

Model of Legal Protection of Creative Economics in Obtaining Intellectual Property

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ABSTRACT--*In line with existing laws in the field of Intellectual Property and Creative Economy and in order to guarantee and respect the right to enjoy economically the results of an intellectual creativity not only in the form of economic rewards (incentives) but also the need for rewards that are moral and ethical. On one side there are still many intellectual property violations committed by creative economic actors with the emergence of piracy cases of copyrighted films, songs, cinematography in the form of piracy VCDs and in the clothing industry such as batik. While intellectual property protection is focused on law enforcement based on the offense of complaint from creative economic actors or innovators, it has not led to an awareness of creative economic actors independently to protect their intellectual works from the legal and moral side. So we need a legal protection model for creative economy actors in obtaining intellectual property so that they can provide protection for the creative output of creative economy actors.*

Keywords: *creative economy actors, intellectual property, legal protection*

I. INTRODUCTION

The world becomes a very dynamic and complex place so creativity and knowledge become an invaluable asset in competition and economic development. Creative Economy is a concept that puts creativity and knowledge as the main assets in driving the economy. This concept has sparked interest in various countries to conduct studies around the Creative Economy and make the Creative Economy the main model of economic development.

The term "Creative Economy" began to be recognized globally since the advent of the book "The Creative Economy: How People Make Money from Ideas" by John Howkins. Howkins realized the birth of a new wave of creativity-based economy after seeing that in 1997 the United States produced Intellectual Property Rights (IPR) products valued at 414 Billion Dollars that made US IPR the number 1 export.

The creative economy is often seen as a concept that underlies another concept that also became popular at the beginning of the 21st century, namely the Creative Industry. The term "Creative Industry" was noted in 1994 in the "Creative Nation" Report issued by Australia. However, this term really began to be lifted in 1997 when the United Kingdom Department of Culture, Media, and Sport (DCMS) established the Creative Industries Task Force.

The creative economy is predicted to become the mainstay of the economic sector in the future. The point

of revival of the creative economy in Indonesia was stimulated by a number of 2014 presidential election campaign events, with Jokowi's strong desire to develop the creative economy sector as one of the priorities of national development if he had been appointed as the seventh president of Indonesia on 20 October 2014. Emphasized the importance of the creative industry as a provider of employment and the realization of Indonesia's competitiveness in the future.

The tit for tat is that Jokowi's commitment attracts the interest of the younger generation, especially the creative economy practitioners in the homeland of flocking to provide voluntary support for Jokowi. The creative economy practitioners who have been struggling alone without the support of the State now get a new spirit thanks to the commitment of the new national leaders. It is expected to emulate South Korea, which has succeeded in exporting the nation's culture to the world level thanks to the collaboration of the government and creative economic actors.[3]

The government is fronted by President Joko Widodo strongly committed to developing creative economy as one of the mainstays of the national economy. It is believed that the creative economy can be a powerful weapon in the face of globalization, including the era of the Asean Economic Community, which began on January 1, 2015. This is proven by the issuance of Presidential Regulation No. 6 of 2015 concerning the Creative Economy Agency and later amended by Presidential Regulation No. 72 of 2015 concerning Amendments to Regulation No. 6 of 2015 concerning the Creative Economy Agency (hereinafter abbreviated as Perppraf Bekraf). Under Article 2 of the Perppraf Perpres, Bekraf has the task of assisting the President in formulating, establishing, coordinating and synchronizing policies in the creative economy. Bekraf as a non-ministerial government institution which is under and is responsible to the President through the minister in charge of government affairs in the field of tourism. The Creative Economy Agency is the body that was first formed by President Joko Widodo through Presidential Regulation No. 6/2015. Initially the creative economy affairs became part of the Ministry of Tourism and Creative Economy which was formed in the United Indonesia Cabinet II in 2011 to 2014.[28]

Creative Economy Agency (Bekraf) stipulates that there are 16 subsectors of creative industries which are the focus to be managed and developed, including: (1) Game Developer and Application; (2) Architecture; (3) Interior Design; (4) Visual Communication Design; (5)

Product Design; (6) Fashion; (7) Film, Animation and Video; (8) Photography; (9) Craft; (10) Culinary; (11) Music; (12) Issuance; (13) Advertising; (14) Performing Arts; (15) Fine Arts; (16) Television and Radio.

