Volume 6 Issue 1, January 2025: pp.19-42
Indonesian Private Law Review.
Faculty of Law, Universitas Lampung,
Bandar Lampung, Indonesia.
P-ISSN: 2723-259X E-ISSN: 2745-9284
https://jurnal.fh.unila.ac.id/index.php/iplr

SYSTEMIC FAILURES IN PROMOTING LEGAL CULTURE OF INTELLECTUAL PROPERTY RIGHTS AMONG INDONESIA'S CREATIVE ECONOMY ACTORS

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Submitted: May 24, 2025; Reviewed:August 12, 2025; Accepted: September 22, 2025
DOI: 10.25041/iplr.v6i1.4224

Abstract

The creative economy (CE) is a vital driver of national economic growth, yet awareness of Intellectual Property Rights (IPR) among Creative Economy Actors (CE Actors) remains low, with many failing to protect, register, or own IPR. This weak legal culture poses a major barrier to effective IPR protection. This research analyzes the factors behind the government's failure to foster an IPR legal culture and formulates strategies to strengthen awareness and ownership among CE Actors. Using a socio-legal approach that combines doctrinal legal analysis with empirical investigation, the research identifies systemic obstacles, including inconsistent presidential commitment, the absence of operational frameworks at subnational levels, weak professionalism within the legal bureaucracy, and the lack of IPR and creative economy education. To address these challenges, the government must establish firm and sustained presidential commitment, enact comprehensive implementing regulations, set professionalism standards for relevant bureaucracies, reinforce both internal and external legal culture, and integrate IPR and creative economy content into educational curricula. Coordinated action on these fronts is essential to increase IPR ownership, strengthen legal protection, and support the sustainable growth of Indonesia's creative economy.

Keywords: Legal Culture; Intellectual Property Rights; Creative Economy; Government Policy.

A. Introduction

The Indonesian government has designated the creative economy as a key pillar of future economic development. Law Number 24 of 2019 on the Creative Economy underscores the central role of intellectual property rights (IPR) in this sector[1]. The creative economy represents

[1] Dzaki Yudi Ananda and M. Halley Yudhistira, "Kepemilikan Hak Kekayaan Intelektual Dan Kinerja Sektor Ekonomi Kreatif Di Indonesia," *Jurnal Kebijakan Ekonomi* 16, no. 1 (2021): 1–17, https://doi.org/10.21002/jke.2021.01.

a modern economic model driven by information and creativity, where ideas and knowledge serve as primary production inputs. Its emergence is closely tied to the technological transformations reshaping the global economy[2].

Economic growth is strongly linked to the protection of IPR. Countries such as the United States, Singapore, and Thailand have gained substantial advantages from intellectual property–based products, which hold economic value through sale, licensing, or use as collateral[3]. In Indonesia, the creative economy has become a major driver of economic growth, supported by rapid advancements in information and communication technology[4]. The foundation of this contribution lies in the exclusive rights provided by the IPR system.

In this context, strengthening legal protection for IPR is a strategic priority for countries seeking innovation-driven growth[5]. Several resource-poor nations have successfully advanced by capitalizing on IPR and fostering the creative economy. Unlike finite natural resources, IPR relies on intangible and inexhaustible assets, namely human creativity and innovation. Material resources are inherently limited, whereas the potential of the human mind is bound only by imagination. IPR investment generates both economic and moral value[6]. Creators, innovators, and designers retain moral rights, including the right to be acknowledged for their works even when economic rights are transferred. This preserves their legacy while enabling them to expand through franchises and creative enterprises that can influence societies, economies, and cultures on a global scale[7].

Intellectual Property Rights (IPR) constitute intangible entitlements arising from intellectual and creative activity across diverse fields. Although non-physical, these rights carry significant economic value. Individuals who invent, create, or hold intellectual property are granted exclusive rights to derive economic benefits, while others must obtain permission or a license to use or exploit such property[8].

The effective and equitable utilization of IPR plays a vital role in national development. It contributes not only to economic growth but also to social and cultural welfare, fair business competition, consumer protection, technology transfer, and the promotion of international trade[9]. In Indonesia, IPR has made a measurable contribution to the economy, generating IDR 1,105 trillion (approximately 7% of the national GDP in 2019) and providing employment for approximately 17 million people annually. [10]

In the current era of Industry 4.0 and Society 5.0, economic strength no longer depends primarily on natural resources but rather on human resources, particularly creativity, knowledge, and innovation. This shift has propelled the rise of the creative economy, a modern

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[2] Ahmad Ulil, Sakti Lazuardi, and Ditta Chandra Putri, "Arsitektur Penerapan Omnibus Law Melalui Transplantasi Hukum Nasional Pembentukan Undang-Undang," *Jurnal Ilmiah Kebijakan Hukum* 14, no. 1 (2020): 1–18, https://doi.org/10.30641/kebijakan.2020.v14.1-18.

[3] Abhishek Thommandrua et al., "Role of Tourism and Hospitality Business in Economic Development," *Materials Today: Proceedings* 80, no. 4 (2021): 1–4, https://doi.org/http://dx.doi.org/10.1016/j.matpr.2021.07.059.

[4] Sri Handayani, Muhammad Rasyid, and Saut Parulian Panjaitan, "The Legal Importance of Registering Intellectual Property for Creative Economy Stakeholder as Loan Collateral," *Simbur Cahaya* 31, no. 1 (2024): 18–33, https://doi.org/10.28946/sc.v31i1.3332.

[5] Fanuel Mwashumbe et al., "Intellectual Property Strategies and Innovation Ecosystems in ICT Industry in Kenya," *East African Scholars Multidisciplinary Bulletin* 7, no. 05 (2024): 42–48, https://doi.org/10.36349/easjmb.2024.v07i03.002.

[6] I Gede Agus Kurniawan et al., "Intellectual Property Rights and Ethics: A Comparison of Philosophical Approaches in Nothern and Southern Countries," *Kosmik Hukum* 25, no. 1 (2025): 106–23, https://doi.org/10.30595/kosmikhukum.v25i1.24489.

[7] Iswi Hariyani, Cita Yustisia Serfiyani, and R. Serfianto D. Purnomo, *Hak Kekayaan Intelektual Sebagai Jaminan Kredit* (Yogyakarta: Penerbit Andi, 2024).

[8] Darwance, Yokotani, and Wenni Anggita, "Dasar-Dasar Pemikiran Perlindungan Hak Kekayaan Intelektual," *PROGRESIF: Jurnal Hukum* 15, no. 2 (2020): 193–208, https://doi.org/10.33019/progresif.v15i2.1998.

[9] Tim Lindsey et al., *Hak Kekayaan Intelektual: Suatu Pengantar* (Bandung: Alumni, 2013).

[10] Biro Hukum dan Kerjasama Kementrian Hukum dan Hak Asasi Manusia, "Ekonomi Kreatif Berbasis Kekayaan Intelektual Jadi Poros Ekonomi Nasional," Kementerian Hukum dan Hak Asasi Manusia, 2021, https://www.kemenkumham.go.id/berita-utama/ekonomi-kreatif-berbasis-kekayaan-intelektual-jadi-poros-ekonomi-nasional,.

paradigm that generates value by harnessing talent, intelligence, and cultural products protected by IPR to promote both community welfare and economic growth.[11]

Yasonna H. Laoly, during his tenure as Minister of Law and Human Rights (2019–2024), emphasized that the creative economy is a cornerstone of Indonesia's socio-economic framework. He argued that it not only supports economic stability but also drives inclusive and innovation-based growth, positioning the creative economy as a structural axis of national development rather than a peripheral sector.

Nevertheless, a significant challenge persists. Despite the advantages of IPR ownership for creative economy actors, awareness of the need to protect, register, and manage intellectual property remains low. This declining awareness is reflected in the data presented in Table 1.

