

DYNAMICS OF PROTECTION OF INTELLECTUAL PROPERTY RIGHTS IN INDONESIA: ANALYZING THE CHALLENGES AND FUTURE PROSPECTS

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Abstract

This article examines the dynamics of intellectual property rights (IPR) protection in the digital era in Indonesia, with a focus on the challenges of globalization and technological developments. This abstract summarizes crucial aspects such as regulation, public awareness, and the balance between innovation and protection in a digital context. Through in-depth analysis, this article identifies factors that influence the effectiveness of IPR protection and offers suggestions for maintaining an optimal balance in the digital environment.

Keywords: Protection of Intellectual Property Rights, Digital Era, Challenges to Technological Developments

Introduction

The background of this research reflects the complexity and urgency of protecting intellectual property rights (IPR) in Indonesia in facing the dynamics of globalization, technological developments, and international economic competition. IPR has a central role in encouraging innovation, creativity and investment, as well as contributing significantly to a country's economic growth. In the Indonesian context, recognition of the importance of protecting IPR is further strengthened by the government's efforts to increase national economic competitiveness through programs such as "Making Indonesia 4.0". However, on the other hand, the challenges and complexities encountered in the practice of IPR protection cannot be simply ignored.

First, the practice of IPR violations is still a serious issue that hinders progress. Whether in the form of product piracy, trademark infringement or digital copyright infringement, the existence of this practice is detrimental to creators, companies and the wider community. Second, the lack of public awareness and understanding of the importance of protecting IPR is an obstacle in creating an environment where these rights are respected and maintained. Third, administrative and bureaucratic obstacles in the process of registering intellectual property rights make it difficult for business actors, especially small and medium industry players, to obtain effective protection (Antonius Cahyadidan E. Fernando M. Manullang, 2008).

How to cite:	Alifandi Risky Cahya Putra, Christine S.T. Kansil (2022) Dynamics of Protection of Intellectual Property Rights in Indonesia: Analyzing The Challenges and Future Prospects, (7) 10. Doi: 10.36418/syntax-literate.v7i10.13353
E-ISSN:	2548-1398
Published by:	Ridwan Institute

Fourth, the digital era has brought new challenges in protecting IPR. The distribution of illegal content, data theft and copyright infringement in the digital environment creates complex legal dilemmas. Fifth, global challenges such as changes in international regulations and trade agreements require Indonesia to adapt and ensure the alignment of its legal framework with international standards. Sixth, the aspect of globalization also complicates the issue of cross-border law enforcement in cases of IPR violations involving parties from various countries. Seventh, in the context of the creative economy, protection of IPR is crucial in development

a solid foundation for Indonesia's rapidly growing creative industry

Eighth, efforts by the government and various related institutions to strengthen IPR protection require better synergy and increased capacity in law enforcement and oversight. Ninth, the involvement of the private sector is also an important factor in promoting the protection of IPR, either through financial support, training or collective initiatives. Tenth, given the economic and social significance of IPR protection, an in-depth analysis of the challenges and future prospects in this field is expected to provide strategic guidance for policy makers, academics and business actors in formulating concrete steps to optimize the benefits of IPR for Indonesia's progress.

Research Method

Research or research in the field of law is a process that originates from certain procedures, systems and interpretations that aim to analyze one or more specific legal issues. In discussing this issue in this publication, the authors adopt a research method based on a normative legal approach. Normative legal research is an investigation aimed at examining the implementation of the provisions and regulations that apply in positive law. In this context, in conducting research, researchers will identify the basis or legal basis of the issues being discussed.

Results and Discussion

A. Effectiveness of Law Enforcement Regarding Intellectual Property Rights Violations in Indonesia in Facing the Challenges of Globalization and Technological Development

The effectiveness of law enforcement related to violations of intellectual property rights (IPR) in Indonesia in facing the challenges of globalization and technological developments is a complex issue and demands serious attention. Some factors to consider in answering this question are:

1. Existing Legal Framework: Even though Indonesia has laws and regulations governing the protection of IPR, to what extent can these laws be applied effectively and consistently amidst the challenges of globalization and technological developments?
2. Law Enforcement Capacity: The readiness, training, and resources of law enforcement, such as the police and prosecutors, play an important role in prosecuting IPR violations. Do law enforcers have adequate skills and knowledge

to deal with increasingly complex types of violations?

