International Journal Of Humanities Education And Social Sciences ***(IJHESS)*** *E-ISSN:* **2808-1765**
Volume 4, Number 4, February, *Page. 1900 – 1906*
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Cirebon Law Protecting Creative Industries' Intellectual Property Rights

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Abstract

In Cirebon, there are a lot of Small and Medium Enterprises (SMEs) in the creative sector, however there is still generally not much management of intellectual property rights. The first issue raised by this study is the significance of intellectual property rights protection for small and medium-sized businesses in Cirebon's creative sector. Second, what part does the local government of Cirebon play in offering small and medium-sized businesses in the city the legal protection of their intellectual property rights? Using primary data, this study employs a juridical-empirical methodology. The study's findings indicate that, first, there is a tendency for the market for works produced in the creative industry to expand. This is because, in Cirebon, small and medium-sized enterprises (SMEs) account for 59% of GDP, and protecting intellectual property rights (IPR) for creative economy products is crucial to preserving the economic rights of original creators. Second, creating a website that offers IPR services is currently the role that local governments play in protecting SMEs' intellectual property rights.

Keywords: Intellectual property rights; IPR services; legal protection; SME

INTRODUCTION

The implementation of legal protection for Intellectual Property Rights (IPR) is a crucial issue in Indonesia nowadays. This is due to Indonesia's enormous creative industry potential and wealth of natural resources, which means that it requires the best possible IPR protection measures. The creative sector is now growing quickly in Indonesia and has the potential to boost the country's economy.

The creative economy is actually making a significant contribution to the national economy. Every year, the creative economy generates more additional value as well. The growth rate of the creative economy sector, which is approximately 5.76%, indicates that it is outpacing the growth rates of the mining and quarrying, forestry and fisheries, services, and processing industries, as well as the growth rates of power, gas, and clean water. Innovation that boosts added value while also being ecologically friendly, enhancing the nation's reputation, and preserving its cultural character will be encouraged by creativity.

The sector is referred to as the "creative industry," and it is thought to be resistant to the current global financial crisis. The protection of intellectual property (IP) is intimately tied to discussions about the creative industries. Innovation and creativity abound in the creative sector. Intellectual property refers to this inventiveness and creative spirit. Given the abundance of intellectual property in the creative sector, it is imperative that any intellectual property held by the sector receive legal protection prior to being used for profit. It is undeniable that awards or generated works require legal protection for intellectual property.

The intention is to foster and cultivate the spirit of perpetual creation and labor. Due in large part to the low number of IPR applications and the frequent breaking of IPR laws, IPR legal protection has not gained much traction in developing nations like Indonesia. The ignorance of the significance of intellectual property rights for creative industries, including small and medium-sized enterprises (SMEs), is another factor. Economic issues have an impact on IPR as well because they are not as immediately obtainable as business activity in general.

Additionally, a nation's economy, industry, and technological advancements all have an impact on how little people know about intellectual property rights.

To create a business-friendly environment, Indonesia has enacted several laws and regulations that apply various policies for SMEs. Law Number 20 of 2008 respecting Micro, Small, and Medium Enterprises (MSME Law) is one of them. It was drafted with the goal of enhancing MSMEs' institutional participation and ability in the national economy. Article 7 of the SME Law emphasizes that the following laws and policies, which include funding, facilities and infrastructure, business information, partnerships, business licensing, business opportunities, trade promotion, and institutional support, are how the Government and Regional Governments grow the Business Climate.

Furthermore, the SME Law mandates that the Government and Regional Governments assist in the growth of businesses in the following areas: (1) production and processing; (2) marketing; (3) human resources; and (4) design and technology. Additionally, it is the responsibility of the national and local governments to support Micro, Small, and Medium-Sized Businesses in obtaining intellectual property rights certificates and to make it easier for them to own the intellectual property rights to the products and designs they use in their domestic and international business operations.

When a human thought process is applied to a creative or invention, intellectual property rights are what emerge. A right derived from human reason is tied to the work or invention as a property. Humans use these rights to enhance their welfare and quality of life. The more science and technology a person or country masters, the more advanced and higher their level of thinking capacity is. Therefore, the more productive a person or country is at producing new works of art or scientific discoveries.

Data from the Cirebon Industry and Trade Office in 2022 demonstrates that, in comparison to the total number of SMEs, the number of SMEs registering IPR is still quite small.
The following is data on IPR registration for SMEs until 2022.

Table 1
Number of SMEs in Cirebon Who Register IPR

Year	Sum
2019	42
2020	183
2021	183
2022	176

As is well known, the business community places a high value on intellectual property protection. The business sector needs protection for its goods and any associated materials. The development of a business and its ability to compete depend on its intellectual property. Knowing about intellectual property rights, or IPR, is helpful not only for company protection but also for preventing legal infractions caused by IPR infringement. Because their commercial operations can provide employment opportunities and offer financial services to a wider audience, SMEs, as national economic actors, play a critical role in economic development.