Table 1. Problems with the Low or Declining Ownership of IPR Among CE Actors

Prof. Yasonna Hamonangan Laoly, S.H., M.Sc., Ph.D – Minister of Law and Human Rights of the Republic of Indonesia (2019-2024)	The awareness of CE Actors to protect IPR remains low, resulting in a limited number of actors who pay attention to or provide protection for IPR. From 2019 until 2021, the number of intellectual property registration applications received was approximately 76,294, while the number of MSMEs was around 65.4 million.
Source: Wapresri in Jakarta, April 2022.	
Dr. Ir. Robinson Hasoloan, S.H., LL.M – Director of Intellectual Property Development for the Creative Economy Industry, Ministry of Tourism and Creative Economy (2022)	Based on 2020 data, only 1.8% of local entrepreneurs possess IPR. This means that 98% of entrepreneurs do not own IPR. This ratio has drastically decreased from 11.05% in 2016 (Velicia, 2022).
Source: Kompas in Jakarta, Desember 2022.	
Dra. Sri Lastami, S.T., M.IPL – Director of Intellectual Property Cooperation and Empowerment (2023)	The level of IPR protection in Indonesia remains low, even among CE Actors. Nearly 90% of creative economy entrepreneurs in Indonesia do not possess intellectual property protection.
Source: Directorate General of Intellectual Property in Jakarta, December 2023	

[11] Adi Sulistiyono, "Membangun Kolaborasi Hukum Hak Kekayaan Intelektual Dan Ekonomi Kreatif Di Era Globalisasi," in *Seminar Internasional Dan Call Paper Symphhonizing Intellectual Property For Public Welfare* (Lombok: Kerja Sama Universitas Mataram dan Asosiasi Pengajar Hukum Kekayaan Intelektual (APHKI), 2017).

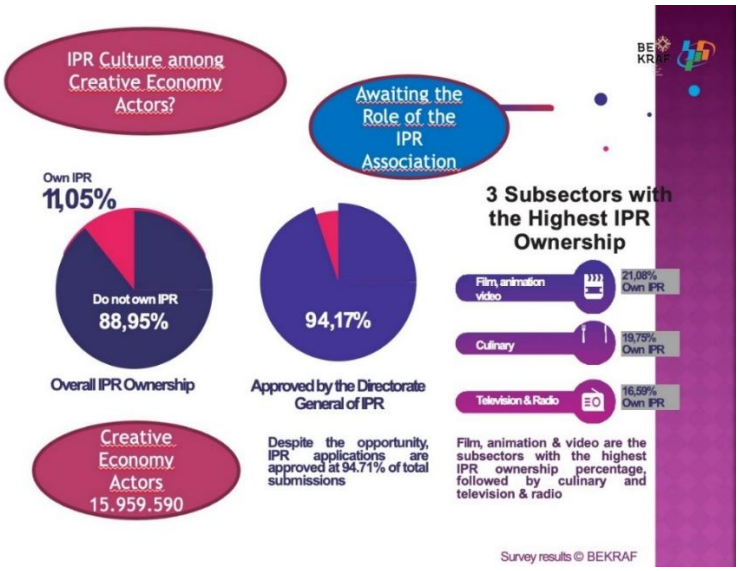

Figure 1. IPR Ownership in 2017

Source: BEKRAF (Creative Economy Agency), 2017

Table 1 illustrates the problem of low and declining IPR ownership among creative economy (CE) actors, and Figure 1 depicts IPR ownership in 2017. The existing regulations have not translated into widespread ownership. In 2016–2017, the IPR ownership rate among CE actors was only 11.05 percent, leaving 88.95 percent of the 15,959,590 actors without registered rights. Even in the three subsectors with the highest levels of ownership: film, animation and video (21.08 percent), culinary (19.75 percent), and television and radio (16.59 percent) registration remains far from optimal, suggesting that awareness and compliance are concentrated in a limited segment of the industry.

The data expose a structural weakness in both the dissemination and enforcement of IPR regulations. While the Directorate General of IPR recorded a 94.17 percent approval rate for applications, the core issue lies not in application rejections but in the low number of submissions. Building on this evidence of persistently low ownership, recent enforcement statistics further reveal the growth of intellectual property violations, underscoring the limited integration of IPR norms into the daily practices of CE actors..

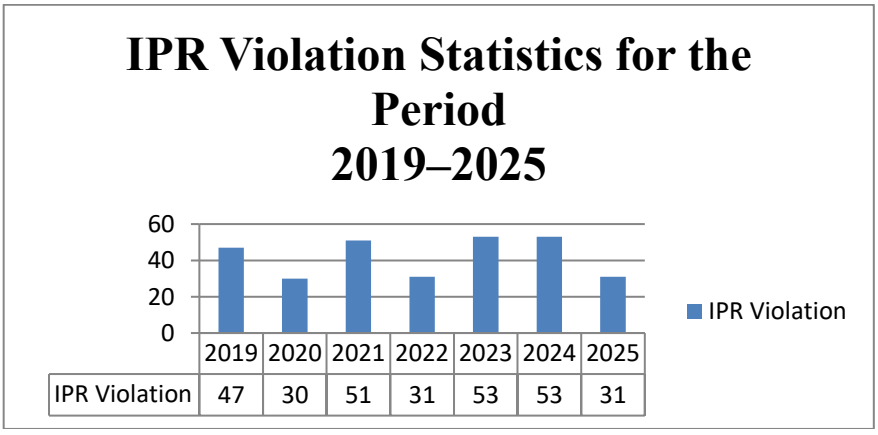

Figure 2. IPR Violation in 2019 - 2025

Source: Directorate General of Intellectual Property (DGIP), 2025

According to the Directorate General of Intellectual Property (DGIP), 296 cases of IPR infringement were recorded nationwide between 2019 and 2025. Trademark violations

P-ISSN: 2723-259X
E-ISSN: 2745-9284

accounted for the largest share (163 cases), followed by copyright (87 cases) and patents (21 cases), with the remainder involving industrial designs, layout designs of integrated circuits, and trade secrets. The peak occurred in 2023 and 2024, with 53 cases each year, before showing a slight decline in early 2025. These figures, drawn from DGIP enforcement reports and verified by national media, demonstrate that despite a well-established regulatory framework, compliance remains weak. This trend mirrors the persistently low IPR registration rates among creative economy (CE) actors and underscores a systemic gap between legal provisions and actual practices, where awareness and adherence to IPR protection remain inadequate[12].

This research offers a novel contribution to the discourse on intellectual property rights by shifting the analytical focus from the commonly discussed challenges faced by CE actors to a critical examination of the structural and institutional shortcomings of the state in fostering a legal culture of IPR. While previous scholarship has emphasized individual awareness, enforcement difficulties, or economic barriers, this research highlights systemic deficiencies, including the inconsistent legal-political stance of the executive branch, the absence of coherent operational frameworks at subnational levels, and professional limitations within the bureaucratic apparatus responsible for the creative economy.

The central research problem addressed is: What factors contribute to the low awareness of CE actors regarding IPR, and what strategies can enhance this awareness? The research aims to uncover the root causes of governmental shortcomings in building a robust legal culture for IPR, with a particular focus on their implications for the creative economy sector. By identifying underlying factors such as policy inconsistencies, institutional inefficiencies, and gaps in education and public awareness, this research seeks to provide a comprehensive understanding of the systemic barriers hindering IPR ownership among CE actors. In addition, the research aims to formulate evidence-based strategies to strengthen legal awareness, improve compliance, and ultimately increase IPR registration rates. The significance of this research lies in its contribution to enhancing legal protection for creative works, safeguarding economic value, and supporting the sustainable growth of Indonesia's creative economy, which has been recognized as a key driver of national development.

This research adopts a socio-legal approach, grounded in normative legal analysis while incorporating policy, institutional, and socio-cultural dimensions. It combines an examination of statutory provisions and legal doctrines with an assessment of empirical evidence, administrative performance, and educational initiatives related to IPR in Indonesia's creative economy. Data collection and analysis draw on a review of laws and regulations, legal literature, and secondary data from government sources and credible websites. A descriptive-analytical method is then employed to explore the relationship between legal norms and their implementation.