Referring to the survey results of Bekraf and BPS in 2016 it was stated that the Gross Domestic Product (GDP) of the Creative Economy created in 2014 was 784.82 trillion, increasing in 2015 amounting to 852 trillion rupiah, with growth of 4.38 percent, the Economy Creative contributes 7.38 percent to the total national economy. Contributions to the Gross Domestic Income (GDP) of the three largest sub-sectors in the Creative Economy are Culinary (41.69%), Fashion (18.15%) and Craft (15.70%), accompanied by very rapid growth in the four creative economic sub-sectors namely Visual Communication Design (10.28%), Music (7.26%), Video Animation (6.68%) and Architecture (6.62%).[23]

In Regulations on the Creative Economy as in Presidential Regulation No. 6 of 2015 concerning the Creative Economy Agency and later amended by Presidential Regulation No. 72 of 2015 concerning Amendments to Regulation No. 6 of 2015 concerning the Creative Economy Agency (hereinafter abbreviated as Perpresm Bekraf) related to Intellectual Property is regulated in Articles 23.24 and 25, where the articles are still limited to regulating the organizational structure that deals with the Creative Economy.

Based on the consideration that in order to provide legal certainty to the Government and / or Regional Government in creating and developing a creative economic ecosystem, it is necessary to regulate the creative economy, with the mutual agreement of the People's Representative Council of the Republic of Indonesia and the President of the Republic of Indonesia decided to enact Law Number 24 Year 2019 about the Creative Economy. (hereinafter referred to as the Ekraf Law).

One of the goals of the Ekraf Law is to protect the creative output of Creative Economy Actors, so that each Creative Economy Actor has the right to receive support from the Government and / or Regional Government through the development of Creative Economy Ecosystems.

The current law concerning copyright as an intellectual property that can protect the results of creativity of creative economic actors and as a form of protection as referred to in article 24 paragraph 2 of the Ekraf Law where the protection of the creative economy of creative actors in the form of wealth Intellectual property is carried out in accordance with the laws and regulations, of course it cannot be separated from the laws governing intellectual property including Law No. 28 of 2014 concerning Copyright (which came to be called the UUHC)

A product that can be given IPR protection, must be creative and innovative. A product is said to be creative and innovative in the perspective of IPR (IC) it should meet the criteria of each IPR regime (IC). For copyright a product is said to be creative and innovative if it meets the criteria of originality, fixation and creativity,

for patents, a product is said to be creative and innovative if the product meets the newness criteria, inventive steps and can be applied in industrial activities, for industrial design, the criteria are must be new and not the same as the previous disclosure, and for trade secrets the criteria that must be fulfilled are efforts to preserve information of economic value not to be known by the public. Looking at these criteria, it is clear that the product requested by IPR (IP) should be creative and innovative. But unfortunately, at this time there are still creative economic actors not paying attention to the existing criteria. As a result, existing products, not new, even are imitations / pirates of those that have been there before.[1]

The reality of IPR protection (IP) related to the IPR registration system (IP) in the form of registration procedures that are considered complicated, costly "expensive" and time that tends to be uncertain, so ultimately not registered. This certainly weakens legal protection and has implications for the protection of these creative economy products. Other reality of IPR protection is related to IPR law enforcement (KI). HKI law enforcement (KI) is still considered selective logging and does not get good and professional handling. The lack of law enforcement officers who have a good understanding of IPR also becomes a real reality in law enforcement IPR (IC). As a result, creative economic products that have been registered with IPR cannot necessarily be protected, even though proper legal processes have been carried out. . Factually, the achievements of legal institutions in implementing legal protection resulting from the creativity of creative economic actors have not met expectations, giving rise to the need for a legal protection model for creative economic actors in obtaining Intellectual Property. not done optimally? and how is the legal protection model of creative economic actors in obtaining intellectual property?

II. RESEARCH METHOD

This research is a legal research in the realm of socio legal research studies, which is a legal research approaching a problem through a merger of normative analysis with a non-legal science approach in seeing law. Socio-legal research is research that studies the science of law by including social factors while remaining within the boundaries of legal writing [17]. In this study has the same object that is the law and places the law as a social phenomenon, therefore the law is always associated with social problems, thus this research focuses on the behavior of individuals or society in relation to law.

