

Intellectual Property Rights: Legal Protection in Copyright of Creative Media State Polytechnic Research Products

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ABSTRACT

ALegal protection for copyright regulated by law number 28 of 2014 is also included in intellectual property rights (IPR). The world of education, especially vocational education, plays a role in creating products that can innovate and benefit the industry later. The work results can be in the form of finished products that many people will use. The existence of legal protection for vocational academics is very much needed. This will later be helpful for product rights created by themselves and registered in the eyes of the law in Indonesia. This research uses qualitative research and normative juridical research, both primary and secondary. The data collection technique is done using library studies.

ABSTRAK

Perlindungan hukum atas hak cipta yang telah diatur oleh undang- undang nomor 28 tahun 2014 mengenai hak cipta termasuk juga dalam ha katas kekayaan intelektual (HKI). Dunia Pendidikan khususnya Pendidikan Vokasi mengambil peranan terhadap adanya hasil Produk yang mampu berinovasi dan bermanfaat bagi Industri nantinya. Hasil karya dapat berupa produk jadi yang akan dimanfaatkan oleh orang banyak. Adanya perlindungan hukum kepada insan akademika vokasi sangatlah dibutuhkan, hal ini yang akan nantinya bersifat membantu akan hak produk yang telah diciptakan sendiri sekaligus terdaftar dimata hukum di Indonesia. Penelitian ini menggunakan penelitian kualitatif dan penelitian yuridis normative baik secara primer dan sekunder. Teknik pengumpulan data dilakukan dengan cara studi perpustakaan.

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I. INTRODUCTION

At this time, in the face of changes in the industrial world, in order to be able to create fundamental changes in a field, there is a revolution that every industry player must carry out. The industrial revolution allowed humans in the industrial world to implement an automation system, namely the application of technology and product innovation with advanced tools such as machines (Sutra Disemadi & Kang, 2021). The creation of innovations that aim to own the rights of their creations is also part of the Industrial Revolution. Vocational education also plays a role in creating products that various industries in Indonesia can utilize. So that the problem of IPR (Intellectual Property Rights) in the era of globalization is becoming more complex and continues to develop in accordance with the science and technology that exist in each of them, a lecturer/educator in the

Tridarma of Higher Education must conduct research. The expected result is that the product created must have the legality of what it has created.

One branch of IPR that is experiencing very rapid development and is very useful is industrial design. Industrial Design is a creation about the shape, configuration, or composition of lines or colors, or lines and colors, or a combination thereof in the form of three or two dimensions that gives an aesthetic impression and can be realized in three-dimensional or two-dimensional patterns and can be used to produce a product, goods, industrial commodity, or handicraft.

According to the provisions of Article 1 point 1 of Law no. 28 of 2014, which reads: "Copyright is the exclusive right of the creator that arises automatically based on declarative principles after a work is manifested in a tangible form without reducing restrictions following the provisions of the legislation". Copyright is an exclusive right granted by a state to creators who have just been granted by the state in the fields of science, art and literature, which have a strategic role in supporting national development and advancing public welfare as mandated by the 1945 Constitution of the Republic of Indonesia (Akhmad Munawar, 2013).

Copyright consists of economic rights and moral rights. Economic rights are rights to obtain economic benefits from product creation and related rights to products. In contrast, moral rights are rights inherent in the creator which cannot be removed without any reason even though the rights have been transferred (Hendrix et al., 2021). Unlike patents or trademarks, which are required by law to be registered in order to obtain legal protection, copyrights are not required to do so. Copyright may or may not be registered because even unregistered works are protected by law.

Settings regarding Copyright in Indonesia began with the entry into force of Auterswet 1912 (Stb. 1912 No. 600). Auterswet 1912 was later revoked after the Indonesian government succeeded in creating its own national copyright in 1982, namely with the enactment of Law (UU) No. 6 of 1982 concerning "Copyrights" (LN 1982 No. 15 and TLN No. 3217).

Subsequently, in 1987, the 1982 Copyright Law was refined by Law no. 7 of 1987 (LN No. 3362 and TLN No. 3362). Then Law no. 7 the Year 1987 refined again by Law No. 12 of 1997 (LN No. 29 and TLN No. 2679) and Law No. 12 of 1997 was replaced by Law No. 19 of 2002 (LN NO. 85 and TLN No. 4220), and currently by Law No. 28 of 2014 (LN.2014/No. 266, TLN No. 5599, LL SETNEG: 57 HLM).