B. Discussion

Awareness of intellectual property rights (IPR) among Indonesia's creative economy actors remains strikingly low, despite the sector's formal recognition under Law Number 24 of 2019 on the Creative Economy. Data from 2016–2017 indicate that only about 11 percent of nearly 16 million actors had secured IPR, leaving almost 89 percent unprotected. Even in the most progressive subsectors, such as film, animation and video (21.08 percent), culinary (19.75 percent), and television and radio (16.59 percent), ownership rates remain unsatisfactory. Enforcement data from the Directorate General of Intellectual Property (DGIP) between 2019 and 2025 further reveal systemic weaknesses, with 296 infringement cases recorded,

[12] Kementerian Hukum Republik Indonesia Direktorat Jenderal Kekayaan Intelektual, "Pelanggaran Kekayaan Intelektual Capai 296 Kasus Dalam Tujuh Tahun, DJKI Perkuat Langkah Penegakan Hukum," Kementerian Hukum Republik Indonesia Direktorat Jenderal Kekayaan Intelektual, 2025, https://www.dgip.go.id/index.php/artikel/detail-artikel-berita/pelanggaran-kekayaan-intelektual-capai-296-kasus-dalam-tujuh-tahun-djki-perkuat-langkah-penegakan-hukum?kategori=Berita+Resmi+Desain+Industri&utm.

predominantly involving trademarks and copyrights. Although IPR application approval rates exceed 94 percent, the fundamental issue is the limited number of actors registering their works. This gap between the existence of legal frameworks and their application suggests that IPR norms have not been internalized within the daily practices of creative economy stakeholders.

The problem becomes more evident when analyzed through the lens of legal culture and legal awareness. Lawrence M. Friedman argues that a legal system functions effectively only when its structure, substance, and culture are in balance, with cultural acceptance serving as a decisive element.[13] Similarly, Anthony Allott emphasizes that law cannot be detached from the society it regulates, as it loses effectiveness when it conflicts with prevailing social values.[14] Low registration rates among creative economy actors therefore reflect more than administrative or technical barriers; they point to a weak legal culture in which intellectual creations are not yet widely regarded as assets requiring protection. These dynamics illustrate that the challenges are not only institutional but also cultural, necessitating deeper inquiry into the factors behind low IPR awareness and strategies to strengthen it.

On the other hand, the United Kingdom has adopted a more integrated and system-wide approach to cultivating an IP-conscious culture within its creative industries. The UK Intellectual Property Office (IPO) combines education with practical business resources. Through the IP Education Framework, IP knowledge is introduced progressively from primary school through higher education across disciplines such as Art and Design, Music, and Computing.[15] Initiatives such as Cracking Ideas encourage young people to value lawful creativity and respect intellectual property from an early age. These educational efforts are complemented by the IP for Business toolkit, which provides small and medium enterprises and creative enterprises with guidance, self-assessment tools, and case studies for effective IP management. At the policy level, these initiatives are embedded within broader strategies, making intellectual property a central pillar of the Creative Industries Sector Vision. The IPO's 2024–2027 strategic plan and annual reports underscore growth-oriented goals, including financing opportunities for IP-intensive creative clusters. Collectively, this layered approach that connects education, business tools, and strategic policy has strengthened compliance practices and reduced barriers for designers, studios, and independent creators in applying and benefiting from IPR.[16]

1. Causes of the Government's Failure to Foster a Legal Culture of Intellectual Property Rights

This research examines the causes of the government's failure to foster a legal culture by employing several theoretical frameworks: Lawrence Meir Friedman's and Adi Sulistiyono's legal system theory, Anthony Allott's theory of legal effectiveness, Lon Fuller's principles of law, and Roscoe Pound's conception of law as an instrument of social engineering. These frameworks are elaborated in the following discussion.

2. Inconsistency in Presidential Legal Policy on the Development of the Creative Economy

Presidential legal policy constitutes a central factor in shaping Indonesia's legal and economic order. Within the framework of economic law aimed at advancing the national vision, the President is expected to demonstrate a strong and consistent commitment to making law both a guiding force for economic activities and a firm basis for sanctioning violations that undermine the economy[17]. Mahfud M.D. defines legal policy as encompassing the entire

[13] Lawrence M. Friedman, *The Legal System: A Social Science Perspective* (New York: Russel Sage Foundation, 1987).
[14] Anthony Allot, *The Effectiveness of Law* (Valparaiso: Valparaiso University Law Review, 1981).
[15] Guy Robinson, "IP and Youth – Innovating for a Better Future," GOV UK, 2022, https://ipo.blog.gov.uk/2022/04/26/ip-and-youth-innovating-for-a-better-future/?
[16] Department for Culture Media and Sport, *Creative Industries Sector Vision*, *Gov.Uk* (London: HH Associates Ltd, 2023), https://www.gov.uk/government/publications/creative-industries-sector-vision.
[17] Adi Sulistiyono and Muhammad Rustamaji, *Hukum Ekonomi Sebagai Panglima* (Sidoarjo: Masmedia Buana Pustaka, 2009).

process from the formulation to the implementation of laws, thereby indicating the direction of the legal system being built and enforced[18]. Similarly, Teuku Muhammad Radhie views legal policy as an expression of governmental will in establishing binding regulations and determining their trajectory of development[19].

From these perspectives, it follows that the state's authority in lawmaking supports the view that legal policy represents the state's decisions on the laws to be implemented, closely linked to national goals as expressed in legislation[20]. Accordingly, presidential legal policy is fundamentally tied to the President's role in the legislative process and policymaking, exerting significant influence over the legal system. The President thus acts as the driving force behind legal policies that reflect and advance the government's vision and mission.

According to Adi Sulistiyono, presidential legal policy must satisfy four essential criteria. First, it must be visionary, meaning forward-looking, proactive, goal-oriented, and focused on continuous renewal and development[21]. Second, it must embody nationalism, understood, as Hans Kohn explains and Sumantri Mertadipuro translates, as the principle that an individual's highest loyalty is owed to the nation-state[22]. Third, it must incorporate empathy, which Daniel Goleman defines as the ability to understand others' feelings, perspectives, and problems by placing oneself in their situation and appreciating diverse viewpoints[23]. Fourth, it must demonstrate strong leadership, which George Terry defines as a relationship in which a leader influences individuals or groups to cooperate willingly in achieving common objectives.[24]

The specific direction of legal policy differs with each presidency, as illustrated in the following table.

Table 2. Legal Policy Directions of Indonesian Presidents Across Administrations

Susilo Bambang Yudhoyono (October 2004 - October 2014)	Joko Widodo (October 2014 - October 2024)	Prabowo Subianto (October 2024 - Present)
In 2011, the creative economy received greater attention with the issuance of **Presidential Regulation Number 92 of 2011.** ⇩ The CE was incorporated into the ministerial structure under the **Ministry of Tourism and Creative Economy.** This initiative found institutional reinforcement through the Directorate General of Creative Economy Rooted in Arts and Culture, as well as its counterpart anchored in Media, Design, Science, and Technology—two bureaucratic engines propelling the creative sector's multidimensional ascent.	Period I: **Creative Economy Agency: Presidential Regulation No. 6 of 2015 on Creative Economy Agency** ⇩ Under the direct responsibility of the President. **Ministry of Tourism: Presidential Regulation No. 19 of 2015**	**Ministry of Creative Economy** ⇩ **Presidential Regulation No. 199 of 2024 on the Ministry of Creative Economy** ⇩ Under the auspices of the Coordinating Ministry for Community Empowerment (Muhaimin Iskandar) **Ministry of Tourism** ⇩

[18] Moh. Mahfud M.D., *Politik Hukum Di Indonesia* (Jakarta: Rajawali Pers, 2009).
[19] Ahsin Tohari and Imam Syaukani, *Dasar-Dasar Politik Hukum* (Jakarta: Rajawali Pers, 2006).
[20] Kenneth Lowande and Jon C. Rogowski, "Presidential Unilateral Power," *Annual Review of Political Science* 24, no. 1 (2021): 21–43, https://doi.org/10.1146/annurev-polisci-041719-102043.
[21] Stephen R. Covey, *The 7 Habits of Highly Effective People* (New York: A. Fireside Book, 1989).
[22] Sumantri Mertadipuro, *Nasionalisme Arti Dan Sejarah Hans Kohn* (Jakarta: Erlangga, 1984).
[23] Daniel Goleman, *Kecerdasan Emosional* (Jakarta: PT. Gramedia Pustaka Utama, 1996).
[24] George R.Terry, *Asas-Asas Manajemen* (Bandung: Alumni, 1986).

