

Village Community Empowerment with Intellectual Property Rights Protection

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Abstract- This Article is the results of Basic Research on Independent Research Skim of the UPN Veteran East Java. This study uses an empirical research method that is *socio legal research* with field studies. The field / empirical study after obtaining the data is then compared with the statutory regulations to what extent the statutory regulations related to the village and the legal protection of intellectual property rights in the village community. This research is related to the village as the smallest system of government in a country. The village as the smallest government is the government closest to the people. Village communities have a variety of potential, among others, those that have been excavated and those that have not yet been excavated. One of them is the potential associated with village products that can increase the potential of the village. The problem that arises is when the village product is produced but there is no legal protection, one of which is legal protection regarding intellectual property rights. In this way, there are several village products which are then recognized by the community as other village products because it is the other village that has succeeded in marketing to wider consumers. Therefore this research takes the formulation of the problem of how the legal protection of intellectual property rights for the products of the village community so that it can become a characteristic of the village. This research focuses on villages in Sekaran Subdistrict, Lamongan Regency, East Java Province. (Abstract)

Keywords — Village, Village Communities, Legal Protection, Intellectual Property Rights.

I. INTRODUCTION

village is the smallest part of a government called the state. The state when we look at the elements consists of several elements. The elements of a country are the existence of a sovereign government, the existence of a population, the existence of a territory, and the existence of recognition from other countries. When we talk about villages that are a small part of the overall government of the Indonesian state, of course there is a relationship of authority between the small government to the general one. That way of course the village has an important role in the development or smoothness and success of the government system in a country. In addition,

the village is the smallest government in terms of area which is the closest to the village community. Even the village government which is the apparatus is a person who is in the village so that it has more ties with the community than other parts of the government.

The village community is part of the village government as explained before when a state stands has the smallest part, that is, the village government certainly needs the community to carry out its governmental functions, like a country there is an element of society or population. The community within the village administration certainly has the potential to be developed. It should be noted that Indonesia has a diverse society (ethnic group) and geographically has diversity which naturally brings out diverse creations, works and initiatives. Likewise, the village which then has its characteristics that are different from other village communities.

The typical village community of the village community certainly can arise from the creativity of the village community that can emerge because of the diversity in the village. Of course, each village has different potential between one village and another. The potential of the village community if it can be maximally developed it will be able to become the potential of the related village. This can then become a superior product of the village. This is the same as in the Village area in the Sekaran Subdistrict of Lamongan Regency, East Java Province, Indonesia, the village community has a home-based product and there are several potential villages that appear to have not been developed. Even when it has been developed into a home-based product, marketing is still at the local stage of village administration. Even when there is potential and has become a product and can be marketed, the potential is actually taken by other villages to become other village products. Therefore, the products of rural communities are needed for protection, one of which is legal protection. Legal protection of the village products so that the related village does not suffer losses.

One of the legal protections is legal protection in the form of Intellectual Property Rights. Legal protection of intellectual

property rights includes industrial ownership and copyright. Intellectual property rights in industry are divided into brands, patents, industrial designs, integrated circuits, plant varieties. Therefore there is a need for research on understanding intellectual property rights so that citizens can understand and minimize losses to society. The scope of this research is focused on how the legal protection of intellectual property rights in villages in Sekaran District, Lamongan Regency. This research was conducted with an empirical method that is *socio legal research* (juridical empirical) by examining the suitability between existing laws on textual and existing laws in reality. Is it effective in reaching the village community so that it can protect the potential that exists in the village community. This research was conducted with a juridical approach to laws and regulations and reality in the field. The regulations used are regulations regarding village governance, and regulations regarding intellectual property rights and doctrines related to village governance, village communities, and intellectual property rights, as well as legal protection of the community. This article is the result of a study of villages in Sekaran Subdistrict, Lamongan Regency, East Java Province.

II. EXPLANATION

State if viewed from the aspect of governance then associated with village governance, the state refers to an understanding of the state as an organization. Sumantri argues that the State is an organization of power so that in it always found an organ or equipment that has the ability to coerce to anyone in its territory [1]. While the territory owned by Indonesia is very broad, it is logical if the territory of Indonesia is divided into smaller regions that also have power or governance in that area. This is because the necessity for the division of authority becomes smaller so that the implementation of government is better. Can be imagined with one government that is at the central level regulates and manages the government for the whole of Indonesia, what happens is the inaccessibility of government to areas that are farther and smaller, therefore regional governments and even village governments are needed. In addition to the smaller government, of course, a country if called an organization must have elements or parts that each have their role. Mention of a state must fulfill the elements so that it can be called a state. These elements consist of a sovereign government, permanent territory, population, and recognition from other countries. Society is an important role in a country. The state in carrying out its state functions, namely the government system, the participation of the community is required. This is to carry out the joint goal of forming a country. The Indonesian state of destination in the state is listed in the 1945 Constitution of the Republic of Indonesia. Therefore the government cannot run alone because it requires the community. This is for the sake of creating a fair and good governance system of *good government* and *good governance*. *Good government* and *Good governance* will arise if there is no arbitrariness from the government so that the community has protection, especially legal protection. It must be

remembered that Indonesia is a rule of law state that is a state based on law rather than a state based on power. This is in accordance with Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia that the State of Indonesia is a state of law [2].

