

Defense Economics Viewpoint of Intellectual Property Rights

Kuncoroadi Prasetyadji¹, Witri Aulia Maudy², Supandi³
^{1,2,3} Defense Economic Team, Indonesian Defense University
 E-mail: kuncoroadi1945@gmail.com

ABSTRACT--Intellectual property Rights (IPR) is a self-esteem appreciation of the human imagination that has produced an intellectual work. Intellectual property that is obtained is things that have more value and huge benefit in terms of economic, social, cultural, and development of a civilization. The appreciation is patented and protected by law in order to avoid misappropriation or irresponsible utilization and provides law protection for an intellectual work. Basically, illegal utilization is more on economic value. A work will obtain high economic value if it has vast benefit effects and provides a positive multiplier. Economic power is seen as a significant non-military defense. Preserving intellectual work having economic power that is able to encourage economic growth is an obligation of a nation. This is to prove itself that this country is able to become a world economic power.

Keywords: Intellectual property Rights (IPR), defense economic

I. INTRODUCTION

Humans are born to have a great basic ability in the form of reason. This ability naturally if honed and dug deeper with a high imagination to produce an idea or ideas. Ideas or ideas come out with innovation and creation is expressed into work and more popular with the term Intellectual Property (IP). According to Mujianto and Feriyanto in his book states that "Intellectual Property is the result of thinIPng in the form of ideas or ideas that are realized or expressed in the form of discoveries, works of literary science and art, design, certain symbols/signs, creation of semiconductor component layout and varieties of breeding results". [1]

It needs to be understood IP is a cultural product, a little backward look at culture has a long path to understanding humans as a human being. Culture in meaning is a plural form of buddhi (mind or reason) which is interpreted as things that are related to the human mind and reason. The survival of the community is not only a matter of physical existence but depends on the maintenance of their relationsIPR with the land and their community. [2]. The relationsIPR is done repeatedly so that it becomes a habit and can be seen as a characteristic of human life and in certain community life called culture.

The results of cultural products in the form of IP require a special appreciation and benefit protection. Viewed from

appreciation, IP is the result of humans extorting and exploiting themselves to produce work. While in terms of protection, the results of the work in principle should benefit from protection in the form of rights. This appreciation and protection of IP are appreciated in the realm of law, which is legally named as Intellectual Property Rights (IPR).

The concept of Indonesia which is a state of law protects all the interests of the people as outlined in the 1945 Constitution. The state protects all its people from all forms of threats both in terms of military threats and non-military threats. One form of state protection for its people is the recognition of the Information Commission as a result of human thoughts as outlined in Law No. 28 of 2014 concerning Copyright.

In economic terms, work can be utilized and has a high economic value, maIPng it vulnerable to disputes over the results of the economic value between the parties concerned. Simply put, the owner of an initial idea or idea will feel that he is being cheated because his IP products have economic benefits and others will not enjoy the work. These problems not only occur in the country, but many also occur results of IP in Indonesia are secretly enjoyed economically by other countries without the owner of ideas or ideas come along to enjoy.

In economic matters, a person is prohibited from trading something that is not his property because it violates copyright law. The work of someone who is an intellectual work is considered as property. [3]. The need to get a permit or license is a legal step in utilizing the economic value in IP. This is a form of appreciation for KI as a protected work.

Defense economics puts forward economic tools to review the field of defense and several other related issues in it, including looIPng at defense from the side of the principle of the benefits of a IP. Today the economy can be used as material to hegemony a nation, mastering without having to have bloodshed with an instrument called the economy. IP has an important role as a provider of economic growth, economic results and economic strength. One of the instruments in developing an economy is how to utilize and obtain economic benefits from an Intellectual property.

II. RESEARCH METHOD

In this study using a descriptive approach to analysis. With a descriptive approach, it is hoped that this research can provide a general, comprehensive and systematic picture of IPR in a defense economy perspective.