Susilo Bambang Yudhoyono (October 2004 - October 2014)	Joko Widodo (October 2014 - October 2024)	Prabowo Subianto (October 2024 - Present)
		Presidential Regulation No. 198 of 2024 on the Ministry of Tourism ⇩ Under the auspices of the Coordinating Ministry for Economic Affairs (Airlangga Hartanto)
	Period II: **Ministry of Tourism and Creative Economy** ⇩ **Presidential Regulation Number 69 of 2019**	

Based on Table 2, it is evident that each president has pursued a distinct legal policy. Even under President Joko Widodo, significant changes occurred between his first and second terms. Repeated and inconsistent alterations to ministerial nomenclature, particularly the merging and splitting of institutions, should be avoided because they impede the achievement of established targets. During such transitions, ministry officials become preoccupied with internal consolidation and technical adjustments, which reduces institutional effectiveness. This concern is supported by Harry Waluyo, Main Secretary of the Creative Economy Agency in 2015, who noted in Kompas.id that a restructured ministry typically requires about one and a half years to operate effectively after addressing the technical challenges of reorganization, a period regarded as excessively long.[25]

These changes have accompanied every presidential transition and even reappeared within President Joko Widodo's second term, involving shifts of authority between ministries, institutional mergers and separations, and modifications of mandates. Such restructurings disrupt the continuity of programs aimed at fostering an IPR legal culture, causing awareness campaigns, registration services, and enforcement coordination to lose momentum or restart from the beginning. This instability not only undermines program effectiveness but also generates confusion and mistrust among creative economy actors, who perceive the IPR system as inconsistent and unpredictable.

The consequences are reflected in available data. WIPO reports that only about 11 percent of Indonesia's creative economy participants hold registered IPR[26], while other studies indicate that out of 16.7 million actors, just 17 percent have formally registered their works.[27] These persistently low figures demonstrate that beyond bureaucratic inefficiencies, the lack of stable institutional leadership at the presidential policy level weakens long-term efforts to promote IPR

[25] YOSEPHA DEBRINA RATIH PUSPARISA, "Pemisahan Kemenparekraf Diperkirakan Baru Efektif 1,5 Tahun Mendatang," Kompas.id, 2024, https://www.kompas.id/baca/ekonomi/2024/10/22/pemisahan-kemenparekraf-diperkirakan-baru-efektif-15-tahun-mendatang.

[26] Catherine Jewell, "Leveraging Indonesia's Creative Economy," WIPO, 2019, https://www.wipo.int/web/wipo-magazine/articles/leveraging-indonesias-creative-economy-40992.

[27] Sulasi Rongiyati, "PELINDUNGAN HUKUM HAK KEKAYAAN INTELEKTUAL PADA PRODUK EKONOMI KREATIF PROTECTION OF THE INTELLECTUAL PROPERTY RIGHTS ON CREATIVE ECONOMIC PRODUCTS," *Negara Hukum: Membangun Hukum Untuk Keadilan Dan Kesejahteraan* 9, no. 1 (2018): 31–46, https://doi.org/10.22212/jnh.v9i1.1001.

P-ISSN: 2723-259X
E-ISSN: 2745-9284

awareness, erodes stakeholder confidence, and hampers the development of a strong legal culture of intellectual property within Indonesia's creative economy.

a. Absence of Implementing Regulations to Facilitate IPR Ownership Among CE Actors

Lawrence Meir Friedman defines legal substance as the body of rules, norms, and patterns of human conduct that operate within a legal system[28]. This substance includes statutory provisions and regulations with binding authority that guide law enforcement in carrying out their duties. Legal substance is therefore a critical determinant of the successful implementation and effectiveness of laws in society.

Indonesia, as an archipelagic nation, possesses vast artistic and cultural wealth rooted in its diverse ethnicities, regional identities, and traditions. This cultural diversity is a vital national asset that requires protection through effective legal mechanisms, particularly in the realm of Intellectual Property Rights (IPR). Without adequate legal safeguards, creators may lose motivation to innovate, ultimately hindering the growth of Indonesia's creative economy[29].

To address this, the government has enacted key regulations such as Law No. 28 of 2014 on Copyright and Law No. 20 of 2016 on Trademarks and Geographical Indications. In IPR registration, Indonesian law recognizes two systems: the constitutive system, in which rights arise upon registration, and the declarative system, in which registration does not create rights but serves as a presumption of ownership. Under the declarative system, the registrant is acknowledged as the rights holder unless challenged, in which case proof of ownership must be provided[30].

However, the effectiveness of these frameworks is weakened by the absence of implementing regulations that clarify IPR ownership for Creative Economy (CE) actors. While primary laws exist, they often lack operational guidance tailored to specific creative subsectors. For example, Law No. 24 of 2019 on the Creative Economy does not specify how crafts such as wood, textile, leather, bamboo, and rattan should be categorized and protected under industrial design or trademark rights. This ambiguity contributes to widespread unawareness among CE practitioners about the necessity and procedures of IPR registration.

Indonesia's broader commitment to international standards, particularly through the TRIPS Agreement under the World Trade Organization, further complicates the situation. Articles XVI paragraphs 4 and 5 of TRIPS oblige member states to integrate and enforce global intellectual property norms into domestic law. Although Indonesia has complied structurally, top-down alignment alone does not guarantee accessibility or usability for practitioners, especially without clear and practical implementing rules.

Therefore, beyond formal compliance with international frameworks, what is urgently needed is a robust and responsive legal infrastructure that enables creative economy actors to navigate the intersection of creativity and commerce. This argument is grounded in Anthony Allott's theory of legal effectiveness, which emphasizes that for the substance of law regulating the creative economy to be effective, three conditions must be fulfilled.

b. The Failure to Communicate the Purpose and Objectives of the Law to CE Actors

This point underscores that if the purpose and objectives or mandates of a law are not successfully conveyed to the public, particularly to creative economy (CE) actors, the law becomes ineffective[31]. A recurring weakness in many legal systems lies in the rigid and formal language of statutes, which restricts comprehension to those with legal expertise or higher

[28] Lawrence M. Friedman, "Law, Lawyers, and Popular Culture," *The Yale Law Journal* 98, no. 8 (1989): 1579–1606, https://doi.org/doi.org/10.2307/796606.
[29] Ok. Saidin, *Aspek Hukum Hak Kekayaan Intelektual:(Intellectual Property Rights)* (Jakarta: PT. Raja Grafindo Persada, 2010).
[30] Saidin.
[31] Allot, *The Effectiveness of Law*.

education. Compounding this issue, lawmakers often fail to communicate legal norms effectively to society, and mechanisms for public feedback or engagement are frequently absent.

The philosophical foundation of Law No. 24 of 2019 on the Creative Economy is articulated in its preamble, which presents four principal considerations serving as the legislative compass. Collectively, these considerations frame Indonesia's cultural wealth not merely as heritage, but as strategic capital for creative economic growth. They also assert the state's custodial duty to nurture an enabling institutional environment that actively supports creative enterprise. Equally central is the juridical demand for legal certainty, envisioned not simply as a safeguard but as a catalyst for sectoral expansion. In this sense, the preamble operates as a juridico-political manifesto that repositions creativity as both an economic driver and a cultural expression.

These legal objectives are directed primarily toward government institutions and remain poorly understood by CE actors themselves. Limited and uneven dissemination of information has left many practitioners without a proper grasp of the creative economy concept, let alone the link between intellectual property rights (IPR) and their own products or works. As a result, IPR ownership within the sector remains alarmingly low. If CE actors were better informed about the importance of IPR, they would gain the legal awareness necessary to ensure that their intellectual creations receive comprehensive protection.

The systemic weaknesses in promoting IPR among Indonesia's creative economy actors can be illuminated through Lawrence M. Friedman's legal system framework. Friedman identifies three interdependent components: structure, substance, and culture, which must work cohesively for law to be effective. Structure refers to the institutions that create and enforce laws, while substance represents the normative content of legal provisions. Crucially, Friedman emphasizes that legal culture, defined as "the values and attitudes that bind the system of law to the society's social system," is often the decisive factor in determining whether laws function as intended.

