

## **AFFIRMATIVE ENFORCEMENT FOR MICRO, SMALL, AND MEDIUM ENTERPRISES IN THE FIELD OF INTELLECTUAL PROPERTY RELATED TO NATURAL COLOURS IN BATIK MAKING**

**Yustiana Dwirainaningsih<sup>1</sup>**  
**Dheasari Rachdantia<sup>2</sup>**  
**Mursidah<sup>3</sup>**  
**Andri Nur Cahyo<sup>4</sup>**

<sup>1234</sup>Fakultas Desain kreatif dan Bisnis Digital , Institut Teknologi dan Sains Nahdlatul Ulama Pekalongan  
Jl. Karangdowo No.9 Kedungwuni – Kabupaten Pekalongan  
Email : [yustianadyus@gmail.com](mailto:yustianadyus@gmail.com)

### **ABSTRACT**

The importance of Intellectual Property Rights protection for Micro, Small and Medium Enterprises is a major highlight in supporting the sustainability and economic competitiveness of this sector. IPR has great potential to add value to the products and services produced by MSMEs, create a competitive advantage, and protect innovations or brands from the threat of infringement. However, various obstacles such as complex administrative procedures, high costs, unsupportive regulations, and limited law enforcement related to IPR violations are significant challenges for MSME actors. Normative legal research in this context aims to identify solutions to these problems, through simplification of the registration process ensuring that IPR registration procedures are simpler and more accessible to MSME actors subsidising registration fees providing relief from IPR registration fees through government subsidies or fiscal incentives for MSMEs that register their IPRs improvement of regulations encourages revision of regulations that pay attention to the needs of MSMEs, such as accelerating the time of the registration process and recognition of IPRs for local or traditional typical products. Increased law enforcement encourages revision of regulations that pay attention to the needs of MSMEs, such as accelerating the time of the registration process and IPR recognition for local or traditional typical products. Socialisation and education are expected to educate MSME players about the strategic benefits of IPR and how to take advantage of the system to support their businesses. Policies that support MSMEs are more optimal in utilising IPR to increase competitiveness, open up opportunities for market expansion, and protect local innovation and creativity. Collaborative efforts between the government, related institutions, and MSME players are the key to the optimal use of IPR.

Keywords: MSMEs natural color batik, Affirmative, Intellectual Property

### **Introduction**

Indonesia is obliged to provide IPR in this regard. Ideas, inventions, and creative manifestations-sometimes referred to as ‘design products’ or ‘intellectual property’-are the fruits of intellectual labour and are protected by IPR. The reason is that the inherent value of human

intelligence gives rise to inalienable rights, such as intellectual property rights. The relevant phenomenon in affirmative enforcement related to natural colouring in hand-written batik for MSMEs in the field of intellectual property (IPR) can be narrowed down to the recognition and protection of IPR on natural colouring. Many MSMEs of hand-written batik artisans use natural dyes derived from

local materials such as indigo leaves, bark, or turmeric. However, often these innovations lack legal protection due to the lack of IPR registration of natural dyeing techniques as part of the design or process.

The awareness of MSME players about the importance of IPR registration is still low. The absence of specific affirmative policies to protect natural dyeing methods as tradition-based and ecological intellectual property. Obstacles to IPR Registration The IPR registration process is often considered an obstacle by MSMEs because, Complex Procedures. Registration mechanisms that require technical and administrative understanding. High costs, costs associated with IPR registration are a burden for small MSMEs. Weak education, Lack of adequate assistance or information on how to protect their rights through IPR.

Product exploitation and counterfeiting MSMEs producing hand-dyed batik with natural dyes often face problems such as, counterfeiting of designs and natural dyeing techniques by irresponsible parties. Exploitation of innovations without recognition to local artisans. Synthetic batik products marketed as natural batik thereby lowering the value of authentic MSME products. Lack of law enforcement Law enforcement against IPR infringement is often ineffective due to weak reporting and complaint mechanisms. Lack of understanding by law enforcement officials of the cultural and technical aspects of natural dye batik. Low capacity of MSMEs to bring cases to the legal realm.

Potential economic and environmental added value, although natural dyes provide advantages in terms of environmental sustainability and product

uniqueness, MSMEs often do not maximise this value because the market does not fully understand the advantages of batik with natural dyes, Lack of green certification or ecolabels that provide bargaining power in the international market.

Affirmative Solutions and Enforcement To address this phenomenon, affirmative enforcement can be directed at, subsidy and Incentive policies, reducing IPR registration fees and providing special programmes to support MSMEs that use natural dyes. Local empowerment forms a community of natural dye-based batik makers that are protected through geographical or collective Indication registration. Education and Assistance provides training on IPR registration procedures, the importance of design protection, and creative business management.