The material is taken as secondary properties or better known as the literature approach. The principle of literature is expected to be able to answer all the problems that will be examined with various literacy approaches. While the descriptive nature of this research is intended to be able to describe starting from the birth of an idea or idea of how to produce an Intellectual property and ultimately has broad economic benefits.

The amount of literacy in this study makes it has its advantages. The hope is that studies of the theory can answer all phenomena well and are rich in knife analysis. The more literacy used the more perspectives that will be generated from this research. Literacy is not only an effective step but also has objective values that are more-rational and rich in various sources.

III. FINDINGS AND DISCUSSION

Departing from the elements of the process that is not simply from an idea or ideas and try to bring up innovations and new creations so that it can give birth to a IP as a cultural product that is rich in benefits. Therefore, the need for special appreciation for the owner of the idea or ideas that meet the principle of benefits, especially in the economic side.

Culture Generating Ideas

The survival of the community is not only a matter of physical existence but depends on maintaining their relations IPR with their land and community. The relations IPR is done repeatedly so that it becomes a habit and can be seen as a characteristic of human life and in certain community life called culture.

For thousands of years, Indonesia's traditional culture has taken root in aspects of the oneness between humans and nature. The concept of an individual human is unknown in a communal society. The existence of individuals is due to the other, and the existence of the universe. Therefore, the results of creativity (or "works" in terms of copyright law) are shared results, the generosity of nature, and will be offered to nature.

The rules above are fundamental to how culture gives birth to an idea or ideas. A very significant influence of culture on the results of thoughts. The influence is obtained from a culture that is a daily habit that is repeated and repeated so that it is caught by the human subconscious mind and then managed to become an attitude of human

behavior. Therefore, ideas or ideas cannot be underestimated, and the process of their emergence naturally arises from the influence of the environment that is not instant. Being able to make an idea or ideas to have the principle of benefits is inseparable from how the willingness to innovate and bring new creations.

The Social Environment Gets the Most Advantages From Intellectual Property

Indonesia is widely known as a nation with multiple socio-cultural realities. Socio-cultural relations between people in Indonesia are a product of a long history, which from time to time experiences introductions and associations with nations, religions, and world cultures. Likewise, Indonesian nationalism, Indonesian nationality was formed, built and tested by a long history, resulting from the interaction of the "Indonesian people" with nations, religions, and world cultures. This experience shapes old values and new values in Indonesian society. Some old values are about to be abandoned or renewed, while new values that are following the needs and development of the nation's civilization in the present and the future must always be understood, realized and tested in social-cultural relations.

With almost 14,000 (fourteen thousand) islands, Indonesia is the largest archipelago, covering almost 2 (two) million square kilometers, and along from the western end (Sabang on P. Weh) to the eastern end (Merauke in Irian Jaya) around 5,000 (five thousand) km, which is inhabited by almost 240 (two hundred and forty million) million people (the fifth largest after China, India, the US, Russia); and with 5 (five) large islands (Java, Sumatra, Kalimantan, Sulawesi, and Irian), Java is the most populous island and Irian Jaya is sparsely populated. With around 400 (four hundred) ethnic groups and groups, as many as 726 (seven hundred twenty-six) regional languages, some of which are extinct or almost extinct, besides Indonesian as a cultural work of the nation that covers the nation and facilitates communication between nationals, religions religion and major cultural elements live and thrive in plural societies and communities.[4].

Indonesia is rich in all sources, ranging from natural resources, human resources, and even cultural products that shape civilization. IP as a cultural product has a role in the progress of civilization. The role of IP as a tool can change the way humans look at something for the better. There is no doubt that today the need for new technology is very urgent. New technology brings things to make human work easier, more effective and more efficient. It should be underlined that technology is one of IP.

Indonesia which is very rich in natural resources and human resources as a production factor which is very important in development needs to be directed and developed in a positive direction, especially in the field of intellectual property rights, because in the future competition with other nations is not enough just to rely on

resource wealth nature alone, remembering these natural resources will and will run out. [5].