In order to support the development of legal science, not only do legal studies but also the implementation of the law itself or those that carry out the law in society, the existence of the law cannot be separated from the social conditions of the people and human behavior related to the law, this research is conducted on the actual situation or circumstances real happened in the community with a view to knowing and finding facts, the data needed. This will provide a

complete understanding of legal research in social contexts.[12]

III. FINDINGS AND DISCUSSION

Creative Economy, i.e.: [11]

“Economic activity in a society that spends most of its time generating ideas, not only doing routine and repetitive things. Because for this community, generating ideas is something that must be done for progress.”

The latest Creative Economy Study conducted by the United Nations Conference on Trade and Development (UNCTAD) in 2010 defines the Creative Economy as: [25]

"The concept that develops is based on creative assets that have the potential to produce economic growth and development." [3]

With further elaboration as follows: [26]

1. Encourage increased income, job creation, and export income while promoting social care, cultural diversity, and human development.
2. Include social, cultural and economic aspects in technology development, intellectual property rights, and tourism.
3. Collection of knowledge-based economic activities with cross-sectoral dimensions of development and connectivity at the micro and macro-level as a whole.
4. A choice of development strategy that requires cross-ministerial action and innovative and multidisciplinary policies.
5. At the heart of the Creative Economy is the Creative Industry.

In Indonesia, the 2009-2015 National Creative Economy Development Blueprint is defined as follows: [3]

"The new era of economics after agricultural economy, industrial economy, and information economy, which intensifies information and creativity by relying on ideas and knowledge from human resources as the main production factors in its economic activities."

Howkins briefly defines Creative Economy, viz: [11]

"Economic activity in a society that spends most of its time generating ideas, not only doing routine and repetitive things. Because for this community, generating ideas is something that must be done for progress."

Law Number 24 Year 2019 concerning Creative Economy. (hereinafter referred to as the Ekraf Law).

In Article 1 paragraph 1 of the Ekraf Law it is stated that the Creative Economy is:

"The embodiment of added value from intellectual property originating from human creativity based on cultural heritage, science, and / or technology."

Further definition of Creative Industries according to DCMS Creative Industries Task Force (1998): [4]

"Creative Industry as an industry that has an origin in creativity, skills & individual talents, and which has the

potential for wealth and job creation through the generation and exploitation of intellectual property and content."

The definition of Creative Industries in Indonesia as written in the National Creative Economy Development Blueprint 2009-2015 is: [26]

"Industry originating from the use of individual creativity, skills and talents to create prosperity and employment through the creation and utilization of individual creative and creative power.."

It can be concluded that the Creative Economy in relation to the Creative Industry is an economic activity that includes industries with human resource creativity as the main assets to create economic added value. [26]

Developed industrial countries have realized the importance of developing the creative economy as a nation's economic strength. One example of a country that has successfully exported creative industry products in the global market is South Korea. The country of Ginseng is able to export Korean pop culture such as music, songs, dances, animations, comics, culinary, films, and drama to the international market, causing the Korean fever / Hallyu phenomenon. The success of Hallyu was followed by exports of electronics, automotive and cosmetics, which also featured many South Korean artists as advertising stars [3]

With regard to the facilitation of intellectual property Article 23 and Article 24 of the Ekraf Law regulate it, namely:

Article 23.

(1) The Government and / or Regional Government facilitates the recording of copyright and related rights and the registration of industrial property rights to the Creative Economy Actors

(2) The Government and / or Regional Government facilitates the utilization of intellectual property to Creative Economy Actors.

Article 24

(1) The Government and / or Regional Government protects the creative economy Actors in the form of intellectual property

(2) The protection referred to in paragraph (1) is carried out in accordance with the provisions of the legislation.

Regulations of the current Act concerning copyright as one of the intellectual property that can protect the creative products of the creative economy actors and as a form of protection as referred to in article 24 paragraph 2 of the Ekraf Law where the protection of the creative economy actors in the form of wealth is creative. Intellectual property is carried out in accordance with the laws and regulations, of course it cannot be separated from the laws that regulate intellectual property including Law No. 28 of 2014 concerning Copyright (which later came to be called the UUHC), in Article 1 number 1 the UUHC states that copyright is:

the exclusive rights of the creator that arise automatically based on the declarative principle after a work is realized in real form without reducing discussion in accordance with statutory provisions.