Green Certification promotes international recognition of environmentally friendly products, such as ecolabels or fair trade. Multi-sector Collaboration: Engage the government, private sector, and academia to promote and protect naturally dyed batik through regulation, awareness campaigns, and market access. This focus on protection and strengthening can ensure cultural sustainability while improving MSME competitiveness in the local and global economy.

One of the ideals of the Indonesian nation is the achievement of social justice for all Indonesian people, meaning that bloodshed in this country can be stopped, in accordance with the preamble of the 1945 Constitution of the Republic of Indonesia. Affirmative action, also known as differential treatment, is the granting of certain privileges to certain individuals, genders, or workplaces to offset or eliminate inequalities between different groups of

business entities. In order to achieve fairness and equity.<sup>1</sup>

A number of laws and regulations have been enacted to foster a conducive environment for small and medium-sized enterprises (SMEs). One such law is Law No. 1 on Micro, Small, and Medium Enterprises (MSME Law), which was designed with the aim of improving the institutional performance and entrepreneurial capacity of MSMEs in the global market.<sup>2</sup> As part of the development of the business environment, various positive policies towards MSMEs have been implemented through various provisions of legislation, including Law No. 1 for the MSME Law 20 of 2008 which was drafted with the aim of increasing the entrepreneurial capacity and performance of the role of micro, small and medium enterprises in the economy.

SMEs are encouraged and supported by the government and local governments, aiming to improve the business climate and facilitate the growth of companies by facilitating the acquisition of intellectual property rights on goods and designs on a national and international scale. companies of a certain size and scope to reap the benefits of intellectual property protection.<sup>3</sup> Section 7 of the MSME Act states that the federal and state governments work together to foster an environment conducive to business by enacting policies and laws that address issues such as: institutional support, commercial promotion, business opportunities, commercial licences, partnerships, business information, infrastructure and structures, and

funding. The MSME Act further mandates that the federal and state governments work together to support the growth of SMEs in the areas of production and maintenance, marketing, human resources, and design and technology. The world has officially recognised batik as a world heritage site, acknowledging it as an Indonesian craft.

In Pekalongan City, the use of natural dyes in the batik-making process is growing, especially as part of efforts to support environmental sustainability and meet environmentally friendly market demands. The use of natural dyes exists in Kauman and Pesindon batik villages, which have distinctive motifs and colours, become centres of education and promotion, and become centres of excellence and challenge. Pekalongan continues to grow as a centre of innovation for natural dye-based batik, combining the beauty of traditional art with modern environmental awareness. Pekalongan continues to grow as a centre of innovation for natural dye-based batik, combining the beauty of traditional art with modern environmental awareness.

A movement has emerged to change the utilisation of batik dyes in response to growing concerns about the environment, public health, consumer demand, and accessibility of raw materials. The use of synthetic dyes has been replaced with natural ones. These shades of green are derived from various plant species. Batik can be made more environmentally friendly, more competitive in local and global markets, and more

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<sup>1</sup> Eka N.A.M. Sihombing, "Kebijakan Afirmatif Bagi Usaha Mikro, Kecil dan Menengah di Bidang Kekayaan Intelektual", *Jurnal Rechtsvinding Media Pembinaan Hukum Nasional*, Vol,7 Nomor 3,Des 2018, hlm.428

<sup>2</sup> Undang Undang Nomor 20 Tahun 2008 tentang "Usaha Mikro, Kecil dan Menengah"

<sup>3</sup> Pasal 14 ayat (1) huruf d dan Pasal 20 huruf e Undang-Undang Nomor 20 Tahun 2008.

profitable by switching to natural dyes. Beyond that, Indonesia has always been and continues to be a treasure trove of natural dyes and other biological resources. Different plant species contain different amounts and types of natural dyes, which are derived from various parts of the plant such as leaves, stems, bark, flowers, fruits, and roots. The colour direction in naturally occurring substances, such as organic compounds, can be controlled by the use of dyes. You can use some colour media directly, while others require fermentation or extraction. Many different factors affect the final colour, including the extraction method used to obtain the colour-containing batch.<sup>4</sup>

Batik as an Indonesian cultural heritage has a deep value as a national identity. Not only as an art and cultural product, batik is also an intellectual work protected by the Copyright Law in Indonesia. This protection covers distinctive motifs, images and colour compositions, so batik is valued not only for its beauty, but also for the creative innovation inherent in each work.

With a variety of motifs and patterns that reflect local cultures in various regions, batik is a very unique form of cultural expression. The protection of batik through IPR is very important because batik has great economic potential in the trade industry, both domestically and in the international market. This allows batik makers to benefit economically from their work, as well as encouraging the sustainability and growth of the batik industry as one of the important sectors in the Indonesian economy. Successfully protecting the

rights to works such as batik reflects a country's efforts to maintain prominence in the creative industries and trade.