3. **Interagency Collaboration:** Challenges to IPR infringement often involve various sectors and institutions, including government agencies, the private sector, and international organizations. To what extent has this inter-agency collaboration been effective in facing the challenges of globalization and technological developments?
4. **Monitoring and Imposing Sanctions:** How does the mechanism for monitoring and imposing sanctions on IPR violations work? Are the sanctions given capable of providing a deterrent effect and encouraging compliance with intellectual property rights?
5. **Digital Technology Development:** The digital era has changed the landscape of IPR infringements with the emergence of online copyright infringement cases, digital trade in pirated goods, and so on. To what extent have law enforcement adapted to these developments?
6. **Public Awareness:** The factor of public awareness of the importance of respecting and protecting IPR also plays a role in the effectiveness of law enforcement. How have education and information campaigns been run to raise this awareness?

It is important to thoroughly examine each of these aspects and consider strategies that can strengthen the effectiveness of law enforcement related to IPR violations in Indonesia in facing the challenges of globalization and technological developments.

In facing the challenges of globalization and technological developments, it is necessary to examine several steps that can be taken to increase this effectiveness:

1. **Strengthening Laws and Regulations:** Evaluating and improving the existing legal framework to ensure that IPR laws and regulations are able to accommodate the dynamics of globalization and technological developments. This includes adjustments to aspects related to protection in the digital world, such as online copyright protection and legal action against infringement on digital platforms.
2. **Training and Capacity Building:** Provide training and education to law enforcers, such as police, prosecutors and judges, so that they have a deep understanding of the technical and legal aspects related to IPR. This includes an understanding of the latest technology used in IPR infringements.
3. **Interagency Collaboration:** Increase cooperation and coordination between relevant government agencies, the private sector, and international institutions to address transboundary IPR violations. By strengthening collaboration, law enforcement efforts can become more integrated and effective.
4. **Utilization of Technology:** Using technology to support law enforcement, such as data analysis and digital forensic techniques, to detect IPR infringements and collect strong evidence in infringement cases.
5. **Oversight and Transparency:** Improving the oversight mechanism for law enforcement related to IPR and ensuring transparency in the process. This can help minimize opportunities for corruption and abuse of power.
6. **Education and Awareness Campaign:** Conducting intensive education campaigns

to the public about the importance of respecting intellectual property rights. This campaign can be carried out through various media, including social media, seminars, and educational events.

7. Application of Firm Sanctions: Ensuring that the sanctions given to IPR violators are quite strict and provide a deterrent effect. This can be a powerful deterrent against potential future violations. By taking these steps, Indonesia can face the challenges of globalization and technological developments more readily and effectively in ensuring fair and sustainable protection of intellectual property rights.

B. Main Factors Influencing Public Awareness and Business Players on the Importance of IPR Protection

The main factors influencing public awareness and business actors regarding the importance of intellectual property rights (IPR) protection include:

1. Education and Information: The level of education and understanding of the community and business actors regarding the concept and benefits of IPR can influence their awareness. Improved education and provision of easily accessible information about IPR can help raise awareness.
2. Educational Campaign: Implementation of an effective education campaign, whether through mass media, social media, seminars or workshops, can help convey important messages about the importance of respecting and protecting IPR.
3. Creative Industry Context: Creative industries and other economic sectors can play a role in creating awareness of the importance of protecting IPR. The success of creative and innovative works protected by IPR can serve as an example for other business actors.
4. Economic and Financial Impacts: Highlighting the positive economic and financial impacts that can be obtained through IPR protection, such as increasing the value of trademarks or increasing foreign investment, can increase business awareness.
5. Empowerment and Support: Providing financial support, training and legal assistance to rights holders and business actors who actively protect IPR can increase awareness and motivation to be involved in this protection.
6. Stimulation of Creativity and Innovation: Creating an environment that stimulates creativity and innovation can increase appreciation of the importance of IPR protection as a means to support creative and innovative endeavors.
7. Role of Government and Regulation: Government policies that support and protect IPR, as well as consistent law enforcement, can form a positive perception of the importance of such protection.