The social environment of the community is the main subject of IP users. Remove how the use of IP has positive benefits and can also be used for negative things. In this phase, it is intended that the scope of IP users is an instrument of daily life.

Intellectual Property Right (IPR)

The definition of rights is a normative element that serves as a guide to behave, protect, freedom, immunity and guarantee the opportunity for humans to maintain their dignity and status. Rights have the following elements: rights owner, the scope of implementation of rights and parties willing to exercise rights. These three elements are united in the basic understanding of rights. Thus the right is a normative element inherent in every human being which in its application is within the scope of the right of equality and the right of freedom related to the interaction between individuals or agencies. [6]

IPR is a protection provided by the state or international organizations related to IP. This right shows the recognition of the Information Commission that has a long journey from an idea or ideas developed with innovation and creation. Problems often occur over the use or use of IP for certain purposes. The creator or intellectual actor is often harmed when the results of IP are used or utilized but the creator of an intellectual actor does not get results.

IPR in Indonesia is under the auspices of the Directorate General of Intellectual Property Ministry of Law and Human Rights. All issues concerning trademarks, patents, copyrights, and as such are registered by this body under the law. Laws and regulations applicable in Indonesia related to IP include Law No. 28 of 2014 concerning Copyright, Minister of Law and Human Rights Regulation of the Republic of Indonesia No. 12 of 2019 concerning Geographical Indications, Law Number 31 of 2000 concerning Industrial Design, Law Number 20 of 2016 concerning Brands, Law Number 32 of 2000 concerning Layout Designs of Integrated Circuits, and Law Number 13 of 2016 concerning Patents.

Awareness of respect for IP in Indonesia is still very low. Violations are still very much happening, so is awareness to register IP with the authorized body is also still low so that the principle of benefits from IP cannot be optimally enjoyed. IP abuse in Indonesia is so widespread, it can be seen from the number of pirated or illegal goods found in the community. The problem is that the level of public awareness of IPR is still very low, in the short-term interests economically such violations seem to be the norm. In the long run these violations are very detrimental, the loss of the state and the creators or intellectual actors is enormous and there is a lot of economic potential that can be obtained and put to good use but is lost.

Not only in Indonesia, IP also received protection from related organizations in the international environment. These organizations provide certainty of protection so that IP has a principle of benefit in the international environment. The problem in the International is more complicated compared to problems in the country. It can even cause sharp friction between countries. Can be exemplified about tempe patents, tempe patents are currently controlled by Japan even though it is no secret that tempe was born and developed in Indonesia. Just because Japan first registered tempe with IPR institutions internationally and tempe can also be found in Japan, Japan has a patent for tempe. Japanese patents can be used to reap economic benefits, thus tempeh can be used as an instrument to encourage their economic growth.

Japan is a small part of IPR disputes between Indonesia and the international world. This can be an example of how Indonesia should be more concerned with the work of the nation. Batik, shadow puppets, Sayange taste songs, reog art, and many more friction that should not need to happen if the concern for IP can be well protected.

In this discussion, the emphasis is on economic use which has a broad multiplier effect. IPR guarantees that the curator or intellectual actor will benefit economically so that he can stimulate breakthroughs to produce better works. However, there is an impression that the granting of IPR is a monopoly process for IP to obtain a single economic benefit.

Defense Economy Discourse

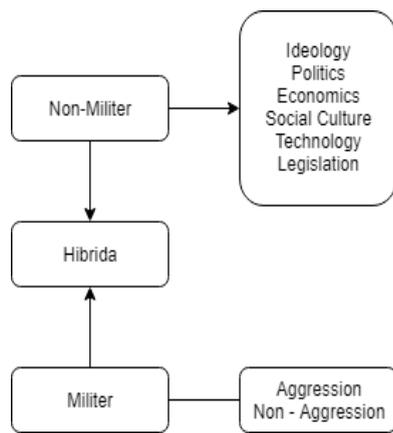
The defense economy puts forward economic tools to review the defense sector and several other issues related to it, including defense budget politics, defense industry financing and the impact of national policies in the industry on the defense sector, linkages to job vacancies, macroeconomic conditions, the economy micro, and also the national political economy. [7].