Batik, as one of Indonesia's cultural heritages, has now gained international recognition and was recognised as part of the world heritage by UNESCO in 2009. This recognition strengthens batik's position as a representation of Indonesia's culture and identity. Although batik can be found in various countries, Indonesian batik is still considered the most distinctive and unique, with very different characteristics in their motifs, colours and manufacturing techniques. The development of batik over time shows flexibility and creativity in preserving tradition while adapting to changing times. Various innovations are made in motifs, designs, and batik applications on contemporary products, without losing its traditional value. This makes batik still relevant and in demand by various groups, both domestically and abroad.

Batik is not just an ordinary textile product, but a symbol of rich culture, philosophy, and deep history. Its increasingly strong existence as the identity of the Indonesian nation also shows how cultural heritage can be a tool of cultural diplomacy on the international stage, while strengthening the sense of pride in the ancestral heritage of the Indonesian people. The role of Batik MSMEs in economic development is very significant, both nationally and in Pekalongan City in particular.

The company's efforts can increase employment and offer a wide range of economic services to the community, thus matching the needs

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<sup>4</sup> Alamsyah, "Kerajinan Batik dan Pewarnaan Alam, Endogami" : Jurnal Ilmiah Kajian Antropologi E-ISSN : 2599-1078, hlm.140

of the city while demonstrating its unique quality of rights, particularly with regard to intellectual property rights. Within the scope of the Directorate General of Intellectual Property (DJKI) of the Ministry of Law and Human Rights. Therefore, in Pekalongan City, known as the Batik City, there are a number of MSMEs that produce hand-written batik with natural colouring and have their own uniqueness. Some MSMEs that need to be protected by Intellectual Property Rights (IPR) to maintain their uniqueness and prevent claims by other parties, some batik companies that still produce natural colour batik include Batik Tulis Canting Mas, Batik Tulis Sekar Jagad, Batik Pesisir Lestari, batik Alam Pekalongan.

Through this protection, the uniqueness of written batik with natural dyes from Pekalongan can be maintained and provide economic and cultural benefits for local communities related to intellectual property rights. Therefore, the researcher examines 'Affirmative Enforcement for Micro, Small and Medium Enterprises in the Field of Intellectual Property Against Natural Dyes in Batik Tulis'.

### **Formulation Of The Problem**

What is the status of affirmative enforcement for micro, small and medium enterprises in the field of intellectual property related to natural colours in batik making.

### **Research Purposes**

Identification of research objectives related to the formulation of problems from the discussion of relevant research so that a clear and precise reference can be given to the author. Some of the research objectives include the aim of affirmative

enforcement to protect batik as an MSME product not only includes legal protection of intellectual property (IPR) but also strengthening policies that support the sustainability and competitive advantage of batik.

A thorough analysis of the rights and protections for MSME batik products in the context of affirmative enforcement through Intellectual Property Rights and Batik Products, law enforcement and affirmation, affirmative strategies for the protection of MSME batik, challenges in affirmative enforcement and the impact of affirmative enforcement. By understanding and utilising existing protections, batik MSMEs can more easily maintain their uniqueness and competitiveness, both in the local and global markets. The use of well-known batik brands with natural colours is used by several parties who are also registered with the DJKI and the Subjective Objective as an application of the theory is taken by the author so that it is useful for him and contributes to the problems faced and develops science.

### **Research Methods**

A normative legal research approach is used in this research. The study of various laws and regulations requires the statutory method in normative research.

As this research takes a prescriptive stance, its findings and recommendations must be suitable

for application in the real world, in accordance with the nature of legal science as an applied science.<sup>5</sup>

## **Research Results And Discussion**

### **1. Legal Protection Of Intellectual Property In Natural Colour Batik.**

Indonesian batik is both a cultural artefact and a symbol of Indonesian identity. As a unique form of artistic expression, copyright law protects batik motifs, which are derived from traditional works of art created by the Indonesian people. The artistic value of these works lies in the production of the model or image as well as the colour composition, which is why batik is protected.

You can distinguish batik from other types of Indonesian fabrics by looking at the colours and motifs used in its design. Since a country's economic growth depends largely on these trade variables, intellectual property rights (IPR) play a vital role in ensuring the progress of industry and trade. Today's global society recognises and values Batik. Batik is not just an Indonesian or even global phenomenon; in fact, it characterises the cultural traditions of Indonesia and many other countries. Bali, Indonesia. Batik has evolved over the years as a cultural artefact of the Indonesian people.

This new trend further proves that batik is an important element of the country's culture and identity. The world has officially recognised batik as a World Heritage Site, acknowledging it as an Indonesian craft. There are batik organisations everywhere, so it is clear that batik is not just a communal tradition; it is also an economic driver. A movement has emerged to change the use of batik

dyes in response to growing concerns about the environment, public health, consumer demand, and accessibility of raw materials. The use of synthetic dyes has been replaced with natural dyes. These shades of green are derived from various plant species. The use of natural dyes in batik crafts has many benefits, including reducing environmental pollution, expanding domestic and foreign market share, and increasing the selling price of batik..

