more automatic studies have an impact on the economy, which is the source of the welfare of society and the state. This is what we got no longer optimized. To optimize it, efforts are needed to stimulate the general public to provide innovation using patents.

Various laws and regulations 13 of 2016 concerning Patents have provided accurate and robust prison protection in Indonesia. The new Patent Regulations also regulate civil and criminal provisions for patent violators.

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