In the case of Indonesia's Creative Economy Law, both the legislative structure and normative substance are formally in place through Law No. 24 of 2019 and its policy objectives. However, the law has yet to significantly shape the legal culture of CE actors, many of whom remain unaware of the importance of IPR and its connection to their creative output. This gap illustrates Friedman's core argument: a legal system falters when cultural acceptance and societal participation are lacking, even if the structure and substance are intact. The absence of internalization of IPR norms among CE actors therefore perpetuates the ineffectiveness of the Creative Economy Law.

c. The Colision of The Goals That Lawmakers Want to Achieve with Basic Desire of Society

In this regard, Anthony Allott contends that the ineffectiveness of law arises from the tension between the aspirations of lawmakers and the socio-cultural realities into which these laws are introduced. This tension often becomes evident in the distinction between modern and traditional societies. In traditional societies, leadership plays a central role, and individuals or their representatives are more actively involved in the creation of laws. When laws conflict with prevailing social values or the fundamental nature of society, they lose their effectiveness and fail to deliver the intended results or benefits.

This perspective is highly relevant to intellectual property rights (IPR) laws, which are inherently individualistic. For many creative economy (CE) actors, particularly those rooted in traditional communities, this orientation conflicts with a cultural preference for communal interests. In these contexts, the imitation of works and the sharing of knowledge are often regarded as the highest form of respect for creators rather than as violations of ownership. Allott's framework highlights several points of divergence:

1) Goals of the legislators: to establish a clear legal framework that protects works derived from human creativity and encourages continued innovation.

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2) Nature of society: many CE actors, particularly among younger generations, pursue creative activities outside legal boundaries, often due to limited comprehension, high enthusiasm for experimentation, and restricted resources.
3) Conflict: complex and costly administrative procedures discourage them from registering their works, leading to non-compliance.
4) Goals of the legislators: to promote widespread comprehension and application of the Creative Economy Law across diverse regions, ensuring that stakeholders internalize its provisions.
5) Nature of society: in many regions, CE actors lack education and awareness about the law and their rights under it.
6) Conflict: the absence of knowledge prevents them from recognizing the value of IPR, reducing awareness and undermining legal effectiveness.

Allott emphasizes that law derives its authority from society and loses normative strength when it clashes with cultural norms. This tension is evident in the implementation of Indonesia's Creative Economy Law, which seeks to provide legal certainty and strengthen IPR through complementary regulations such as Law No. 28 of 2014 on Copyright and Law No. 20 of 2016 on Trademarks. However, their individualistic orientation often collides with communal traditions that regard knowledge-sharing as cultural preservation. In the batik industry, for instance, patterns are frequently reproduced across regions without formal registration, as artisans prioritize continuity of tradition over exclusive rights. Similarly, culinary innovations are widely shared and replicated within communities as part of cultural heritage rather than as a matter of competition. For many CE actors, the IPR registration process is not only viewed as expensive and complicated but also as unnecessary within their cultural framework. This dynamic reflects Allott's argument that laws detached from social realities lose their normative force.

d. Inadequate Supporting Instruments for the Regulation Implementation

Anthony Allott argues that law becomes ineffective when it lacks norms, commands, institutions, or processes to ensure implementation.[32] In the context of Law No. 24 of 2019 on the Creative Economy, its operational framework is elaborated in Government Regulation No. 24 of 2022, which translates abstract legal principles into concrete measures. This regulation is not merely a supplementary instrument but a crucial mechanism that enables the law to achieve tangible socio-economic outcomes.

1) Intellectual Property-Based Financing

Article 4, paragraph (1), stipulates that "The Government facilitates Intellectual Property-Based Financing schemes through financial institutions, both banking and non-banking, for Creative Economy actors." Article 10 further specifies that "Intellectual Property that can be used as collateral for debt includes..." However, these provisions remain unimplemented in practice. The author's prior research, Problems with Content in YouTube as Bank Credit Collateral, found that copyrighted YouTube content does not meet the criteria for valid collateral as outlined by Munir Fuady. Such content fails to fulfill requirements of easy and quick collateral binding, stable or increasing value, simple and low-cost execution, and independence from debtor cooperation. [33]

2) Facilitation of Marketing Systems for Intellectual Property-Based Creative Economy Products

Article 18 of Government Regulation No. 24 of 2022 requires the government and regional governments to facilitate marketing systems for intellectual property-based creative economy

[32] Allot.
[33] Dewandira Darruning Sripradnya, "Problematika Konten Dalam Akun Youtube" (Universitas Sebelas Maret, 2023).

products. Article 19, paragraph (1)(b), mandates the integration of business licensing and registration services into electronic systems, while Article 21(c) extends this integration to applications for intellectual property registration and recording. In practice, these provisions have yet to be effectively realized. Intellectual property awareness among Creative Economy actors remains low.

Article 19(e) also refers to "marketing promotion assistance." Yet not all products promoted under this scheme possess intellectual property protection, reflecting gaps in the government's capacity to monitor and support intellectual property ownership. At the regional level, regulatory insufficiency is evident. For example, Surakarta, a member of the UNESCO Creative Cities Network for crafts and folk art, only has Mayor Regulation No. 1.1 of 2022 on the Creative Economy Development Action Plan. Several programs within this plan have stalled due to opposition from the Surakarta City Council's Budget Committee, as mayoral regulations lack the binding force of regional regulations. To date, no implementing regulation specifies the obligations and responsibilities of the central and regional governments in facilitating intellectual property rights (IPR) ownership for Creative Economy actors, nor is there a clear mechanism for implementation.

This situation exemplifies Allott's view that law without supporting institutions and procedures is ineffective. While Law No. 24 of 2019 and Government Regulation No. 24 of 2022 provide a normative framework, their execution is hindered by the absence of derivative regulations and operational clarity. The promise of IPR-based financing has not materialized, as illustrated by the impracticality of using YouTube content as collateral. Similarly, the mandate for integrated electronic licensing remains incomplete, leaving many actors, particularly in culinary and fashion sectors, without accessible avenues to protect their intellectual property. In regions such as Surakarta, the lack of binding regional regulations further weakens implementation. These shortcomings demonstrate that Indonesia's regulatory framework remains largely "law in books" rather than "law in action," limiting its capacity to promote effective IPR awareness and protection among Creative Economy actors.

e. Low Professionalism of the Creative Economy Legal Structure (Bureaucracy)

The legal structure refers to the institutions and actors responsible for realizing the law through its formation, enforcement, and development. It regulates how the law operates within the framework of formal provisions and encompasses the judiciary, policymakers, and enforcement mechanisms[34]. As such, the legal structure plays a decisive role in determining the effectiveness of legal implementation.[35]

In the governmental system, the performance of the legal structure is strongly influenced by the consistency of legal politics set by the president. Inconsistency in legal politics often produces ambiguity and weak professionalism in policy implementation across central and regional agencies. This situation leads bureaucrats to lose focus in performing their core functions, including in the creative economy sector. Consequently, programs designed to promote intellectual property rights (IPR) awareness and ownership among Creative Economy (CE) actors are not optimally implemented. Weak coordination between agencies further undermines the enforcement of laws and the application of policies, highlighting the need for consistent legal politics to ensure that the legal structure functions effectively and professionally while fostering a supportive legal culture.

The issue of low professionalism within the creative economy bureaucracy is closely tied to the mandates of Law No. 28 of 2014 on Copyright and Law No. 13 of 2016 on Patents. Both laws require the state to provide accessible, efficient, and transparent services for IPR registration, protection, and enforcement. Law No. 28/2014 obliges the government to facilitate

[34] Bernard Arif Sidharta, *Refleksi Tentang Struktur Imu Hukum* (Yogyakarta: Gadjah Mada Unversity, 2002).
[35] Peter Mahmud Marzuki, *Pengantar Ilmu Hukum* (Jakarta: Kencana Prenada Media, 2008).

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E-ISSN: 2745-9284

copyright registration through user-friendly mechanisms, while Law No. 13/2016 mandates the Directorate General of Intellectual Property (DJKI) to ensure procedural efficiency in patent registration and dispute resolution. In practice, however, low professionalism manifests in delayed processing, inconsistent regulatory application, and limited technical competence. These shortcomings undermine the intent of the laws, discourage CE actors from registering their intellectual property, and weaken overall protection in the sector.