Obligations of MSMEs in Protecting IPR Intellectual Property Rights (IPR) are a strategic tool for MSME players to protect their innovation and creativity. However, there are obligations that must be fulfilled by MSMEs so that IPR can provide optimal protection and encourage business competitiveness. The function of MSMEs in the economy, has an important role in the national economy because of its functions that can include, job creation, encouraging local economic growth, product innovation and verification and gross domestic product contribution. Some regulations that support the function of MSMEs in turning the wheels of the economy include laws including Law No.20 of 2008 concerning MSMEs, Law No.13 of 2016 concerning Patents, Law No. 28 of 2014 concerning Copyright, Law No. 15 of 2001 concerning Marks and Geographical Indications.

Obligations of MSMEs in Protecting IPR through several factors, among others, registering Intellectual property by means of MSMEs are required to register their creative works and innovations, such as copyright for designs, brand rights for product names, or patents for technical innovations. This is so that their products have legal

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<sup>5</sup> Peter Mahmud Marzuki, "Penelitian Hukum", (Jakarta: Prenada media, 2011), hlm 251.

protection in case of infringement or plagiarism. Comply with IPR Regulations through MSMEs must ensure that their products do not infringe on other parties' copyrights or brands.

Avoiding the use of elements that have been registered by other parties without permission. maintaining the authenticity of the product, MSMEs must maintain the uniqueness and quality of the product so that it matches the claims registered in the IPR and Updating and Maintaining IPR Status, Once intellectual property rights are registered, MSMEs need to update the registration according to the rules. Protecting IPR is both an obligation and a necessity for MSMEs to ensure that their innovations and creativity are not misused by other parties. Through IPR registration, MSMEs can maintain product authenticity, increase competitiveness, and make a greater contribution to the national economy. The government, associations, and MSME players must work together to overcome challenges in IPR registration and maximise its benefits.

The world have also recognised batik as a human heritage item made by Indonesians. UNESCO has officially communicated this honour and recognition. The inclusion of Indonesian batik in the Representative List of the Intangible Cultural Heritage of Humanity was officially recognised by UNESCO during the Fourth Session of the Intergovernmental Committee on Intangible Cultural Heritage in Abu Dhabi. The international community has recognised batik as an art form. They can't stop rejoicing because they can finally wear batik..<sup>6</sup>

Craftsmen with great creativity can produce new patterns, small changes create new patterns, but do not change the image of Tanjungbum batik. This batik work is not done in one place, usually copied by other batik masters who know that there is a good design and of course the owner of the design does not want it. They inspire each other to produce better work because they are always trying to outdo each other, which is a form of healthy competition. The function of the local government in supervising and assessing the quality of manufactured goods and the artisans who make them is integral to all this. It is clear that copyright provides legal protection for works in the intellectual property domain.

Between the 1987 UUHC and 2002, batik art in Indonesia began to receive copyright protection. Each of these laws governing the art of batik painting is subject to evolving definitions. In Indonesia, batik art laws have evolved in the following ways:

- a. UUHC 1987, Article 11 paragraph 1 letter f. Contemporary batik is an unusual form of batik. Similar to traditional batik art forms such as Parangrusak, Sidomukti, Truntum, and others, they are essentially forms of popular culture that are preserved and protected by the state as common property.
- b. UUHC 1987, Article 11 paragraph 1 letter k. Modern batik is a new form of an old craft. Copyright protection for traditional batik works such as Parangrusak, Sidomukti, and Truntum has, predictably,

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<sup>6</sup> Devi Rahayu, "Perlindungan Hukum Terhadap Hak Cipta Motif Batik Tanjungbumi Madura" *MIMBAR HUKUM* Volume 23, Nomor 1, Februari 2011, Halaman 1 - 236

long expired, but they are protected for their creative value, which includes the creation of the model or image and the colour composition. Therefore, batik can be used by anyone. In essence, Indonesians are free to use it as they wish.

- c. Copyright Law of 2002, Article 12 paragraph 1 letter i. This law recognises traditional batik as a great artistic expression. Both the process of making the model or image and the colours used in it contribute to its artistic value, hence these works are protected. Various traditional art forms of Indonesian regions, such as ikat, song, etc., serve as synonyms for the art of batik and contribute to the country's cultural heritage that is being created today.

Intellectual Property Rights (IPR) are rights granted by the state to individuals or legal entities for the intellectual work they create. In Indonesia, the regulation of IPR is regulated in various laws depending on the type of IPR.

