

## Assessing the Effectiveness of Intellectual Property Law Enforcement in Indonesia: Legal Substance, Institutional Structure, and Legal Culture



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### Abstract

This article examines the effectiveness of intellectual property rights law enforcement in Indonesia by analysing three main elements of the legal system: legal substance, legal structure, and legal culture. The study focuses on the enforcement of intellectual property rights through civil mechanisms, criminal proceedings, and alternative dispute resolution. The analysis shows that the effectiveness of intellectual property enforcement is influenced not only by the adequacy of legal norms, but also by the capacity and coordination of law enforcement institutions, procedural efficiency, and public legal awareness. In civil disputes, parties are encouraged to strengthen contractual clauses that refer disputes to alternative dispute resolution or arbitration mechanisms, as these forums may provide faster, more confidential, cost-efficient, and legally certain outcomes. Meanwhile, in criminal enforcement, challenges remain in the technical capacity of law enforcement officials, inter-institutional coordination, and bureaucratic complexity. Therefore, improving intellectual property law enforcement in Indonesia requires strengthening the competence of law enforcement officers, simplifying enforcement procedures, enhancing institutional collaboration, and increasing public awareness of intellectual property protection. These measures are essential to create a more professional, efficient, and practical enforcement system that supports legal certainty and the protection of innovation.

**Keywords:** Legal Effectiveness; Law Enforcement; Intellectual Property Rights; Legal System; Dispute Resolution

## I. Introduction

Intellectual property rights constitute an important legal instrument for protecting innovation, creativity, investment, and fair competition in the global market. Adequate protection of intellectual property not only secures the interests of rights holders but also supports economic development, encourages technological progress, enhances consumer protection, and promotes the growth of creative industries. Conversely, intellectual property infringements, such as trademark counterfeiting, copyright piracy, patent infringement, and the circulation of

counterfeit goods, may result in considerable economic losses, weaken business competitiveness, and erode public trust in the effectiveness of legal institutions<sup>1</sup>.

Within the international arena, Indonesia has attracted considerable scrutiny regarding the enforcement of intellectual property rights. The European Commission's *Report on the Protection and Enforcement of Intellectual Property Rights in Third Countries* identified Indonesia as one of the countries requiring particular attention in relation to intellectual property protection. Indonesia was classified as a second-priority country alongside several other nations because of concerns surrounding weak, insufficient, and less effective enforcement mechanisms. Similarly, the United States also included Indonesia in its Priority Watch List, indicating that the enforcement of intellectual property rights remains a strategic issue in Indonesia's legal and economic development<sup>2</sup>.

Although Indonesia continues to face enforcement challenges, several legal reforms have been introduced to strengthen intellectual property protection<sup>3</sup>. Therefore, it is very important for Indonesia to strengthen its intellectual property legal framework<sup>4</sup>. In addition to strengthening the legal framework, it is necessary to utilize technology and provide adequate public education.<sup>5</sup> These developments include the introduction of updated regulations governing patents, trademarks, geographical indications, and copyright, alongside Indonesia's ratification of the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks. Furthermore, the Indonesian government enacted Government Regulation Number 20 of 2017 on the Control of Imports or Exports of Goods Allegedly Derived from Intellectual Property Rights Infringements. This regulation strengthens the role of customs authorities in supervising goods suspected of infringing intellectual property rights and provides a more practical mechanism for preventing the circulation of counterfeit products.

However, legal reform at the normative level has not automatically resulted in effective enforcement in practice. Indonesia still faces various challenges, including the circulation of counterfeit goods, copyright piracy, trademark infringement, long judicial processes, weak coordination among law enforcement institutions, limited technical competence of law enforcement officers, and low public awareness of intellectual property protection. Reports by international institutions, including the OECD and EUIPO, have also identified Indonesia as one of the sources of certain counterfeit products, such as food materials, leather goods, accessories, optical products, photographic products, and medical-related products. This condition reflects a gap between the existence of intellectual property regulations and their implementation in practice.

The problem of intellectual property enforcement in Indonesia therefore cannot be understood merely as a matter of legal substance. It also involves institutional capacity, procedural efficiency, inter-agency coordination, judicial competence, and legal culture within society. In other aspects, there is still a problem of legal vacuum in terms of resolving disputes involving foreign investors<sup>6</sup>. In this regard, Lawrence M. Friedman's theory of the legal system provides a relevant analytical framework. According to this theory, the effectiveness of law depends on three interrelated elements: legal substance, legal structure, and legal culture. Legal substance refers to the rules and norms governing intellectual property protection; legal structure refers to the institutions responsible for enforcement, including administrative bodies,

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<sup>1</sup> OECD and , *Trends in Trade in Counterfeit and Pirated Goods* (Paris: OECD Publishing, 2019), 17–20, <https://doi.org/10.1787/g2g9f533-en>

<sup>2</sup> Natassja Putri Gumilang and Fennieka Kristianto, 'Legal Protection of Copyright Towards Work Piracy for "Paid Stories" Written Works on Wattpad Platform: A Case Study in Indonesia', *European Journal of Law and Political Science*, 4.2 SE-Articles, 15–21 <<https://doi.org/10.24018/ejpolitics.2025.4.2.168>>.

<sup>3</sup> Munira and others, 'Alternatif Penyelesaian Sengketa Perdata Di Era Digital: Upaya Perlindungan Merek Dalam Ekosistem E-Commerce Indonesia', *Semarang Law Review (SLR)*, 6.2 SE-Articles, 350–66 <<https://doi.org/10.26623/slr.v6i2.12621>>.

<sup>4</sup> Zuliarti Wa Ode, 'Uncharted Water: Indonesia Copyright Challenges in the Digital Age', 4.1 (2025), 103–19.