Based on Law no. 7 of 1994 concerning Ratification of the Agreement Establishing The World Trade Organization, from now on abbreviated as WTO, Indonesia became a participant of the World Trade Organization. This convention dramatically influences various national legal systems in general, including Indonesia and copyright law in particular (Achmad, A., & Roisah, 2020).

The results of a person's creation that are included in the category of protected works mentioned in Article 40 paragraph (1) UUHC 2014 are: Books, pamphlets, representations of published works, and all other written works: Lectures, speeches, and other similar creations; Props made for the benefit of education and science; Songs and/or music with or without subtitles; Drama, musical drama, dance, choreography, wayang, and mime; Works of art in all forms, such as painting, drawing, carving, calligraphy, sculpture, or collage; Applied works of art; Architectural works; Map; Batik art or other motif art; Photography works; Portrait; Cinematographic works; Translations, interpretations, adaptations, anthologies, databases, adaptations, arrangements, modifications, and other works resulting from the transformation; Translation, adaptation, arrangement, transformation, or modification of traditional cultural expressions; Compilation of works or data, either in program-readable format Computers and other media; The compilation of traditional cultural expressions during the compilation is an original work; Video games; Computer program.

II. RESEARCH METHODS

The type of research used is qualitative research by interviewing the Head of the Center for Research and Community Service and normative juridical. This normative research uses data sources

of legal material sources taken through research carried out by libraries and other secondary data. This research was conducted in the areas of Jakarta, Medan, and Makassar. So that researchers get objective results and obtain accurate data following the object of research that the authors examine.

This research was conducted by taking primary data by directly interviewing the Head of P3M State Polytechnic for Creative Media, while secondary data was obtained from literature studies, articles, and books on the legal basis of intellectual property rights related to this research.

III. RESULTS AND DISCUSSION

Educators or lecturers are people who are involved in the world of education. This is in line with the Tridharma of Higher Education, namely doing research independently or in groups. This has been done by the Creative Media State Polytechnic as a means of expressing ideas and ideas in the form of innovation in research, whose final result is a product.

Every lecturer who wants to compete must go through the administrative selection stage in the form of a proposal and will register it in an application that already exists at SISPEDIA from the Creative Media State Polytechnic itself.

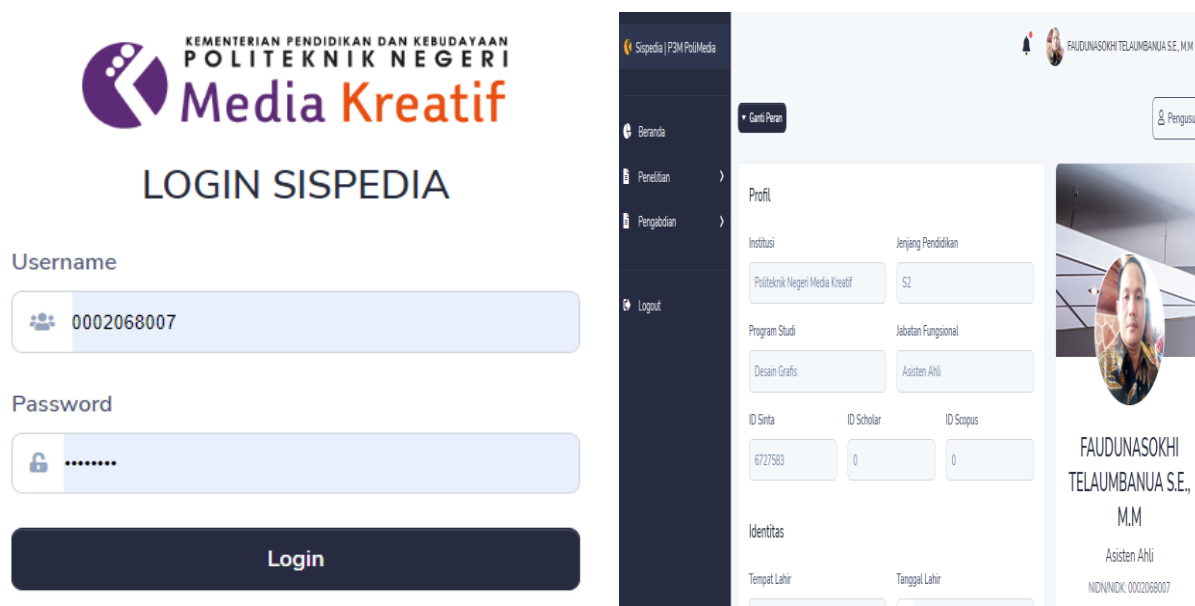


Figure 1. SISPEDIA, 2022

So that the uploaded evidence of the proposal received by the reviewer will be filtered, when they graduate and win, the team that is successful in research must complete their research within the allotted time. The results of these studies are in the form of products that must be registered with IPR by each winning team.