Here are the general stages of obtaining IPR,

according to the type, stages in copyright, creation of works, registration with the Directorate General of Intellectual Property, Verification and issuance of certificates, in Copyright automatically arises after the work is created, but registration makes it easier to prove ownership of the stages in, stages in the right to a trademark, preparation, preliminary search, registration, Examination of formalities and substantive, Issuance of certificates Issuance of certificates if there are no objections then the trademark will be legalised and the certificate is issued.

The stages in Patent Rights include Invention in terms of innovation, registration, examination of formalities, publication, substantive examination by the Directorate General of Intellectual Property, issuance of a certificate if it has been approved then a patent is granted for the stages of industrial design and geographical indigation are the same as Rights to brands. Each type of IPR has a specific process, but all involve registration at the Directorate General of Intellectual Property (DJKI) examination, and issuance of a certificate.

### Types of Intellectual Property and Scope of Protection

No	Intellectual Property	Scope of Protection	Legal Foundation
1	Copyright	Science, Literature and Art	Law No 28 of 2014 on Copyright
2	Brand	A trademark is a visual representation of information used to identify the products and services of a particular individual or business. This representation can be an image, logo, name, word, number, colour scheme, sound, hologram, or a mixture of two or more of these elements..	Law No. 20 of 2016 on trademarks and Geographical Indications
3	Geographical Indications	A These symbols indicate the geographical region of origin of goods and products. Such goods and products have a certain reputation, quality and features due to the geographical environment, which may be natural or a combination of both.	Law No. 20 of 2016 on trademarks and Geographical Indications



4	Patent	Inventions in the field of Technology	Law Number 13 Year 2016 on Patents
5	Trade Secret	Confidential business information that is not available to the public, has monetary value due to its usefulness in company operations, and is protected by the trade secret owner.	Law Number 30 of 2000 concerning Trade Secrets
6	Industrial Design	An artistic depiction that can be realized in three-dimensional or two-dimensional patterns and used to create products, goods, industrial commodities, or handicrafts; it can be in the form of a shape, configuration, or composition of lines or colors, or a combination of all; and it can evoke an aesthetic impression.	Law Number 31 of 2000 on Designs Industry

## 2. Affirmative Policy for MSMEs in the field of IPR

Many SMEs are reluctant to use the DPI system. Weaknesses in the DPI system can be explained by a number of factors. The government at all levels must strive to support micro, small, and medium enterprises (MSMEs), particularly in the field of intellectual property rights, due to the crucial role these businesses play in national economic growth. There must be treatment, especially for certain groups, if all citizens want to have the same opportunity to receive the same protection and to realize their constitutional rights.

To ensure equal treatment in the protection and enjoyment of constitutional rights, only affirmative actions or special treatments can be used. According to Hendri Sayuti, several countries have turned to affirmative action as a means to combat discriminatory social norms. At its core,

affirmative action is associated with the overarching goal of eliminating discrimination in any form between groups, and the goal itself is directly proportional to the action taken. In addition to the crucial position of the MSME sector in the Indonesian economy, historical data shows that this sector was the only business sector that emerged unscathed from the 1998 economic crisis, which at that time had widely devastated the business world.<sup>7</sup> Here are some reasons why micro, small, and medium enterprises (MSMEs) are able to withstand the storm, according to Prawirokusumo, as quoted by Hempri Suyatna.<sup>8</sup>

- a. Flexible, in the sense that they can try something else if their current business venture does not succeed.
- b. In its capital, it can develop by using its own resources rather than just relying on external funding.

<sup>7</sup> Pradnya Paramita Hapsari, et.al, "Pengaruh Pertumbuhan Usaha Kecil Menengah (UKM) terhadap Pertumbuhan Ekonomi Daerah (Studi di Pemerintah Kota Batu)", *Jurnal Wacana* Volume 17, Nomor 2 (2014):89.

<sup>8</sup> Hempri Suyatna, "Peran Strategis UMKM dan Tantangan di Era Globalisasi", dalam Rachmawan Budiarto, et.al., *Pengembangan UMKM antara Konseptual dan Pengalaman Praktis*, (Yogyakarta : Gadjah Mada University Press, 2015), hlm 5.

- c. Regarding loans, especially for small business owners in certain industries, such as traders

Protection of intellectual property rights is very important to enhance citizens' motivation to create and innovate. Without protection of intellectual property rights, of course, the spirit of creativity and innovation will diminish, because the works we create can easily be stolen by others. In order for intellectual property rights to be realized and practiced, the protection of intellectual property rights must be based on a strong legal framework. Without active government involvement, control over the preservation of intellectual property rights is clearly impossible, therefore government involvement in this field is very important.