Village is the smallest area of a country. Villages have different definitions between one jurist and another jurist, but the essence has something in common. The definition of a village according to Article 1 number 1 of the Law of the Republic of Indonesia Number 6 of 2014 concerning Villages that a village is a village and a customary village or referred to by another name, hereinafter referred to as Village is a legal community unit that has the territorial borders that have the authority to regulate and manage affairs government, the interests of the local community based on community initiatives, original rights, and / or traditional rights that are recognized and respected in the system of government of the Unitary Republic of Indonesia. The village / village administration is part of the territory of the unitary state of the Republic of Indonesia which has its own government. This village government does not mean a separate government outside the government of the Indonesian state but a village government is an integral part of the government of the Indonesian state. Therefore, between the village government and the central government there must be synchronization and harmonization with the goals and vision and mission. The village also has its territory which means the village has its territory, its inhabitants, and its government.

The existence of a new village law namely Law of the Republic of Indonesia Number 6 of 2014 concerning Villages means that villages are increasingly recognized in the Indonesian constitutional system. The Indonesian Government has indications to increase the existence of villages, village governments and village communities. This is increasingly seen with funding through village funds. The improvement of villages is not only done by the village government but also the village community is needed to improve their villages so that village community empowerment is needed. Empowerment of rural communities is related to the rights and obligations of villages and village communities. Village communities are part of the village has a variety of potential. When viewed from the environment, biodiversity can be increased to become a potential that is characteristic of the village. The village government, among other things, has a duty to empower the village community.

The village has a role in empowering the village community. The role of village community empowerment requires village government participation. The village government includes the village head. Article 26 paragraph (1) of the Law of the Republic of Indonesia Number 6 of 2014 that the Head of the Village is tasked with organizing the village administration, carrying out village development, fostering the village community, and empowering the village community [3]. Article 26 paragraph (2) of Law Number 6 Year 2014 concerning villages states that in carrying out the tasks referred to in paragraph (1), the Village Head has the

authority: (among others) in letter h. Fostering and improving the village economy and integrating it to achieve a productive scale economy for the greatest prosperity of rural communities. With this provision, the Village Government has an obligation to develop the village community. Likewise with the Village Government in the villages in Sekaran District, Lamongan Regency, East Java Province. The village is a village that has village criteria in which some people still depend on nature for their livelihoods in agriculture and agriculture. Each village has its own advantages and has its mainstay products only the products produced are still traded in the local realm only and have not yet developed to become wider. Although some villages still have not optimized their potential.

The potential of village communities can be increased if there is legal protection from Intellectual Property Rights. Intellectual Property Rights is one of the rights that arise or are born due to human intellectual abilities [4]. Real form of the ability of human intellectual work can take the form of technology, science, as well as art and literature [5]. Classification of Intellectual Property Rights there are several opinions. WIPO's Intellectual Property Organization Convention that Intellectual Property Rights can be classified as follows;

- 1) Literary, artistic, and scientific works,
- 2) Performances of performing artists, phonograms and broadcasts,
- 3) Inventions in all fields of human endeavor,
- 4) Scientific discoveries,
- 5) Industrial design,
- 6) Trademark, service marks, and commercial names for designations,
- 7) Protection against unfair competitions,
- 8) And all other rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields.

Other provisions based on TRIPs in Part I regarding Standards Concerning Availability, Scope and Use of Intellectual Property Rights that Intellectual Property Rights can be classified as;

- 1) Copyrights and Related Rights,
- 2) Trademarks,
- 3) Geographical Indications,
- 4) Industrial Design,
- 5) Patents,
- 6) Layout-designs of Integrated Circuits,
- 7) Protections of Undisclosed Information,
- 8) Controls of Anti-Competitive Practices in Contractual Licenses.

In contrast to the provisions used in or based on national law in Indonesia, the grouping of Intellectual Property Rights is determined as follows;

- 1) Copyright and Related Rights
- 2) Patents
- 3) Trademark
- 4) Design Industrial
- 5) Design Layout and Integrated Circuits
- 6) Trade Secrets
- 7) Crop Protection.

