

The Role of Intellectual Property Law as a Means of Community Development

Budiman N.P.D Sinaga

*Nommensen HKBP University
Jalan Sutomo No. 4A, Medan 20134, Indonesia
Springfield, Nostate 12345, USA
budiman.sinaga@gmail.com*

Sahat H.M.T Sinaga

*Parahyangan Catholic University,
University of Huaguoshan
Jalan Merdeka No. 30, Bandung 40117, Indonesia
monkey.king@uhuaguoshan.edu.cn*

Abstract - Until now there are still many people who know the laws play a role when problems arise only. Whereas the role of law can be more than just solve the problem, among others, a law can be a means of community development. Laws can play a role in changing society for the better. In fact, lawyers have argued for a long time that law can play a role in community development but is not widely discussed and is less popular. On this occasion will be presented and reviewed various views on the role of law, especially the role of law in community development. To emphasize the role of law in community development, it will be specifically studied about the role of Intellectual Property Law. In this study will be explained about the role of Intellectual Property Law in community development. In general, it is always said that the progress of a nation can be seen from how much intellectual property is generated. Accordingly, the existence of Intellectual Property Law must be in order to encourage the public to generate as much intellectual wealth as possible, not the other way around. For that will be a comparative law with other countries, especially Japan. Furthermore, it is expected to find some problems related to the role of Intellectual Property Law in community development as well as efforts to improve in the future.

Index Terms – *Intellectual Property Law. Community Development*

I. INTRODUCTION

Since the founders of the country preparing for the independence of Indonesia have already realized how important the role of the law[1]. Therefore, one of the various things that prepared the country is the law especially the Constitution. After the independence of the recognition of the role of getting bigger. At this time can be said that there is not one facet of life that is not related to the law.

Until now there are still many people who know the laws play a role when problems arise only. Whereas the role of law can be more than just solve the problem, among others, a law can be a means of community development[2]. In some countries, the law has been instrumental in improving the quality of life of the community primarily through increased income. For the good things of course not wrong if imitated from other countries.

II. THE ROLE OF LAW

Laws can play a role in changing society for the better. In fact, lawyers have argued for a long time that law can play a role in community development but is not widely discussed and is less popular. On this occasion will be presented and reviewed various views on the role of law, especially the role of law in community development.

The law can shape and alters the society. The role of the law is to maintain the existence of the Government and allow the community achieve stability and varying degrees of perfection. To avoid revolution, Government should relieve the majority faction, and because society is becoming increasingly complex, the Government must consider the balance of equality and Justice regarding the majority and the minority.

The most effective way to secure majority support is by persuasion; In particular, the encouraging sentiment is equality and justice among the people. In society, this is achieved with idealist builds the Foundation of faith is universal and eliminating diversity. In the community, there is no universal foundation of faith, and the Government must be careful to impose laws that generate moderate effects. Thus, neither the community nor the practical idealist can facilitate a balance between equality and justice and thus, effectively set the Regulations Act and achieve the goals of their communities.

To emphasize the role of law in community development, it will be specifically studied about the role of Intellectual Property Law[6]. In this study will be explained about the role of Intellectual Property Law in community development [3]. In general, it is always said that the progress of a nation can be seen from how much intellectual property is generated. Accordingly, the existence of Intellectual Property Law must be in order to encourage the public to generate as much intellectual wealth as possible, not the other way around. The incentives to innovate and the protection of intellectual property rights can affect economic growth.

As a The World Trade Organization (WTO) member country, Indonesia did a major amendment to the patent law, trademark law, and copyright law in 1997 in accordance with the Treaty of TRIPS. Later, industrial design law, trade secret law, and semiconductor integrated circuit law were established in 2000. Patent law and the trademark Act amended in 2001 while the copyright law changed in 2002.

The enactment of several laws related to intellectual property was already good. But it would be better if accompanied by the implementation of various laws. Especially the implementation of the legislation in order to give the award to those who have generated intellectual property as well as sanctions for those who violate.

Unfortunate until now still not many awards which can be experienced people who produce intellectual property. Instead, the people who commit violations of the law on intellectual property increasingly prevail even jaunty[4]. This fact is very different from that occurring in other countries, especially developed countries. In developed countries award for those who produce the excellent intellectual property. Perhaps that is what makes the more advanced countries because of the people there the spirit of intellectual works. Therefore, it is not wrong if we learn from other countries such as Japan.

Comparison of intellectual property in Japan

For that will be a comparative law with other countries, especially Japan. Furthermore, it is expected to find some problems related to the role of Intellectual Property Law in community development as well as efforts to improve in the future. Japan change its economic and intellectual property through discovery[5].

In his political address of February 2002, prime minister Junichiro Koizumi, for the first time as a Japanese Premier, declared that "in order to enhance the international competitiveness of its industries, Japan needs to strategically protect and utilize the intellectual properties that are derived from its research and creative activities." In the two years after Prime Minister Junichiro Koizumi made his political address in February 2002, Japan took its first large step towards becoming an intellectual property-based nation. The establishment of the Intellectual Property High Court, the comprehensive measures to achieve zero waiting time for patent examinations, and the advancement of content business all made clear to the world that Japan was making a shift towards a knowledge-based nation.

In 2003, the Japanese government has advanced nationwide effort to establish the framework for promoting and raising awareness on intellectual properties issues: Basic Law on intellectual property was established and the intellectual property strategy headquarter was set up [4]. In the Basic Law on intellectual property, promoting and raising public awareness on intellectual property is treated as one of the top priorities. In 2013, the Japanese government approved the Basic Policy Concerning Intellectual Property Policy to advance policies and measures for promoting and raising awareness on intellectual property issues, according to its plan.

III. SUMMARY

The law can not only play a role in solving the problem but other things are also included in order to realize the country's progress. A good intellectual property protection would encourage the community to produce a variety of intellectual property which is not only beneficial to himself but also his people even around the world.

From Japan can be learned that the steps that need to be done are to promote intellectuals to the community to raise awareness. If the masses are aware of the importance of intellectual property, they will be enthusiastic to produce intellectual works while appreciating the intellectual work of others. Furthermore, this awareness will make our country more advanced and become a developed country even around the world.

PREFERENCE

- [1] Bourdieu, P. 1985. "The Forms of Capital". In *Handbook of Theory and Research for The Sociology of Education*, Edited By: Richardson, J. 241–258. New York: Greenwood.
- [2] Brodsky, A. E., O'campo, P. J. And Aronson, R. E. 1999. Psoc In Community Context: Multi-Level Correlates of A Measure of Psychological Sense of Community in Lowincome, Urban Neighborhoods. *Journal Of Community Psychology*, 27: 659–679.
- [3] Chavis, D. M. And Wandersman, A. 1990. Sense Of Community in The Urban Environment: A Catalyst for Participation and Community Development. *American Journal Of Community Psychology*, 18: 55–82.
- [4] G. J. Wendy.1993. A Property Right In Self-Expression: Equality and Individualism in The Natural Law of Intellectual Property. *The Yale Law Journal*.102(7):1533 - 1609
- [5] M.David,W.Gould, C.Gruben.1996. The Role of Intellectual Property Rights in Economic Growth .48(2):323-350
- [6] R. Christopher.2002. Culture, Intellectual Property and Territorial Rural Development .Sociologia Ruralis.38(1):3 - 20