### **3. Protection of Intellectual Property for natural dye batik.**

Pekalongan hand-drawn batik, known simply as batik due to its distinctive characteristics, has been used for a long time. The making of batik is a tradition practiced by the people of Pekalongan through generations. They learned to make batik on their own from their parents. The children are already accustomed to seeing batik around them. At first, they only saw their mother, grandmother, or relatives batik-making. Then they learned to use a bow and write on canvas.

The making of batik is mostly a job for women, but men also play a role in Pekalongan. When the women finish applying the patterns to the loom, the loom proceeds to

the next process, which involves soaking it in a dye solution, commonly referred to as paint. Usually, it is the men who assist in the dyeing process. There are several very skilled batik artisans, and Pekalongan is not one of them.

The members of this tribe are very committed to continuing their ancestral traditions. This is evident from the ages of the batik artisans, which vary from toddlers just learning to batik to grandmothers. Their unwavering dedication to batik becomes the driving force behind all their efforts. Basically, Pekalongan batik tends to use synthetic dyes, which are often discussed in government events in Pekalongan, where batik is said to pollute the environment.

That is why many entrepreneurs are switching and trying to produce batik with natural dyes that require a long process. The fabric is dyed with natural dyes because the process is lengthy, so it is rarely thought to record the colors or the process.

The issue of creativity rights relates to many aspects such as technical, industrial, social, cultural, and many others. However, the most important legal aspect is the protection of intellectual works. We hope this law can resolve various copyright issues in this case.

In reality, public awareness and knowledge of copyright are still low, especially among small and medium-sized industry entrepreneurs. This situation is exacerbated by limited access to information and a lack of understanding among law enforcement officers and relevant agency officials about the importance of copyright. Therefore, efforts are needed to improve the situation, including socialization, effective

knowledge, facilitation of meaning and function, as well as legal regulations and registration assistance.

This can happen because the premises chosen in the TRIPS agreement are not in line with the community's norms of invention ownership. In addition to its failure to recognize social rights, TRIPS emphasizes the commercialization of innovation while neglecting its potential to meet social needs. While most ideas are available for local and public use, there is an intellectual property law called TRIPS that applies to trade. When countriesBy ratifying the TRIPS agreement and aligning copyright protection rules, public information systems face significant challenges. Companies and individuals hack their data and privatize it.

After discussing with Mr. Dudung Alisyahbana, we can convey that most educators still have a limited understanding of copyright and its significance in the registration process. This is evidenced by the many batik artisans in Pekalongan who have gone through the copyright registration procedure. Many artisans in Pekalongan only register their trademarks, batik designs that have not been registered, and the production process of batik using natural dyes.

In general, batik artisans do not consider registering their innovative batik creations to be a difficult task. The length of time, cost, and difficulty of the registration process are generally debated. Moreover, registered registration cannot prevent imitation or plagiarism of registered batik creative

works. It is difficult to stop actions when a small number of batik entrepreneurs imitate or copy the designs of registered batik. In addition, the process of making hand-drawn batik with natural dyes also takes time.

It is difficult to stop the action when a small number of batik entrepreneurs imitate or replicate registered batik designs. In addition, the process of making hand-drawn batik with natural dyes also takes time.

It is still rare for batik artists from the lower middle class to register their works. Several explanations have been put forward, such as: The lack of incentives to register copyrights. In fact, batik artisans do not plan to use copyright on their merchandise because they prioritize sales too much.

The existing design has evolved and been modified according to public taste and the times, and these changes have resulted in the design currently being produced. There is no issue or violation if one party makes changes to an existing design or comes up with a completely new design. The fact that batik artisans are still in the dark about intellectual property rights is another factor.

Although some people are aware of copyright, they are not very enthusiastic about registering it. This is partly due to the fact that the actual benefits are unknown and that imitation and plagiarism are still common. Furthermore, we believe that the owners exert pressure on monopolies and other artisans while excluding stakeholders through copyright registration, which is problematic because the thinking of certain artisans is still

quite traditional. Lastly, the batik artisans have made imitation of the Model a habit..

Why is it important to protect the economic and moral rights of batik artists, It is difficult to establish ownership of a copyrighted work in cases of plagiarism or

### **Hand-drawn Batik with natural dye (Indigo)**



imitation because unregistered copyrighted works only protect the original author. Therefore, to facilitate the application of legal protection, the created batik art needs to be registered..



Another reason is that batik artisans are not yet aware of or do not understand intellectual property rights. Only a few people are interested in registering for copyright services, even though they understand the concept. This is partly due to the fact that the actual benefits are unknown and plagiarism and copying are still issues. We also consider that applicants pressure monopolies and other crafts to eliminate interested parties by registering copyrights, which is problematic because the thinking of certain craftsmen is still traditional.

The situation where batik artisans who create original works only receive exhaustion without fair profit is a serious problem that affects creativity and innovation. When their work is easily copied or

exploited without permission by others, artisans feel that their hard work is not fairly appreciated. This can lead to feelings of frustration and a loss of motivation to continue creating.