However, the lengthy and complex registration process at the Office of the Ministry of Law and Human Rights is a hindrance to the lack of IPR registrants, making it impossible to safeguard the creative industry since most SMEs lack the time to visit the office. In their study, Suyanto et al. (2020) emphasize that bureaucratic inefficiencies and the lack of awareness are significant barriers preventing SMEs from securing intellectual property rights. They recommend the development of localized registration centers and digital platforms to simplify the process, which aligns with the challenges faced by SMEs in Indonesia, including those in Cirebon.

Furthermore, research by Suharyati and Kurniawan (2021) in "The Role of Local Governments in Supporting SME Intellectual Property Protection" reveals that regional governments play a crucial role in facilitating IPR awareness campaigns and providing technical assistance for registration. This study highlights the effectiveness of collaboration between SMEs, local governments, and educational institutions in empowering the creative industry through IPR protection.

In order to safeguard their innovative products in the free market, SMEs should be afforded equal opportunities and benefits, particularly in the area of intellectual property. Studies, such as Prasetyo and Rahayu (2019), underline that effective government intervention in streamlining IPR registration can significantly increase the competitiveness of SMEs and foster sustainable economic growth. This can be achieved by removing bureaucratic bottlenecks, increasing public awareness, and implementing accessible IPR registration platforms.

The primary objectives of this study are to: (1) identify and assess the need for small and medium-sized businesses in Cirebon to have legal protection for their intellectual property rights as members of the creative industry; and (2) define the role of the Cirebon Regional Government in providing this protection. These objectives are aligned with findings from previous research, further emphasizing the urgency of providing accessible and efficient IPR mechanisms for SMEs.

RESEARCH METHODS

This study employed an empirical juridical law research methodology to understand and assess the significance of IPR protection for SMEs. Empirical juridical research, often referred to as field research, examines both actual occurrences in society and the relevant legal provisions. In this study, field research focused on the application of IPR protection regulations for the creative industry, specifically targeting SMEs in Cirebon. This approach, which is also known as a sociological method, was carried out on-site to evaluate how associated institutions contribute to raising awareness about the value of intellectual property rights and providing application services for IPR to SMEs.

The empirical legal research method aims to analyze real-life situations or social events to gather necessary facts and data. In this study, the primary data source was derived from direct field research conducted at the DI Cirebon Intellectual Property Management Center. The data was collected through interviews and direct retrieval of documents and related materials. For instance, the research involved interviews with the Head of the DKUKMPP DI Cirebon Intellectual Property Management Center to discuss the challenges faced by SMEs regarding IPR registration and protection.

Once the necessary data was collected, the analysis process employed qualitative methodologies to interpret the findings and describe the reality based on the research results. Through this process, an inductive method of reasoning was utilized to draw specific conclusions from the data, which were then generalized to address the identified issues. This comprehensive approach allowed the study to provide actionable insights and recommendations for improving IPR registration processes and awareness among SMEs in Cirebon.

RESULTS AND DISCUSSION

The goal of legal protection is to arrange different social interests in a way that prevents conflicts and allows everyone to benefit from all legal rights. Legal protection in this context will be related to IPR protection for items produced by SMEs in the creative industry, in compliance with Indonesian IPR laws and regulations. If small and medium-sized businesses (SMEs) now

enjoy legal protection for their products, this will undoubtedly give legal certainty to their attempts to defend their ownership of the product rights.

SMEs are a part of the creative industries, and as they operate, they will provide innovative goods and services. Creative economy products are works of art that should be recognized as intellectual property with economic worth and that should be protected by the law.

The creative economy industry (ekraf), in contrast to the traits of industries as a whole, is a part of the industrial groups made up of several kinds of industries, each of which is involved in the process of turning an idea or idea into intellectual property. The creative sector can boost a nation's economic growth and has a high economic value for the employment and well-being of the community. Intellectual property created and owned by a creator in the arts, sciences, and literature or by an inventor in the technology sector is referred to as creative economy products.

Thus, as works of economic worth, creative creations are a wealth that should be recognized and their intellectual property rights should be protected. the market for creative work has enormous potential both domestically and internationally, and it tends to develop. The goal of ensuring that the creators of innovative ideas and products enjoy financial rewards for their intellectual labors is reinforced by this, underscoring the significance of intellectual property rights (IPR) protection for products in the creative economy.

Applications for registration are a necessary and sufficient condition for IPR protection in certain cases, including Trademarks, Patents, Industrial Designs, and Geographical indications. Declarative principles provide the basis of the legal protection system for trade secrets and copyright, among other intellectual property rights. Trademark registration applications from SMEs continue to be the majority at the moment. A trademark's protection is granted upon registration, as per the provisions of Law Number 20 of 2016 respecting Trademarks and Geographical Indications, specifically Article 3. In light of this, trademark registration is crucial for brand protection.

The Role of Local Governments in Providing IPR Protection to SMEs in Cirebon

Intellectual property rights (IPRs) pertain to wealth that originates from human knowledge. These skills can take the shape of literary, scientific, technological, or artistic creations. The two main categories of intellectual property rights are industrial property rights and copyright, respectively. Literature, art, and science are all protected by copyright. Patents, trademarks, industrial designs, integrated circuit layout designs, trade secrets, and plant variety protection are examples of intellectual property rights.