To increase these factors, several steps can be taken:

1. Engaging Education: Encouraging the integration of IPR concepts in the education curriculum at various levels of schools and tertiary institutions.
2. Campaigns and Outreach: Continuously conducting education and outreach campaigns about the importance of Intellectual Property Rights through various media and communication platforms.
3. Cross-Sectoral Cooperation: Fostering cooperation between the government,

private sector, educational institutions, and civil society to jointly increase awareness of the importance of IPR.

4. Provision of Resources: Ensuring the availability of sufficient resources to support IPR-related education and training campaigns.
5. Facilitation of IPR Protection: Simplifies the IPR registration process and provides easy access for business actors to obtain protection.
6. Awards and Recognition: Give awards and recognition to innovators and creators who have succeeded in protecting and making effective use of IPR.

By taking these steps, public and business actors' awareness of the importance of protecting IPR can be increased, which in turn will contribute to efforts to protect and better utilize intellectual property rights.

C. Regulatory Dynamics and Legal Framework in Addressing IPR Protection Challenges in the Digital Age

The dynamics of regulations and the legal framework in addressing the challenges of protecting intellectual property rights (IPR) in the digital era involve a number of complex aspects. Some things to consider in maintaining a balance between innovation and protection in the digital environment are:

1. Fast Legal Adaptation: The digital era has a high speed of change. Therefore, existing regulations and laws need to be able to quickly adapt to technological developments and new trends in IPR violations.
2. Protection of Personal Data: The use of personal data in a digital environment is often related to aspects of protecting privacy rights. Regulations must be able to regulate the protection of personal data while ensuring that this data is not misused for IPR violations.
3. Digital Piracy: Copyright infringement, distribution of illegal content and piracy of digital products are serious challenges. Regulations must be able to accommodate strategies to detect and deal with these violations in cyberspace.
4. Online Platforms: Effective regulation is needed to oversee online platforms which are common places for IPR infringements, such as the sale of pirated goods or illegal content. This includes active monitoring and enforcement action against violations that occur on these platforms.
5. Electronic Commerce and Online Transactions: Clear regulations are needed to protect the rights of intellectual property holders in electronic commerce and online transactions, including mechanisms for handling disputes.
6. Cybersecurity: Efforts to protect IPR must also consider cybersecurity. With the threat of hacking and data theft, regulations must include measures to protect sensitive information.
7. International Cooperation: The challenges of IPR violations in the digital era often cross borders. International cooperation in law enforcement and oversight is necessary to address violations involving parties from various countries (Bernard Nainggolan, 2001).

The effort required to strike a balance between innovation and protection in the

digital environment involves. Collaboration with the Technology Industry: Collaboration with technology companies can help develop technology solutions that support IP protection, such as image recognition tools or detection of illegal content.

1. Educate and Raise Awareness: Educating users and businesses about the importance of respecting intellectual property rights in the digital environment. Educational campaigns can help build a more conscious and ethical attitude towards content use.
2. Proportional Regulation: Regulation must be balanced between IPR protection and possible restrictions on innovation. Regulation that is too strict can stifle innovation, while regulation that is too weak can be detrimental to rights holders.
3. Effective Law Enforcement: Ensuring strict law enforcement against IPR infringements in the digital environment. Consistent and firm legal action can send a strong signal that violations will not be tolerated.
4. Multistakeholder Collaboration: Involve various parties, including government, industry, and civil society, in formulating regulations and law enforcement strategies. This will ensure that multiple perspectives are considered.
5. Digital Creator Protection: Create an environment that supports and protects digital creators and innovators, including the provision of appropriate intellectual property rights and monitoring of infringement.

By combining intelligent regulatory adaptation with understanding the dynamics of innovation and protection in the digital environment, a legal framework can be created that enables the continued development of technology while effectively protecting intellectual property rights.

Conclusions

Protection of intellectual property rights (IPR) in the digital era faces complex dynamics due to globalization and technological developments. Regulatory dynamics, public awareness, and the balance between innovation and protection are the main factors influencing the effectiveness of IPR protection. While these challenges are significant, strategic steps can be taken to address these dynamics and ensure innovation sustainability and fair protection in the digital environment.

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First publication right:

Syntax Literate: Jurnal Ilmiah Indonesia

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