Defense economics as a multidisciplinary science will discuss the allocation of resources, income distribution, economic growth, and political stability that is applied to topics related to defense. The defense economy is a broad field of science and the issue is very diverse. The defense economy does not only talk about the allocation of costs for war requirements, but also the enrichment and development of the defense economy by involving other values, especially the value of defense strategies into a broad-based economic analysis that makes the defense economy multidisciplinary. [8].

Defense Economy is an Economic Study that examines various phenomena related to the management of the potential and utilization of national resources (SDA, SDB, IR, Facilities and Infrastructure) for the benefit of the country, to realize the prosperity of the people's economy and national security. [9]. The defense economy approach answers the question of how development in the economic

aspect contributes to the defense aspect through resilience factors. In this case, resilience emphasizes the intangible side of a system.

The object of analysis of defense economics focuses on the objectives and role of economic administration aimed at the interests of defense, to realize the security and prosperity of the people's economy. Indonesia directly borders land and sea with several countries. This condition brings changes to the threat dimension both physically and non-physically. The threat dimension, in the form of military, non-military and hybrid threats, is generally a real threat and not yet real.



Picture 1. State Defense Threat

At first, the defense economy was always associated with state financing in the defense sector. How much budget is allocated to provide defense equipment such as weapons, military education, and so on is a classic topic in the defense economy discussion. Along with the development of the era of defense threats do not always lead to the military, but the biggest threat of a country today lies in the lives of many people, namely the economic sector. The economic paralysis can make a country not condemned and even its impact can be more significant than physical warfare.

The scope of the defense economy has shifted to how to protect the country from systemic economic threats. All stakeholders must prioritize national interests rather than personal or group interests so that national stability can be maintained. Today's defense economy has a role to focus on the purpose of national defense which is to maintain and realize the social and economic welfare of the community.

In addition to reviewing how the state allocates economic resources to guard defense, the defense economic study also examines how to realize the country has strong economic resilience. A strong economy equals prosperity, economic sovereignty, and prosperity. If this is maintained properly a country can become big and strong.

If a IP is not well protected, the benefit principle that should be able to provide economic benefits will not be maximized. And maybe it will potentially lose the benefit principle. IPR based on benefits can be divided into two. One, the principle of immediate benefit. Directly the principle of benefits that can be obtained is income from

the use of IP. These results can be directly enjoyed by creators or intellectual actors to get their wealth coffers. The more IP used, the more financial benefits will be obtained, the less IP is used, the lower the financial benefits.

Two, the principle of indirect benefits. IP can stimulate economic growth by positioning themselves as simultaneous. The principle of the financial benefits of IP has a broad impact and can strike a new sector in the economy. It can be exemplified the benefits of IP indirectly, for example, the invention of the lawnmower, the lawnmower industry requires a considerable workforce. Besides, it will grow the satellite industry from chopped milling machines such as iron or steel as the main raw materials, plastic, and many other derivative industries. IPR guarantees that the creators of intellectual actors get side benefits from the lawnmower patents, by only allowing them to produce mass will get a license wage from each unit of goods.

It can be imagined how much the potential loss of the principle of economic benefits from an Intellectual property if it is not managed properly. This has a very systematic connection with the perspective of the defense economy which has a non-military view of threats. A strong country is a country that has large economic power. The economic strength can make the country allocate a large enough budget to build and strengthen defense. In direct proportion to this, a strong defense will also greatly help facilitate economic prosperity.