The Ministry of Industry has set four strategic steps in facing Industry 4.0. The steps to be implemented are: First, encouraging the workforce in Indonesia to continue to improve its capabilities and skills, especially in using internet of things technology or integrating internet capabilities with production lines in industry; Second, the use of digital technology to spur productivity and competitiveness for small and medium industries (SMEs) to be able to penetrate the export market through the E-smart IKM program. Third, the use of digital technology that is more optimal in national industries such as Big Data, Autonomous Robots, Cybersecurity, Cloud, and Augmented Reality.Fourth, encourage technological innovation through the development of start-ups by facilitating business incubation so that more technology-based entrepreneurs in the Indonesian region are located.

The use of digital technology to boost productivity and competitiveness for SMEs in breaking into the global market is the second of the four strategic measures that the Ministry of Industry has identified to confront Industry 4.0. This article will concentrate on this step. When it comes to pushing the business community to adjust to the Fourth Industrial Age, or Industry 4.0, which is dominated by connectivity, the Indonesian government appears sincere on paper. These days, it is impossible to isolate oneself from the internet.

In order to facilitate SMEs' access and eliminate time and location restrictions, IPR services for SMEs should also make use of internet connectivity. This will allow SMEs to access

information at any time and from any location. It is imperative to design a system that allows SMEs to quickly and simply access IPR registration applications without compromising their ability to conduct business in many locations. The online platform of the IPR service facility is a website or online system.

IPR registration via the online system will be a helpful tool for making IPR registration easier for SMEs, as well as a precise and simple way to keep track of SME information. This is commonly known as cloud computing. Nevertheless, in addition to the benefits of the online application procedure for IPR registration, a potential drawback is that this approach is highly reliant on the internet network; therefore, it will be limited in the event of an internet network outage.

At the Cirebon Intellectual Property Management Center, a website is currently being developed that can be used to carry out socialization, applications for IPR applications and SME database storage. The website is named Jogja KI Online Intellectual Property Services, which was developed through this research.

BPKI, whose organizational structure consists of the head, functional position group, administrative sub-division, intellectual property facilities section, and intellectual property empowerment section, is tasked with carrying out intellectual property management to increase the number of registered IPRs from small and medium industries or centers fostered. The functions of BPKI are: (1) the preparation of the work plan of the Center; (2) empowerment of intellectual property potential; (3) intellectual property coaching and advocacy; (4) management of intellectual property information management systems; (5) the development of intellectual property centers; (6) the implementation of intellectual property facilitation; (7) the implementation of administration; (8) monitoring, evaluation, and preparation of the Center's program report; (9) the implementation of other duties given by the superior in accordance with the duties and functions of the UPT.

So far, the local government has played a role in providing services to SMEs such as: (1) Intellectual Property Rights Consultation (KONKI); (2) facilitating IPR registration; (3) issuance of recommendations for SMEs; (4) advocacy. The importance of brand protection encourages convenience for SMEs so that they do not have to go to the BPKI office when applying for IPR registration, do not have to bring many IPR submission documents, and registration can be done anywhere at the residence or place of business of SMEs. The online IPR registration facility for SMEs provided by the local government through BPKI is expected to spur an increase in registration applications for SMEs.

In addition to these measures, the government can further enhance its role by strengthening partnerships with universities and professional associations to provide training and mentoring programs tailored to SMEs in the creative industry. Public awareness campaigns about the importance of intellectual property rights can also be intensified through workshops and seminars held at community hubs or business centers. Moreover, the government can work towards improving the accessibility and usability of online IPR registration platforms by integrating mobile application-based systems, enabling SMEs to register their intellectual property more efficiently from any location.

Facilitating SMEs' access to the Jogja KI Service through mentoring, training, and socialization is the first step towards the website's existence. Future challenges must focus on developing an Android/iOS-based IPR registration system to provide even greater accessibility. However, it is essential to ensure that the legal requirements for IPR registration are maintained even with the online system, preserving the integrity of the process while making it more accessible for SMEs.

CONCLUSION

The following conclusions can be drawn from the information presented in the research and discussion: first, as the market for works produced in the creative economy is expected to develop, it is critical to protect intellectual property rights (IPR) for these items in order to preserve the creators' financial rights. The second is the part played by local governments in giving SMEs legal protection for intellectual property rights. One way this is done is by using the IPR Registration facility, which serves as a gateway to legal protection and should make it simpler for SMEs to submit IPR registration applications.

In addition to facilitating the registration process, local governments can strengthen their role by offering integrated services that combine IPR consultations, training, and mentoring programs to raise awareness among SMEs about the importance of intellectual property rights. Governments should also invest in the development of mobile-friendly IPR registration platforms, allowing SMEs to register their intellectual property more conveniently. Furthermore, the government can collaborate with stakeholders such as universities, industry associations, and legal experts to provide technical support and advocacy for SMEs, especially those in rural or underserved areas.

By taking these measures, local governments not only ensure the legal protection of creative works but also contribute to the sustainable growth of the creative economy. Protecting intellectual property rights will empower SMEs to compete globally, secure their financial rights, and foster innovation, ultimately driving economic development at both regional and national levels.

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