The situation where batik artisans who create original works only receive exhaustion without fair profit is a serious problem that affects creativity and innovation. When their work is easily copied or exploited without permission by others, artisans feel that their hard work is not fairly appreciated. This can lead to feelings of frustration and a loss of motivation to continue creating.

Lastly, it is difficult to stop the practice of copying designs made by other batik artisans. Copyright registration for batik art should be made

easier by the government, and it would be better if the registration were free, to preserve this art form. Batik art has essentially been preserved since 1982—however, this does not mean that the Copyright Law employs artisans, especially those who create batik art, for this purpose. preserving their batik creations. The 2002 UUHC is not well known among batik artists. Article 12 letter i of the UUHC (2002) states that batik designs in general are protected by copyright.

Batik that is protected by copyright is considered non-traditional batik according to the Copyright Act (1987) and the Copyright Act (1997), because traditional batik is now considered public domain. The Copyright Law of 2002 protects contemporary and traditional batik. There is no need to register to obtain copyright protection for batik. Pekalongan batik motifs that use natural dyes still rarely have copyright protection.

Considering the important role of micro, small, and medium enterprises (MSMEs) in the overall economy—as places where people can obtain jobs and where communities can access various financial services—it is crucial for these enterprises to have adequately protected intellectual property rights. Indonesian MSMEs can be protected from imitation and the use of their practices to their detriment. Nevertheless, there are several reasons that make it difficult for MSMEs to use the IPR system.

Some of these issues include the lack of strong legal protection against intellectual property rights violations, lengthy and convoluted registration procedures, and high registration costs. Tax relief for small and medium enterprises, as well as micro

enterprises, is based on the same principle as tax relief for micro business licensing fees, as well as tax relief for micro and small and medium enterprises, as stated in Article 12 letter b of Law Number 20 of 2008.

Micro and small enterprises (UMKM) will be able to access more banking services and products, including those offered by traditional systems and Sharia law, as a result of government policies encouraging them to obtain intellectual property rights (HKI) certificates. Because copyright and patent rights are explicitly defined in Article 108 paragraph (1) of Law Number 13 of 2006 concerning Patents and Article 16 paragraph (3) of Law Number 28 of 2014 concerning Copyright. However, this is different from trademark rights, which are not specifically regulated in Law Number 1999 concerning Trademarks and Geographical Indications. 20 of 2016. This applies not only to industrial designs but also to trade secrets, integrated circuit layouts, and other forms of intellectual property.

Although it is true that non-material elements fall into the category of reliable guarantees according to Article 42 paragraph 2 of Law No. 42 of 1999 concerning Reliable Guarantees, it is important for all parts of intellectual property rights to be usable as reliable guarantees under every law worldwide when dealing with IP issues.

Healthy competition among artisans and entrepreneurs, especially in the creative industry sector such as batik, is very important to encourage innovation and product quality. However, to create a positive competitive climate, it is necessary to ensure that their works will not be easily imitated or taken

over without permission. This is where the important role of Intellectual Property Rights (IPR), particularly copyright, comes in as a form of legal protection for creative works.

The role of local governments becomes very crucial in this effort. They must be able to bridge the needs of the artisans by providing appreciation, both for the products produced and for the artisans themselves. This can be done by organizing training, providing copyright registration assistance, and awarding local innovations.

With the existence of copyright, artisans can feel safer and more confident in their creations because there is legal certainty that protects their work. This also encourages them to continue creating with originality without worrying about being illegally copied by others. Support from the government in the form of affirmative policies, such as the ease of copyright registration for MSMEs, will further encourage the growth of the creative industry at both local and national levels.

Confirmation will be conducted at the VI Security Interest Working Group of the United Nations Commission on International Trade Law (UNCITRAL) 13th Session, Law on Secured Transactions, New York 19-23, in accordance with the implied mandate given in May 2008, which aligns with the intellectual property rules of each country considered as collateral, without contradicting the applicable regulations regarding the intellectual property of each country, as well as international agreements on intellectual property agreed upon between countries. Furthermore, as a means of building credibility, demonstrating uniformity, and ensuring the execution of fiduciary

duties related to intellectual property objects, particularly those owned by MSMEs, the strengthening of intellectual property rights becomes very important.

The confirmation will take place at the 13th session of Working Group VI on Security Rights of UNCITRAL, Secured Transactions Law, in New York from the 19th to the 23rd, in accordance with the implicit mandate given in May 2008, which respects the intellectual property rules of each country considered as collateral, without contradicting the applicable regulations on intellectual property of each country, and also with international agreements regarding the intellectual property rights agreed upon between countries. Furthermore, strengthening intellectual property rights is also very important as a trust guarantee, demonstrating consistency and ensuring the faithful application of IP objects, particularly IP owned by SMEs.