The interaction between bureaucratic inefficiency, low professionalism, and inconsistent legal politics has sustained low levels of IPR awareness among Indonesia's creative economy actors[36]. Weak institutional capacity has resulted in limited outreach, inadequate education, and ineffective facilitation for creators. As a result, many participants remain uninformed about the procedures, benefits, and legal protections associated with IPR registration. Data show that only about 11 percent of creative economy actors in Indonesia hold registered intellectual property rights, while another research indicates that out of 16.7 million creative workers nationwide, only 17 percent have officially registered their works[37]. These figures underscore how structural weaknesses in the bureaucracy hinder effective policy implementation and create uncertainty and mistrust, further discouraging engagement with the IPR system.

f. The Suboptimal Internal and External Legal Culture

Esmi Warasih defines legal culture as the collective attitudes and values of society that shape how law is understood and applied. A strong legal structure requires the support of an equally strong legal culture[38], since higher levels of public legal consciousness foster more effective implementation and enforcement of the law.

Daniel S. Lev, as cited in Warasih's work, distinguishes between internal and external legal culture.[39]

1) Internal Legal Culture

Internal legal culture refers to the values, beliefs, and orientations of legal practitioners, including judges, prosecutors, lawyers, and other officials responsible for carrying out legal functions. The more autonomous a legal system, the greater the influence of this internal culture. In Indonesia, gaps in internal legal culture are evident at the regional level, where members of local legislatures and government officials often lack sufficient knowledge of creative economy and IPR regulations.[40] This limited understanding reduces the prioritization of IPR in policy agendas and undermines its recognition as an economic asset. As a result, outreach initiatives remain ineffective, facilitation of registration is minimal, and IPR protection is poorly integrated into regional development strategies.

2) External Legal Culture

External legal culture encompasses the broader societal attitudes and comprehension of legal frameworks. In the realm of IPR, this culture is reflected in how Creative Economy (CE) actors and the public perceive the value and necessity of protecting intellectual property[41]. Limited awareness of the importance of registering copyrights, patents, trademarks, and industrial designs has contributed to widespread violations, such as piracy and unauthorized use. Although IPR offers clear economic benefits, including licensing opportunities, brand development, and market expansion, many creative practitioners remain unaware of its potential.

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[36] Jewell, "Leveraging Indonesia's Creative Economy."
[37] Rongiyati, "PELINDUNGAN HUKUM HAK KEKAYAAN INTELEKTUAL PADA PRODUK EKONOMI KREATIF PROTECTION OF THE INTELLECTUAL PROPERTY RIGHTS ON CREATIVE ECONOMIC PRODUCTS."
[38] Esmi Warassih Pudji Rahayu, *Pranata Hukum: Sebuah Telaah Sosiologis* (Semarang: Suryandaru Utama, 2005).
[39] Rahayu.
[40] Ralf Michaels, "Comparative Law," in *Oxford Handbook of European Private Law*, Zimmermann (Oxford University Press forthcoming, 2011), 1–7, https://scholarship.law.duke.edu/faculty_scholarship/2388.
[41] Sulaksono, "Legal Culture Deconstruction in Indonesian Legal System," *Journal Of Law Theory And Law Enforcement* 2, no. January (2023): 1–10, https://doi.org/10.56943/jlte.v2i1.227.

The 2023 WIPO survey illustrates this knowledge gap, finding that one in four respondents in the Asia-Pacific region were unaware of the economic value of intellectual property[42]. Awareness among younger generations was particularly low, with only 32 percent recognizing copyright and as few as 18–19%[43] familiar with patents and industrial designs. Given that Indonesia's creative industries are largely youth-driven, this lack of awareness results in low registration rates, minimal demand for legal protection, and continued reliance on informal commercialization practices. The absence of sustained legal education and socialization exacerbates these conditions, leaving creators vulnerable to infringement and diminishing the perceived necessity of IPR.

g. The Lack of Accommodation for Intellectual Property Rights and Creative Economy Curriculum in the Education System

In social life, humans require organized systems to create order, which leads to the development of rules and norms that maintain harmony within society. Law functions as an educational instrument that shapes mindsets and raises legal awareness in accordance with societal values.

Soerjono Soekanto defines legal awareness as the level of individual compliance with the law, which involves understanding, recognition, and respect for legal norms. Awareness begins with knowledge of the law[44], develops into recognition of its importance, and ultimately fosters compliance. In line with Darwis, the effectiveness of legal education can be assessed through the degree of legal awareness in society. Higher awareness reflects the success of legal education, while lower awareness signals its ineffectiveness.

The low level of IPR awareness among Creative Economy (CE) actors reflects this gap. Many do not register their intellectual property because they lack knowledge of the procedures and benefits of legal protection. Legal education, therefore, plays a crucial role in addressing this problem.[45]

In practice, not all higher education institutions integrate creative economy and IPR into their curricula. Students in fields such as economics, architecture, fine arts, informatics, computer science, and civil engineering often receive little or no formal instruction in IPR despite their potential to become CE actors or policymakers. When entering the sector, they struggle to understand the legal dimensions of their work, including mechanisms for IPR protection.

The absence of structured and systematic legal education on creative economy and IPR has significantly contributed to the persistently low awareness among CE actors. Without adequate exposure at the university level, graduates enter the industry unprepared to safeguard their creations. This educational gap perpetuates limited engagement with formal IPR registration and weakens the overall protection of creative works.

h. Steps to Increase Awareness of Intellectual Property Ownership Culture among CE Actors

Ideas can develop freely in the realm of thought, but once realized into tangible forms such as artworks, writings, or innovations, they must conform to prevailing social norms and values. Intellectual property rights (IPR) provide legal protection for these creations and play a vital role in sustaining the creative economy[46]. The outdated perception that IPR protection,

[42] Geneva, "New WIPO Survey Reveals Global Perceptions and Awareness of IP," WIPO, 2023, https://www.wipo.int/pressroom/en/articles/2023/article_0010.html?

[43] Geneva.

[44] Soerjono Soekanto, *Sosiologi Suatu Pengantar* (Jakarta: PT. Raja Grafindo Persada, 2002).

[45] Ranidar Darwis, *Pendidikan Hukum Dalam Konteks Sosial Budaya Bagi Pembinaan Kesadaran Hukum Warga Negara* (Bandung: Universitas Pendidikan Indonesia, Departemen Pendidikan Indonesia, 2013).

[46] Michele Smith and Frederick Hansen, "Managing Intellectual Property: A Strategic Point of View," *Journal of Intellectual Capita* 3, no. 4 (2002): 366–74, https://doi.org/10.1108/14691930210448305.

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E-ISSN: 2745-9284

particularly trademarks and patents, is unnecessary or merely a financial burden has been replaced by recognition of intellectual property as a strategic asset in a knowledge-based economy[47]. Unlike physical assets such as machinery, which depreciate over time, the economic value of intellectual property, including trademarks, can grow substantially and even exceed that of conventional assets. [48]

Awareness and recognition of the importance of IPR ownership remain low among creative economy actors. Many works are left unregistered, leaving them vulnerable to infringement and unauthorized use. To foster a stronger culture of IPR ownership, several strategic measures are required:

1. **Presidential Legal-Political Consistency in the Development of the Creative Economy**

Presidential coherence in legal and political policy is a strategic instrument for cultivating stronger awareness of intellectual property rights (IPR) ownership. Padma Wahyono defines national legal politics as fundamental policies that form the basis for determining the direction, character, and substance of laws to be enacted. Legal politics is also closely tied to the formulation of values that guide state action, as well as the mechanisms through which those values are translated into concrete laws.[49]