Exclusive rights referred to in the sense of copyright are the freedom possessed by the copyright owner to use and utilize his work and the declarative principle, namely the right owned by the party who first recorded the work. [22]

The UUHC renewal which was originally regulated in Law Number 19 of 1992 concerning Copyright is due to the development of the creative economy which is one of Indonesia's mainstays, considering that copyright is the most important basis of the national creative economy. UUHC that meets the elements of protection and development of the creative economy is expected to contribute to the copyright sector and related rights for the country's economy can be optimized.

The creative economy is the utilization of resources that are not only renewable, even unlimited, namely ideas, ideas, talents, or talents and creativity. The economic value of a product or service in the creative era is no longer determined by raw materials or production systems as in the industrial era, but rather the use of creativity and innovation creation through increasingly advanced technological developments. The creative economy is proven to have a positive influence in building, exploring and developing the potential of its creativity. Countries develop creative economic potential in their respective ways in accordance with the capabilities of the country. One of the goals of the establishment of the AEC is to develop a creative economy that is closely related to the field of Intellectual Property Rights which will be expected to increase the income of each ASEAN member country.

Economic progress of a nation can be seen from how much Intellectual Property, hereinafter referred to as KI owned by the nation. The more KI they have, the faster economic growth that will be achieved by the country. KI owned can be used as a benchmark in seeing the progress and development of a nation's economy. So that with the increasing number of KI owned by a nation it can be used as a trigger for economic development and increase the competitiveness of products produced from within the country.

According to Shahid Alikhan, the application of the IPR system (now called KI) is a stepping stone of the modern economic system at the national level and is also a catalyst for development. And IPR (IP) is an asset for economic growth based on science in the ASEAN free market era.[2]

Creative industries are part of the objects protected by copyright, this can be seen from the provisions of the Law of the Republic of Indonesia Number 28 of 2014 concerning Copyright. In Article 40 paragraph (1) of the Law of the Republic of Indonesia Number 28 of 2014 concerning Copyright (State Gazette of the Republic of Indonesia of 2014 Number 266,

Supplement to the State Gazette of the Republic of Indonesia Number 5599), protected works include works in the fields of science, art, and literature consists of: a) Books, pamphlets, typographical works published, and all other written works. b) Lectures, lectures, speeches and other similar creations. c) Props are made for the benefit of education and science, d) Songs and / or music with or without text. e) Drama, musical drama, dance, choreography, puppetry, and pantomime. f) Artwork in all forms such as paintings, drawings, carvings, calligraphy, sculpture, sculpture, or collage. g) Applied art work. h) Architectural works. i). Map. j) Batik art or other motifs. k) Photography works. l) Portrait. m). Tographic cinema works n). Translations, interpretations, adaptations, anthologies, databases, adaptations, arrangements, modifications and other works of art resulting from the transformation. o) Translation, adaptation, arrangement, transformation, or modification of traditional cultural expressions. p) Compilation of creations or data, both in a format that can be read by computer programs and other media. q) Complications of traditional cultural expression during the compilation are original works. r) Video games, and s) Programs, computers

Copyright is basically an individual property that is intangible and arises because human intellectuals as ownership rights, copyrights can also be transferred by the creator or those entitled to the copyright itself can be transferred to individuals or legal entities, one way of transferring copyright known as the copyright license or better known as the license agreement, to make the license itself, the transfer of copyright must be written in the form of a notary deed.[19]

An example is batik, a creation protected by copyright, batik is a pictorial fabric that is made specifically by writing or spreading the night on the fabric, then processing it in a particular way that has special characteristics. Batik is one of Indonesia's original cultural heritages that has been recognized by UNESCO as a Humanity Heritage for Oral and Non-Bendawi Culture (Masterpieces of the Oral and Intangible Heritage of Humanity) since October 2, 2009. So then every October 2 is designated as Batik day National.

Batik is a craft that has high artistic value and has been a part of Indonesian culture (especially Java) for a long time. Javanese women in the past made their skills in making batik a livelihood, so that in the past batik work was exclusively women's work until the discovery of the "Batik Cap" which allowed men to enter this field. Each region has unique batik patterns and features, for example Pekalongan batik, Solo batik and Jogja batik have distinctive patterns.