What needs to be built now is a system that protects and utilizes IP for the benefit of the nation and state. Making Indonesia has strong national economic resilience. Its national economic resilience is reflected in the living conditions of the nation's economy, which contain the ability to maintain healthy and dynamic economic stability, as well as the ability to create national economic independence with high competitiveness to realize just and equitable prosperity of the people. Thus, economic development is directed towards the solid economic resilience through the creation of a healthy business climate and the use of science and technology, the availability of goods and services, maintenance of environmental functions and increasing competitiveness within the scope of global competition.

Indonesia has two big challenges in terms of national economic resilience, namely improving the quality of human resources, especially related to education. Second, adjusting Indonesia's export structure from commodities and natural resources and products using low technology to sectors with higher added value. It can be drawn from this study, the importance of looking at the importance of IPR from the standpoint of defense economics is not only reaching the principle of economic benefits narrowly but looking more broadly for the benefit of the nation and state.

IV. CONCLUSION

Basically creating to an Intellectual Property (IP) requires a process. The process of extracting ideas or ideas with innovation and creations goes a long way and is influenced by culture, social, and intellectualism. The results of this work develop along with the advance of civilization as one of the instruments so that it works as a support.

Information Commission is the work of civilization that must obtain respect and protection by talking into account the principle of its benefits and murmurs. Granting rights to IP aside from being the top of appreciation for a work of cultural results, can be used as a control for the use of the principle of the benefits of a work. The resulting IP are things that have more value and broad benefits in terms of economic, social, cultural, and development of a civilization. Indonesia and the relevant international organizations provide protection of rights which are often referred to as Intellectual Property Rights (IPR) not just as simple as giving awards, but there is a broader economic interest which becomes a large target.

The defense economy perspective tries to look at IPR issues more broadly, not only from the economic disadvantage but also tries to map the economic problems for national defense. Economic power is seen as a significant non-military defense, and therefore the need for special attention to safeguard existing economic potentials and develop them into a weapon to survive the dynamics of world association. Maintaining intellectual work that has economic power and is able to drive economic growth is an obligation of a nation. This obligation needs special attention, given that economic sovereignty is also the basis of a sovereign state.

REFERENCES

- [1] Feriyanto, M., *Memahami Dan Cara Memperoleh Hak Kekayaan Intelektual*. Universitas Negeri Yogyakarta, 2017.
- [2] Zhang, *Research on Intellectual Property Protection of Folklore*. Law Press China: Beijing, 2007.
- [3] Musyafa, M. "Kekayaan Intelektual Dalam Perspektif Ekonomi Islam", *Al-Iqtishad*, Vol. V, No. 1, Januari, pp. 39-50, 2013.
- [4] Irawan, C., *Politik Hukum Hak Kekayaan Intelektual Indonesia*, Mandar Maju: Bandung, 2012.
- [5] Nur, Hilman, "Peluang Dan Ancaman Masyarakat Ekonomi Asean (MEA) Bagi Perkembangan Hak Kekayaan Intelektual Indonesia", *Jurnal Hukum Mimbar Justitia*, Vol.3, No.2, Desember, pp. 157-176, 2017.
- [6] *Demokrasi, HAM, Masyarakat Madani*, Tim ICCE Jakarta hlm. 199, 2003
- [7] Wardhana, Wahyu, "Poros Maritim: Dalam Kerangka Sejarah Maritim Dan Ekonomi Pertahanan", *Jurnal Masyarakat & Budaya*. Vol. 18, No. 3, pp. 369-386, 2016

- [8] Yusgianntoro, Purnomo. *Ekonomi Pertahanan Teori & Praktik* Gramedia: Jakarta, 2014.
- [9] Supandi, *Ekonomi Pertahanan (Defense Economics) 13 Wawasan Studi Ilmu Ekonomi Pertahanan*, edisi 1, Makmur Cahaya Ilmu: Jakarta, 2019.