This research is focused on villages in Sekaran Subdistrict, Lamongan Regency, East Java Province. The villages in Sekaran Subdistrict include Besur Village, Bugel Village, Bulutengger Village, Jugo Village, Karang Village. Kebalan Kulon Village, Kembangan Village, Kendal Village, Keting Village, Kudikan Village, Latek Village, Manyar Village, Miru Village, Moro Village, Ngarum Village, Porodeso Village, Sekaran Village, Simaran Village, Siman Village, Sungegeneng Village, Titik Village Trosono Village. All of the villages based on the results of the study have not been found in terms of Intellectual Property in the products produced by the village community and village government. This is due to various factors including their ignorance related to Intellectual Property Rights. This is due to the lack of socialization even though there is no socialization related to the protection of Intellectual Property Rights Law. Therefore there is no awareness of them what are the benefits of Intellectual Property Rights. Products produced by the community in villages in Sekaran District, Lamongan Regency, East Java Province are very diverse, for example smoked fish, shrimp paste, crackers, agricultural products, fishery products, and so on. Prioduk gets marketing is still in the scope / local environment and packaging is still modest. The products produced by the community will certainly be an added value if they get legal protection of Intellectual Property Rights. When other people or other village communities want to market the same product derived from the products produced by the original community, it will certainly increase the income of the people who have registered their Intellectual Property Rights. This will certainly be an opportunity to increase the economic improvement of the village community. When the community is successful in increasing its economy, it means that the empowerment of the community can be increased so that the functions of the village government, especially the Village Head, can be fulfilled. The function of the village head is fulfilled in the context of increasing the empowerment and economy of the village community.

The results of this study when viewed from the aspects of legislation related to Intellectual Property Rights are regulated in the following conditions:

- 1) Law of the Republic of Indonesia Number 29 of 2000 concerning Protection of Plant Varieties,

State Gazette of the Republic of Indonesia of 2000, Number 241, Jakarta of 20 December 2000 ; Explanation of Law of the Republic of Indonesia Number 29 of 2000 concerning Protection of Plant Varieties, State Gazette of 2000, Number 4043, Jakarta 20 December 2000.

- 2) Law of the Republic of Indonesia Number 30 of 2000 concerning Trade Secrets, State Gazette of the Republic of Indonesia of 2000 Number 242 Jakarta, December 20, 2000; Explanation of the Law of the Republic of Indonesia, Number 30 of 2000 concerning Trade Secrets, Additional State Gazette of 2000, Number 4044 Jakarta, December 20, 2000.
- 3) Law of the Republic of Indonesia Number 31 of 2000 concerning Industrial Design, State Gazette of the Republic of Indonesia of 2000, Number 243, Jakarta, December 20, 2000; Explanation of the Law of the Republic of Indonesia, Number 31 of 2000 concerning Industrial Design, Additional State Gazette of 2000, Number 4045, Jakarta, December 20, 2000.
- 4) Law of the Republic of Indonesia Number 32 of 2000 concerning Layout Design of Integrated Circuits, State Gazette of the Republic of Indonesia 2000, Number 244, Jakarta, 20 December 2000; Elucidation of Law of the Republic of Indonesia Number 32 of 2000 concerning Layout Design of Integrated Circuits, Supplement to the State Gazette of 2000, Number 4046 Jakarta, 20 December 2000.
- 5) Law of the Republic of Indonesia Number 15 of 2001 concerning Trademark of the Republic of Indonesia State Gazette of 2001 Number 110 Jakarta 1 August 2001; Elucidation of Law Number 15 of 2001 concerning Trademarks, Supplement to the State Gazette of 2001, Number 4131, Jakarta, August 1, 2001.
- 6) Law of the Republic of Indonesia Number 14 of 2001 concerning Patents, State Gazette of the Republic of Indonesia of 2001, Number 109, Jakarta August 1, 2001; Explanation of Republic of Indonesia Law Number 14 of 2001 concerning Patents, Additional State Gazette of 2001, Number 4130, Jakarta, August 1, 2001.
- 7) Law Number 28 of 2014 concerning Copyright, Republic of Indonesia State Gazette of 2014 Number 266 Jakarta 16 October 2014.

Every part of Intellectual Property Rights already has laws and regulations. These laws and regulations will achieve their objectives if they have applicable behavior and effectiveness. It's just that the effectiveness of these rules / regulations has not reached the community in the villages of Sekaran Subdistrict, Lamongan Regency, East Java Province. Therefore not yet felt the benefits of legal protection of Intellectual Property Rights in rural communities and village vomit in villages in Sekaran District, Lamongan Regency, East Java Province. This is because people and the village government do not know about Intellectual Property Rights legal protection. In addition, the lack of socialization on the legal protection of Intellectual Property Rights in villages in Sekaran District, Lamongan Regency, East Java Province.

Increasing village empowerment is not only done by the Village Government but also the village community. Because Indonesia has biological diversity, des also has potentials that are seen or not yet seen. Village empowerment, which is the task of the village head, can certainly be increased by increasing the potential of the community and the government. One way to improve the economy of rural communities. Improving the economy can be done by increasing the potential of rural communities through legal protection of Intellectual Property Rights. This is to reduce the losses that arise when the potential has begun to develop and will be able to increase the desire of the community and village government to continue to increase its potential. But this cannot be done because of the lack of knowledge of the village community and village government regarding legal protection of Intellectual Property Rights. So the potential products of the village have not yet received legal protection for Intellectual Property Rights. In the villages in Sekaran Subdistrict, Lamongan Regency, East Java Province, there is also no socialization related to the protection of Intellectual Property Rights law. Socialization of villages in Sekaran Subdistrict, Lamongan Regency, East Java Province, concerning legal protection of Intellectual Property Rights is needed to improve the economy for empowering rural communities and better village development.

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