Batik has become one of Indonesia's global cultures and is widely known. Although batik copyright has been recognized as Indonesia's cultural heritage, but in reality cases of copyright infringement against Batik are still rife in finding. Of course this can tarnish the image as well as cause material losses to its creator. Here are some cases that are included in batik copyright infringement can be seen in the 3 most troubling Batik Copyright Infringement Cases.

The first is plagiarism or often called plagiarism is the plagiarism or taking of opinions, opinions, and so on from others and makes them appear like their own essays and opinions. Plagiarism is an act that violates the law because it is classified in an act that steals someone else's copyright is an example of copyright infringement. Actors of plagiarism are called plagiarists, these actions often reap blasphemy because they are deemed not to respect the work of others. In the world of batik, we certainly know the patterns and characteristics of each type of batik. This style has been attached as an exclusive value in the batik.

Certainly batik designs and designs have also been officially registered as the copyright of their creators. However, we often find several parties who plagiarize batik designs and patterns and claim that the work is their original work. An important point in the case of copyright infringement is that it resembles designs and designs that are similar and exact. Of course such an action is no different from the act of copy and paste an article without including the source. And even worse, the perpetrators claimed the writing was the original opinion.

Of course, for this plagiarism violation the perpetrators can be charged by law. Some famous designers also use batik as one of the designs. However, they still use the original design and include the original design from the creator. And have received permission for the work. This action does not include breaking the law and examples of white-collar crime, because it can instead provide a surplus value where the selling value of batik is higher.

Second, piracy is a form of action that reproduces a person's art without obtaining official permission. In addition, pirated goods, the quality is also below the quality of the original goods. As we know that batik can be in the form of written batik whose selling price is certainly higher with printed batik. However, batik itself has economic value and high demand because the price is cheap. In addition, printed batik is also produced in large quantities, different from written batik which is produced in limited quantities and its exclusive nature.

Often the producers are naughty, producing batik with low quality but copying the original designs of original batik, then produced in large quantities and claim that the batik is authentic or original and sold at a price below the original product price. Of course, this action violates the copyright of the manufacturer or the previous owner. What's more this action is rife in an effort to pursue profit solely as article gambling lottery and article gambling online. The impact is of course the original product will fall on the market, because it is inferior to pirated products.

Third, before it was finally endorsed by UNESCO as part of Indonesia's original cultural heritage in the principles of Pancasila democracy. Batik had become a polemic, again there are countries that try to claim copyright on batik. The country is none other than Malaysia which is a neighboring country of Indonesia. Malaysians claim that Batik is a legacy from their

ancestors. Of course this claim made Indonesian people angry and angry over Malaysia's attitude.

In fact this was not Malaysia's action which sparked Indonesian anger. Previously, Malaysia also claimed Angklung, Reog Ponorogo, Keris and even rendang as part of their native culture. Suddenly the Malaysian attitude which claimed that Batik had been rejected and also caused tension between the two countries. Coupled with past history that Malaysia is known to be nosy and often harasses Indonesia. Starting from the border issue to flicking Culture.

This claim then made Indonesia register Batik as part of Indonesia's original culture. As a result, after going through a very long process, UNESCO finally approved that Batik is the original heritage of Indonesian culture. This decision is based on research that has been done for years. According to UNESCO Batik is not just a cultural product, but is a work that originates from cultural values that have been inherent in life, especially Javanese society.

Batik is a tradition that has been passed down for generations. Even in Javanese culture batik symbolizes one's status in the community. Of course this is an essential value of batik that is not widely known by the public. If all this time you only buy batik based on the color alone. Then you should start learning to explore the philosophy of batik itself. Because, as an authentic Indonesian culture we should be proud.

Previously, batik was closely related to the lives of people who were considered Ndeso or the village. However, now batik has been transformed into part of the current fashion trends. Even batik has become one of the clothes that is almost owned by all Indonesian people. Batik has become an important part of the development of fashion in our country. Batik is also much loved by foreign citizens, it seems even they will be more proud to wear it than those of us who are still excited and love foreign branded products.[28]

Likewise, Central Java batik is vulnerable and is often falsified by irresponsible parties. The low awareness of batik producers will KI in the creative economy. The producers actually feel happy and proud if their motives are famous and do not report. So that there are no sanctions for counterfeiters because no one reported showing the low awareness of batik industry owners towards KI

In the case of investigation and verification of copyright infringement law enforcement officers are the Republic of Indonesia National Police and Civil Servants, as stated in the legislation regarding investigations in the field of copyright granted authority, namely contained in Article 110 and Article 111 of the Republic of Indonesia Law Indonesia Number 28 of 2014 concerning Copyright.