Artisans with high creativity often manage to create unique new batik motifs that have high artistic value. However, it often happens that when there is a motif considered good and popular, other artisans tend to imitate it without permission. This becomes a major problem for the original motif owners, as they lose the exclusive rights to their creations that should be protected.

To prevent this, it is important for artisans to promptly register the new motifs they create through copyright. With copyright, their works will receive legal protection, so the motifs cannot be copied or used by others without permission. Copyright provides legal certainty for artisans and encourages healthy competition among them.

In addition, the fact that batik production is not always done in one place also adds a challenge in maintaining the originality of the motifs. Because batik is often worked on by dispersed artisan communities, there is a possibility that new motifs spread widely before their owners register their copyrights. Therefore, it is important for artisans and the batik community to be more aware of the importance of copyright registration immediately after a new motif is created, in order to protect their work from the risk of imitation. The government can also play a role by providing facilities that make it easier for artisans in the copyright registration process, as well as educating them about the importance of IP protection in maintaining creativity and innovation in the batik industry.

It is believed that this validation will also help the national economy, keep MSME businesses afloat, and encourage their growth. Therefore, new legislation is needed to expedite the revision of existing intellectual property rules and regulations. The message conveyed by Hendri Sayuti that ensuring its implementation in the Constitution and other legal documents is one of the most significant ways to take constructive steps.

To encourage the growth and development of Micro, Small, and Medium Enterprises (MSMEs), comprehensive policies that support them, especially in the aspect of Intellectual Property Rights (IPR), are needed. MSMEs often have limited capital and access to legal protection, so it is important to provide them with special treatment through affirmative policies. Some steps that can be taken to support MSMEs in the field of IPR include:

1. Elimination of HKI Registration Fees for Micro Enterprises: Removing registration fees for micro enterprises will encourage them to protect their intellectual property, such as trademarks, designs, or trade secrets, without a heavy financial burden.
2. Providing Relief for Small and Medium Enterprises: Providing relief on HKI registration fees for small and medium enterprises will facilitate their acquisition of legal protection for their intellectual works, while simultaneously enhancing their competitiveness in the market.
3. Fiduciary Intellectual Property as Capital Collateral: Emphasizing that all forms of IPR can be used as fiduciary collateral is very important, especially for SMEs that generally have limited capital. Thus, they can use the intellectual property they possess as a valuable asset in obtaining loans or investments.
4. Acceleration of the Omnibus Law Related to IPR: The renewal and acceleration of regulations through the omnibus law related to various laws in the field of intellectual property rights will provide ease and clarity for MSMEs. The relevant laws in this regard include Law Number 20 of 2016 on Trademarks and Geographical Indications, Law Number 30 of 2000 on Trade Secrets, Law Number 31 of 2001 on Industrial Designs, and Law Number 32 of 2000 on the Layout Design of Integrated Circuits.
5. Presidential Decree on Intellectual Property Rights: There is a need for the establishment of a presidential decree that supports these

affirmative policies, including regulations related to the types and rates of non-tax state revenue in the intellectual property rights sector. Thus, MSMEs can more easily access the legal protection they need without excessive costs.

## **Conclusion**

The 2002 UUHC essentially protects the artworks of batik artisans that are not registered. This has caused several conflicts, leading to new designs by the batik masters of Pekalongan being released to the market and stamped batik reaching the market within three months. The Department of Industry and Trade of Pekalongan City has not taken any action to address this issue because most of the batik designs in Pekalongan City are not protected by copyright. If the community wants to protest and pursue it, it requires a significant amount of money, whereas most craftsmen in Pekalongan City have limited capital.

Maximizing the utilization of intellectual property rights for manufactured products is very important considering the significant role played by companies in the national economy, which can lead to increased job opportunities and the provision of

comprehensive financial services for the community. Indonesian SMEs can be protected from plagiarism and the use of business models that are detrimental to them. On the other hand, the IPR system for SMEs is not free from various problems. Some of these issues include: a long and difficult registration process; high registration and registration fees; and inadequate law enforcement related to intellectual property rights.

Improving the capacity and institutional participation of SMEs comprehensively, providing equal opportunities to SMEs, and also granting privileges through positive policies, especially in the field of intellectual property. Because only special treatment in positive policies can ensure equal treatment in guaranteeing and realizing the constitutional rights of every citizen.

Legislation related to trade secrets, including Law No. 31 of 2001 and Law No. 30 of 2000. Industrial Design, Law No. 32 of 2000 concerning Integrated Circuit Design, and Government Regulation No. 45 of 2016. Additional Provisions of Government Regulation No. 45 of 2014. Tax-free countries and the revenue category of the Ministry of Justice, focusing on human rights issues that encompass the determination of PNBPN rights to IP registration applications.



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