Indonesia's presidential system of governance reflects a structural paradigm distinct from parliamentary frameworks. Jimly Asshiddiqie identifies nine defining characteristics of the presidential system. First, there is a clear separation between the executive and legislative branches, with each exercising sovereign authority independently, thereby preventing the concentration of power. Second, the president holds singular executive authority. Third, the president embodies dual sovereignty, serving simultaneously as head of state and head of government. Fourth, the president has constitutional prerogative to appoint ministers, who are accountable only to the president. Fifth, strict institutional boundaries prevent individuals from holding positions in both the executive and legislative branches, ensuring structural autonomy. Sixth, the president lacks authority to dissolve the legislature or intervene directly in its deliberative processes, which reinforces the separation of powers. Seventh, while parliamentary systems prioritize parliamentary supremacy, the presidential system is based on constitutional supremacy, requiring the executive to operate within the framework of the constitution. Eighth, the president is directly accountable to the people as the holders of the highest sovereignty. Ninth, the presidential system distributes power more evenly, in contrast to the legislative dominance typical of parliamentary systems. [50]

Indonesia, as mandated by the 1945 Constitution, adopts this presidential system. The president serves as the highest executive authority responsible for directing government operations in accordance with legal and constitutional principles. To ensure stability and effectiveness in governance, legal policies must be consistent and sustainable. Continuity in presidential legal policy is therefore a crucial factor in aligning national policy with constitutional objectives and in fostering effective governance.[51]

In The Morality of Law, Lon Fuller outlines eight essential principles required for a legal system to function effectively. First, the law must consist of general rules rather than ad hoc decisions for individual cases. Second, legal rules must be publicly announced and accessible that all members of society can understand and comply with them. Third, laws should not apply retroactively, since retroactivity undermines the integrity of the legal order. Fourth,

[47] M. R. Sreenivasa Murthy and Syamala Kandadai, "Human Ingenuity, Emerging Technologies and IPR – Need for Setting Doctrine of Constitutional Morality as Standard," *Journal of Intellectual Property Rights* 30, no. 2 (2025): 115–25, https://doi.org/10.56042/jipr.v30i2.3469.

[48] Marius Schneider, "Intellectual Property Rights, the New Currency," *Journal of Intellectual Property Law and Practice* 14, no. 11 (2019): 825–26, https://doi.org/10.1093/jiplp/jpz106.

[49] Septa Chandra, "Politik Hukum Pengadopsian Restorative Justice Dalam Pembaharuan Hukum Pidana," *FIAT JUSTISIA:Jurnal Ilmu Hukum* 8, no. 2 (2015): 255–77, https://doi.org/10.25041/fiatjustisia.v8no2.301.

[50] Jimly Asshiddiqie, *Pokok-Pokok Hukum Tata Negara Indonesia Pasca Reformasi* (Jakarta: PT. Bhuana Ilmu Populer, 2007).

[51] Pemerintah Pusat Negara Republik Indonesia, "Undang-Undang Dasar Negara Republik Indonesia Tahun 1945" (1945).

legal provisions must be drafted in clear and comprehensible language. Fifth, contradictions between regulations must be avoided to preserve legal certainty. Sixth, laws should not demand actions that exceed the capacities of individuals or institutions. Seventh, stability is required, as frequent changes in rules create uncertainty. Eighth, there must be congruence between legal rules and their implementation in practice. [52]

The principle of legal stability is particularly relevant to presidential legal politics. Inconsistent legal policies can generate uncertainty for both central and regional governments, as well as for creative economy (CE) actors, leaving them without clear direction in adapting to applicable regulations. Efforts to raise awareness of intellectual property rights (IPR) among CE actors require consistency in presidential legal policies, especially regarding the institutional framework. In this respect, the separation of the Ministry of Creative Economy from the Ministry of Tourism is considered more effective. A standalone Ministry of Creative Economy would be able to focus on its mandate with greater clarity, particularly in formulating and implementing policies that strengthen IPR ownership among CE actors. Such institutional coherence is expected to enhance awareness of IPR protection, thereby enabling innovation and creativity to flourish more fully within the creative economy ecosystem.

As the head of state and government, the president carries the responsibility to advance legal awareness in the field of creative economy, particularly in relation to IPR protection. When the president assigns strategic importance to this sector, the creative economy can be integrated into the broader vision and mission of national development. This enables the systematic and sustainable formulation of policies and regulations that promote both protection and growth of the sector.

An example of such leadership can be found in the presidency of Susilo Bambang Yudhoyono, who was widely recognized for his commitment to arts and culture and earned the title "Father of Indonesia's Creative Economy." Under his administration, the creative economy was elevated to a strategic sector, acknowledged for its significant contribution to national economic growth, and positioned as one of the pillars of Indonesia's development agenda.

Efforts to raise awareness of intellectual property rights (IPR) among creative economy (CE) actors do not rely solely on regulatory frameworks but also require concrete strategic initiatives. One approach is the introduction of reward mechanisms for regional governments (Regents/Mayors) that demonstrate excellence in empowering the creative economy sector. The president may direct the Ministry of Creative Economy to design and implement such a program as a form of appreciation for regions that contribute significantly to the development of the CE. [53]

The reward concept corresponds with the principle of recognition in the workplace. First, rewards aim to shape a workforce in line with the requirements of specific roles, a goal that necessitates continuous development through planning, organization, and the effective utilization of human resources to ensure optimal and efficient performance. Second, rewards can be delivered in the form of financial or non-financial compensation granted to individuals or institutions as acknowledgment of their achievements. Third, recognition has a strong positive effect on work discipline. When accomplishments are appreciated, recipients are motivated to sustain consistency in carrying out their responsibilities with greater discipline. [54]

Beyond functioning as recognition, rewards also operate as a stimulus to enhance productivity, efficiency, and competence, both for individuals and institutions. Such a program would not only acknowledge past achievements but also create incentives for

[52] Lon. L. Fuller, *The Morality of Law, Revised Edition* (London: Yale University Press New Haven, 1969).
[53] Irham Fahmi, *Manajemen Sumber Daya Manusia Teori Dan Aplikasi* (Bandung: CV. Alfabeta, 2017).
[54] T. Hani Handoko, *Manajemen Personalia Dan Sumber Daya Manusia* (Yogyakarta: BPFE, 2012).

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E-ISSN: 2745-9284

sustained growth of the creative economy by fostering professionalism and dedication in the execution of tasks.

2. Building Implementing Regulations to Facilitate Intellectual Property Ownership for CE Actors

Developing appropriate legal substance in the form of implementing regulations is a crucial step in strengthening the culture of intellectual property rights (IPR), particularly among creative economy (CE) actors. Both central and regional governments play a vital role in nurturing the creative economy ecosystem, especially by facilitating access to IPR protection. However, to date, no specific regulations comprehensively outline the government's responsibilities in providing facilities for CE actors to obtain IPR protection, including the detailed mechanisms for implementation.

The absence of such regulations creates uncertainty in policy execution and hinders the effectiveness of government support. One effort to address this gap is to formulate a more comprehensive legal framework that explicitly defines the obligations of the government in facilitating IPR protection for CE actors. These regulations should also establish clear procedures and steps that government institutions must follow. With structured and directed policies, IPR awareness and ownership among CE actors are expected to improve, thereby enabling the sector to grow more optimally and sustainably.

A strategic step in this process is the development of legal substance mandating the government to provide facilitation mechanisms for IPR ownership. Clear implementing regulations would serve as binding guidelines for government agencies, enabling them to carry out their duties effectively in supporting CE actors. The interrelationship between legal substance and legal structure is essential in creating a functional legal ecosystem. Without comprehensive implementing regulations, government institutions are constrained in their ability to perform optimally, making the creation of such regulations an urgent necessity.

This perspective aligns with Roscoe Pound's theory of law as an instrument of social engineering, in which law is viewed not merely as a regulatory framework but also as a transformative force capable of shaping societal progress. The essence of this theory lies in regulating competing interests, fostering harmony, and meeting societal needs. Applied to the creative economy, IPR regulations function not only as legal norms but also as catalysts for innovation, competitiveness, and sustainable growth. With a strong legal foundation, clear implementation mechanisms, and consistent government support, CE actors are more likely to register and protect their intellectual property, thereby contributing significantly to national economic development.