What is meant by law enforcement officers are those who are directly involved in the field of law enforcement. But actually the layman or the community though also including law enforcement. Even Harun Utuh clarifies the people as law enforcers in the broadest sense. The protection afforded to the existence of intellectual

property rights is of course closely related to law enforcement carried out by law enforcement agencies.

The National Police of the Republic of Indonesia has the main duty to enforce the law as stipulated in the Law of the Republic of Indonesia Number 2 of 2002 concerning the National Police of the Republic of Indonesia (State Gazette of the Republic of Indonesia Number 2 of 2002, Supplement to the State Gazette of the Republic of Indonesia Number 4168). This main task is clearly stated in Article 13 of the Republic of Indonesia Law Number 2 of 2002 concerning the Indonesian National Police (Republic of Indonesia State Gazette of 2002 Number 2, Supplement to the Republic of Indonesia State Gazette Number 4168), where the main tasks of the Republic of Indonesia National Police are: a) Maintaining public security and order, b) Law enforcement and, c) Providing protection, protection and services to the community.

Factors affecting investigation of copyright criminal factors include internal and external factors, namely:

- 1) Law. Law of the Republic of Indonesia Number 28 of 2014 concerning Copyright (State Gazette of the Republic of Indonesia of 2014 Number 266, Supplement to the State Gazette of the Republic of Indonesia Number 5599), has not yet regulated the obligation of copyright holders to register their work with the Directorate General of Copyright, this becomes an obstacle for law enforcers in conducting the investigation of copyright criminal acts, because the criminal investigation process for reported copyright cases must wait for a commercial court decision on ownership of the rights to the work. So that the law does not provide "general deterrent (deterrent effect) to the perpetrators and prospective offenders.
- 2) Factors of Law Enforcement Officials. Law enforcement here naturally leads to investigators from the Indonesian National Police and Civil Servants' Directorate General of Copyright. Where incentive coordination has not been created with the coordinating supervisor of the Civil Servants, so the process of investigating copyright criminal acts carried out by the Civil Servants on the copyright case reported reportedly settled through the commercial court and finally the case in the Termination Letter of Investigation. Whereas the provisions and position of the Indonesian National Police as the coordinating supervisor of the Civil Servants' Officials are very clear and this existence can facilitate the process of law enforcement for violations and copyright crimes.
- 3) Facilities and infrastructure factors. Facilities and infrastructure are still minimal so as to hamper the investigation process of copyright criminal acts, this is due to the lack of budget to conduct facilities and infrastructure to investigate this condition is certainly very influential on the investigation, without that support, of course the investigation process carried out and will be carried out may be hampered.
- 4) Community factors. Community factors as consumers of pirated copyright products that still use pirated

products are due to low prices when compared to licensed products, so this has led to increasingly widespread copyright infringement. The existence of people who actually buy pirated goods from the original (legal) goods has a big influence in the investigation, because the more consumer demand, the trade flow of pirated Video Compact Disc / Digital Video Disc is increasing.

- 5) Organizational culture factors. Organizational culture is often also one of the inhibiting factors for law enforcement of copyright criminal acts so that there is still arrogance from each institution so that the coordination of coordination in efforts to enforce copyright law is not well realized.[29]

Based on the provisions of existing laws and regulations, it is well known that the investigation of copyright criminal acts requires synergy from the relevant agencies, especially in terms of carrying out repressive actions against the perpetrators of copyright criminal acts, both the main perpetrators and those who participated in committing criminal rights create. In carrying out repressive actions, the relevant agencies also need to pay attention to internal and external factors that influence the investigation of copyright criminal acts, opportunities and threats in conducting criminal investigations.