The data received by the Center for Development and Research (P3M) of the Creative Media State Polytechnic are as many as 24 research products and 11 book products resulting from community service, which must be registered by the Head of each research and service center, with whom the campus will assist to register them.

1. CASE STUDY

- A. The research is "Development and Design of Smart Rubbish Bin and Smart Door Lock Connected with SMS Gateway and Internet of Things-Based RFID". This is one of the titles of product-based lecturer research.



Figure 2. Smart Door Lock

- B. In Community Service, "Implementation of StiFin Tests in Determining Homeroom Teachers Efforts to Improve Pedagogic Competence of Elementary School Teachers at Al Wasliyah Bromo Medan". This is the community service title for lecturers and students who will later create the book (Bigita, 2018).

2. WHY SHOULD IT BE HAKI?

According to (Nath Saha & Bhattacharya, 2011) Copyright is granted to creators who produce works in science, literature, and art. In Indonesia, the law that regulates copyright is the Copyright Law. Article 1 of the Copyright Law states that "a creator is a person or several people who individually or jointly produce a creation that is unique and personal". Copyright is automatic, which means that the protection of work will appear immediately since the creation is first realized in a tangible form and does not require registration. Copyright registration, in this case, only serves as a formal document and evidence in court if a dispute arises regarding the work (Apriansyah, 2020).

The state needs to provide legal protection for these new works/innovations to minimize the occurrence of intellectual property violations, but in practice, it is considered that there are several challenges and problems faced in law enforcement related to IPR, namely: 1. Lack of public awareness and education regarding intellectual property, so that it does not respect existing intellectual property, seen from the prevalence of copyright infringement such as cassette/DVD piracy, book/e-book piracy, and others (Larasati & Listyarini, 2022)

Lack of awareness from creators/inventors/designers to register their creations/findings to get legal protection so that they can be utilized and provide economic benefits for other countries. According to the Directorate General of Intellectual Property Rights data, intellectual property registration is only 7.25%. This proves the low awareness of the Indonesian people regarding intellectual property compared to people in other countries (Alfons, 2018); 3. The inability of the central and local governments to educate and raise public awareness to register their works/creations, as well as educate and raise public awareness not to commit violations related to intellectual property that has been there are; 4. The obstacles faced, as stated in points (1), (2), and (3) are caused by the cultural character adopted in Indonesia, namely a communal culture, which means that Indonesian people tend to place common interests higher than individual interests. Meanwhile, the character of the implementation of law enforcement related to intellectual property rights is individual. Indonesia's abundant natural resources have attracted many foreign investors. The difficulty of harmonizing national provisions in Indonesia and the provisions of international conventions to protect existing intellectual property; and 6. The government's concern in implementing IPR is a strong dependence on Western countries because technological and scientific advances are developing more rapidly than in Indonesia.

For example, some incomplete laws and regulations still make enforcement difficult; for example, there are no implementing regulations regarding the protection of traditional knowledge in the form of folklore (Siregar, E. S., & Sinurat, 2019), as stated in Article 10 of the Copyright Law; 8. An example of the complexity of the intellectual property registration procedure is the patent registration procedure. This makes it difficult for the community, for example, local people who want to claim protection for knowledge of traditional medicines. This problem is also related to points (1), (2), and (3), namely the lack of education for the public regarding intellectual property; 9. From a psychological perspective, the prevalence of intellectual property violations such as piracy kills creativity and inspiration possessed by the creators/inventors.

IV. CONCLUSION

Intellectual Property Rights (IPR) are essential in protecting one's work. The state must provide legal protection for intellectual property as a form of appreciation to the creators/inventors/designers for their efforts and hard work that produces innovations. With the protection and legal certainty, especially for the academic community of the Creative Media State Polytechnic, it is clear that their work in the form of products has rights and legality so that other parties do not recognize them.

The government needs to be firm in enforcing laws related to intellectual property and conduct large-scale socialization to educate the public about intellectual property and instill the importance of using original local products so as to minimize the occurrence of intellectual property violations in the future.

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