According to Pound, law as a tool of social engineering also functions as a mechanism of social control that directs and shapes behavior. Its binding nature, coupled with enforceable sanctions, allows law to influence social order, promote balance, and uphold justice. Consistently applied, law becomes a driver of social transformation that is more equitable and sustainable. In the creative economy context, clear regulations and strong enforcement of IPR laws can encourage CE actors to recognize the value of protecting their works. Thus, law operates not only as a normative rule but also as a mechanism that ensures fairness, competitiveness, and sustainability in the creative economy while providing legal certainty for intellectual property owner.

3. Enhancing the Professionalism of the Legal (Bureaucratic) Structure of the Creative Economy

Another important effort in strengthening the culture of intellectual property rights (IPR) among creative economy (CE) actors is the development of an effective legal structure[55]. A

[55] Ade Adhari, Tundjung Sitabuana, and Indah Siti Aprilia, "MORALITY IN LAW: AN AN W: AN ANALYSIS TOWARDS THE LEGAL ARDS THE LEGAL PHILOSOPHY AND INDONESI Y AND INDONESIA NATIONAL LEGAL SY AL LEGAL SYSTEM," *Indonesia Law Review* 13, no. 2 (2023): 71–88, https://doi.org/10.15742/ilrev.v13n1.1.

legal system is an integrated entity composed of several key elements: national spirit as the ideological foundation, institutional structure as the operational platform, legal substance as the normative content, and legal culture as society's reflection of values and attitudes toward the law. Anthony Allott emphasizes that a legal rule can only be considered effective if it succeeds in communicating its purposes and objectives to society. Yet, the limited scope of socialization has meant that the objectives of the Creative Economy Law are not fully understood within the industry.

This lack of information has contributed to limited awareness of the creative economy concept and its connection to IPR. Consequently, many CE actors remain unaware of the importance of legal protection for their works. Addressing this gap requires a more systematic and widespread socialization strategy that can communicate not only the benefits of IPR but also the legal certainty it provides in carrying out economic activities.

Raising awareness of IPR culture further requires the strengthening of the legal structure through more professional and coordinated bureaucratic mechanisms. Both central and regional governments—particularly through the Department of Culture and Tourism or a future dedicated Department of Creative Economy—need to collaborate with a wide range of stakeholders. Such collaboration can involve business associations, professional associations, and universities in order to develop a structured, accurate, and up-to-date database of the creative economy. A comprehensive database of this nature would greatly facilitate the management of the CE sector while also reinforcing the protection and utilization of IPR for industry actors. Beyond serving as a tool for data collection, it would become the foundation for more effective and sustainable policies aimed at supporting the long-term development of the creative economy.

4. Optimizing Internal and External Legal Culture

Another important effort to raise awareness of IPR culture among creative economy (CE) actors is to strengthen legal culture. Satjipto Rahardjo emphasizes that law does not exist as something absolute or transcendent but as a social construct that grows and evolves alongside societal dynamics. The existence of law must therefore always be understood in relation to the social context in which it applies, as law derives its meaning and relevance from the interactions that take place in society[56]. Lawrence Meir Friedman defines legal culture as a social element that persists over time, even though it does not operate directly within the legal system. Legal culture reflects broader cultural aspects, including customs, thought patterns, views, and collective actions of society in responding to law. These factors determine whether a social force will support or resist the law[57].

Legal culture can be understood as a system of values, norms, and collective ideas that develop within a local community, serving as a guide for shaping mindsets, communication, and social behavior. This system is the result of accumulated local wisdom and historical experiences that are transmitted across generations. Within this framework, legal culture functions as a bridge between the normative principles of law and the actual legal behavior observed in daily life.[58]

As the primary factor influencing the effectiveness of law enforcement, legal culture plays a central role in determining whether law achieves its objectives. Satjipto Rahardjo notes that law enforcement always involves people and their behavior, meaning that law cannot function independently from societal support.[59] Accordingly, legal culture and public legal awareness

[56] Syafrudin Makmur, "Budaya Hukum Dalam Masyarakat Multikultural," *SALAM: Jurnal Sosial Dan Budaya Syar-I* 2, no. 2 (2015): 383–410, https://doi.org/10.15408/sjsbs.v2i2.2387.

[57] Friedman, "Law, Lawyers, and Popular Culture."

[58] I Gusti Agung Mas Rwa Jayantiari et al., "Forming Legal Culture in Customary Forest Management: Local Wisdom Approach of Customary Law Communities," *Udayana Journal of Law and Culture* 8, no. 1 (2024): 67, https://doi.org/10.24843/ujlc.2024.v08.i01.p04.

[59] Satjipto Rahardjo, *Penegakan Hukum Suatu Tinjauan Sosiologis* (Yogyakarta: Genta Publishing, 2009).

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E-ISSN: 2745-9284

serve as key indicators of successful law enforcement. Success is reflected in the extent to which society internalizes the law into its values and follows it voluntarily, rather than through coercion.

In the context of the creative economy, strengthening legal culture requires continuous socialization and facilitation of IPR ownership for CE actors. Systematic and sustained education can help actors understand the importance of legal protection for their works, thereby fostering the growth of a legal culture that is consistent, purposeful, and rooted in compliance. Public legal awareness regarding IPR ownership cannot be developed instantly or through coercion. It requires deliberate strategic steps to embed IPR protection into social values and practices.

One key measure is the reinforcement of the legal structure within the creative economy and IPR sector, ensuring that CE actors feel confident that law enforcement mechanisms genuinely protect their interests. The presence of a strong and credible legal system can foster trust in IPR protection, while also encouraging greater societal support for IPR regulations. If law enforcement is carried out effectively, transparently, and consistently, compliance with IPR norms is more likely to increase.

5. Accommodating Intellectual Property Rights and Creative Economy Curriculum in the Education System

Strengthening legal education is essential to raising IPR awareness among CE Actors. Legal education builds public legal awareness, enabling individuals to understand their rights and obligations, support social order, and participate in law enforcement[60]. It also strengthens the national legal system by producing human resources with both theoretical knowledge and practical skills to address contemporary legal challenges.[61]

However, the current system remains suboptimal[62], as not all higher education institutions provide curricula on the creative economy and IPR. To address this, IPR and creative economy materials should be integrated into the national curriculum from elementary to higher education levels. This ensures that even those without access to higher education gain an early understanding of the importance of IPR and the potential of the creative economy in entrepreneurship.

Universities also need to strengthen their role by establishing creative economy and IPR clinics as centers for research, consultation, and assistance. These centers can help students and the public understand and register intellectual property, thereby increasing legal awareness and protection for creative economy stakeholders.

C. Conclusion

Over the past decade, the creative economy sector in Indonesia has shown persistently low awareness of intellectual property rights (IPR). Out of 15,959,590 creative economy actors, only 11.05% have registered or hold IPR, while the Directorate General of Intellectual Property (DJKI) recorded 296 infringement cases between 2019 and 2025. This indicates a critical gap in legal literacy, weak protection of creative works, and insufficient government measures. Contributing factors include the absence of implementing regulations, low professionalism within the legal structure, limited public education, inadequate enforcement, and poor access to registration facilities. These systemic shortcomings are reinforced by weak internal and external legal culture, limited competence among policymakers and law enforcers, and low public

[60] Pasya Islami Geni Putraa, Azlan Arisb, and Gusmanel, "Peran Pendidikan Dalam Membangun Kesadaran Sosial Masyarakat Bima," *Jurnal Kajian Hukum Dan Kebijakan Publik* 2, no. 1 (2024): 627–32, https://doi.org/https://doi.org/10.37630/jpi.v9i2.230.

[61] Sardjana Manullang Orba et al., "PERBANDINGAN SISTEM PENDIDIKAN HUKUM DI NEGARA-NEGARA BERKEMBANG DAN NEGARA MAJU" 6, no. 4 (2023): 1314–18, https://doi.org/https://doi.org/10.32529/jbb.v3i1.3227.

[62] Sebastian Lewis, "Precedent and the Rule of Law," *Oxford Journal of Legal Studies* 41, no. 4 (2021): 873–98, https://doi.org/10.1093/ojls/gqab007.

awareness of IPR value. The ineffectiveness of legal education further sustains the cycle of neglect, as many CE actors lack even basic knowledge of IPR mechanisms. Together, these issues create a fragmented and unsupportive ecosystem where legal protection is underutilized, awareness remains low, and the creative economy struggles to reach its full potential.

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