Law enforcement is not the only effective effort to provide copyright protection in Indonesia, because law enforcement is only part of a copyright protection process. Law enforcement is only a repressive system of a copyright protection system, another system that is equally important is a preventive system by increasing public awareness and knowledge including government officials and law enforcement. Strong and consistent law enforcement is very important in providing protection for copyright but preventing the occurrence of copyright infringement becomes even more important to improve the quality of citizens and civilizations of the Indonesian people, because it is necessary to reflect on the government's performance in providing protection of intellectual property rights in particular at copyright midwives. In accordance with the principle that law only functions as a medium to safeguard interests in society. So the development of digital technology that occurs in the industrial world must be given a positive appreciation as a consequence of progress in the field of creative industries achieved by human thought, so that these developments do not cause new problems, it must still be accompanied by the availability of adequate legal instruments and can guarantee the certainty of rights and obligations and arrangements regarding prohibitions and obligations that must be obeyed. [19]

The above description shows empirical evidence of the performance of actions and law enforcement by the National Police law enforcement agencies that have implemented and implemented IP protection policies for creative economic actors in Indonesia, although they tend to be applied in copyright cases.

Legal protection. according to Phillipus M.Hadjon that legal protection for the people as a government action that is preventive and repressive. preventive legal protection

aims to prevent disputes, which direct the government to be careful in making decisions based on discretion, and repressive protection that aims to resolve disputes, including their handling in the judiciary. Regulations in the national legal system are intended as an effort to provide legal protection. The national legal system in Indonesia as the Pancasila State is called the Pancasila Law which aims to protect people.[14] the concept of legal protection is a protection given to legal subjects in the form of legal instruments both preventive and repressive, both written and unwritten. In other words, legal protection as a description of the function of law is the concept where the law can provide justice, certainty and usefulness.[7]

Legal formation also needs to be implemented, adapting Riswandi's thoughts.[1] namely: 1) the formation of law as a mechanism of legal regulation, 2) the doctrine of protection of IPR (IP) as the basis for the formation of IPR (IP) that creates a balance of interest. Hidayah's opinion is strengthened in (IASTP / Advanced, 1993: 36; Lindsey et al, 2006: 78-79) that: 1) IPR (IP) can increase the growth of trade and investment of a country, 2) IPR (IP) can develop and improve technology, 3) IPR (IP) can encourage companies to compete globally, 4) IPR (IP) can help improve inventory innovation effectively, 5) IPR (IP) can develop social culture of the community, 6) IPR (IP) can maintain reputation companies in the international world for export, 7) IPR (IP) accelerates the investment growth of a country both domestically and abroad, 8) IPR (IP) is able to increase the national economic growth of the country. In line with applicable IP protection laws and in order to guarantee and respect the right to enjoy economically the results of an intellectual creativity not only in the form of economic rewards (incentives) but also the need for rewards that are moral and ethical, can be in the form of recognition moral rights (moral right) required a model of legal protection for creative economic actors in obtaining Intellectual Property so as to be able to provide protection to the creative output of creative economic actors.

The model of legal protection for creative economy actors in obtaining Intellectual Property through the establishment of IC law is expected to be able to protect creative economic actors up to the regional level.

IV. CONCLUSION

The aspect of legal protection is not yet optimal due to several factors, namely regulations in the field of copyright that have not yet regulated the obligations of copyright holders to register their work to the Directorate General of Copyright. Coordination of law enforcement investigators of the Indonesian National Police and Civil Service Officials Directorate General of Copyright which is not yet optimal. Facilities and infrastructure are still minimal so as to hamper the investigation process of copyright crime. Community as consumers of pirated copyright products that still use pirated products due to prices which is cheap when compared to licensed products. Finally, the factor of organizational culture

where there is still arrogance from each institution so that the coordination of coordination in efforts to enforce copyright law is not well realized.

The model of legal protection for creative economic actors in obtaining intellectual property preventively is carried out by increasing awareness and knowledge of creative economic actors including government officials and law enforcers on intellectual property resulting from creative economic actors' creativity, making adequate legal instruments and guaranteeing certainty of rights and obligations and regulating prohibitions and obligations that must be obeyed by creative economic actors in obtaining Intellectual Property (IP), through the establishment of Intellectual Property Law (IP) up to the regional level.

In carrying out repressive actions, the relevant agencies need to pay attention to the existence of internal and external factors that influence the investigation of criminal acts in the field of intellectual property by creative economic actors.

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