<sup>5</sup> Natassja Putri Gumilang and Fennieka Kristianto, 'Legal Protection of Copyright Towards Work Piracy for " Paid Stories " Written Works on Wattpad Platform : A Case Study in Indonesia', 4.2 (2025), 15–21.

<sup>6</sup> Cita Citrawinda Noerhadi, 'Cybercrimes and Alternative Settlement of Intellectual Property ( IPR ) Disputes in Indonesia', 16.1 (2022), 89–109 <<https://doi.org/10.5281/zenodo.4766558>>.

investigators, prosecutors, courts, and customs authorities; while legal culture concerns public awareness, compliance, and attitudes toward intellectual property rights<sup>7</sup>.

The violation against Intellectual Property affects economic aspect. People throughout world have been aware of the effect of intellectual property violation in the form of trademark falsification and copyright plagiarism.<sup>8</sup> European Commission's report in 2018 reveals that Indonesia is one of prioritized states, following China, in the law enforcement in the term of intellectual property globally. Indonesia belongs to the second priority along with Argentina, Russia, India, Turkey and Ukraine. In addition to EU, United States of America (USA) puts Indonesia into priority watch list in 2016-2017<sup>9</sup>. China is the first prioritized state because more than 80% of products seized by EU come from China. Meanwhile, Indonesia belongs to the second priority due to limited, inadequate, and less effective law enforcement<sup>10</sup>. It is based on New Indonesian patent law introducing procedure, local manufacture, additional criteria or limitation to the material patented. Nevertheless, in the report made by EU there are some progresses achieved by Indonesia: ratifying Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, Brand and Geographic Indication Law, the implementing regulation of copyright law having an impact on the effectiveness of information technology utilization as the form of protection to the right holder. In 2017, Indonesia has issued Government Regulation Number 20 of 2017 about commodity import or export Control putatively deriving from the violation of intellectual property violation. This rule affects the procedure of supervising commodities putatively breaking the intellectual property implemented by the customs office effectively and efficiently.

Nonetheless, Indonesia still has a record of products breaking intellectual property rights. OECD-EUIPO states that in 2011-2013 Indonesia is the producer of counterfeit food material, leather bag material, accessory or optic, photography or medical products.<sup>11</sup> It is in line with Toto Sugiarno stating that brand falsification, copyright plagiarizing, and other infringements.<sup>12</sup> In the context of law enforcement, according to EU, Indonesia still face some challenges in the intellectual property law enforcing process: long justice process, infringement prevention process during court session or judge's competency in examining the case of intellectual property dispute. EU thinks that cooperation involving ministries or cross-sector law enforcers should be improved. Law enforcement problem in Indonesia is considered as ineffective. Therefore, the aspects causing ineffectiveness in the law enforcement process should be find out to enable the existence of law to provide benefit, justice, and law certainty. In principle, national law should governs the law enforcement structure and provide procedure in law enforcement process.<sup>13</sup> This study will discuss the effectiveness of intellectual property law enforcement in Indonesia by means of analyzing legislation, law enforcing institution structure, and legal culture within society.

The report made by European Commission in the document of Report on the protection and enforcement of intellectual property rights in third countries contains some noteworthy points: substance of patent law or related law, law enforcing process and efficiency in judicature process. Thus, the method used in this sociolegal research was Lawrence Meir Friedman's theory

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<sup>7</sup> Oktavia Pitta and others, 'The Legal Arrangements of Intellectual Property Rights in Indonesia on Addressing Priority Watch List Status', 8.5 (2025), 277-94.

<sup>8</sup> Carsten Fink, Keith E.Maskus, Yi Qian., The Economic Effects of Counterfeiting and Piracy: A Review and Implications for Developing Countries, E Library World Review, 2016, Vol.31, No.1, page 1 retrieved from <https://elibrary.worldbank.org/doi/epdf/10.1093/wbro/lkv010>

<sup>9</sup> Office of the United States Trade Representative, Special 301 Report, 2016 & 2017

<sup>10</sup> Commission Staff Working Document, Report on the protection and enforcement of intellectual property rights in third countries, retrieved from [https://trade.ec.europa.eu/doclib/docs/2018/march/tradoc\\_156634.pdf](https://trade.ec.europa.eu/doclib/docs/2018/march/tradoc_156634.pdf)

<sup>11</sup> Mapping the Real Routes of Trade in Fake Goods Retrieved from [https://euiipo.europa.eu/tunnel-web/secure/webdav/gEUst/document\\_library/observatory/documents/reports/Mapping\\_the\\_Real\\_Routes\\_of\\_Trade\\_in\\_Fake\\_Goods\\_en.pdf](https://euiipo.europa.eu/tunnel-web/secure/webdav/gEUst/document_library/observatory/documents/reports/Mapping_the_Real_Routes_of_Trade_in_Fake_Goods_en.pdf)

<sup>12</sup> Retrieved from <https://law.ui.ac.id/v3/efektivitas-penegakan-hukum-hak-atas-merek-dan-hak-cipta-oleh-otoritas-kepabeanan-indonesia/> Official Website of Faculty of Law, Universitas Indonesia.

<sup>13</sup> L.T.C. Harms, A Casebook on the Enforcement of Intellectual Property Rights, Four Edition, World Intellectual Property Organization, Geneva, 2018, page 12

on Legal System later developing into law enforcement effectiveness theory. Therefore, to examine the law enforcing process in Indonesia, an analysis is conducted on various legislation substances in intellectual property, law enforcing institution structure in various sectors, and society's legal culture in relation to the implementation of intellectual property.

Several previous studies have discussed intellectual property protection in Indonesia, particularly in relation to trademark counterfeiting, copyright piracy, patent regulation, and institutional enforcement. However, many of these studies tend to focus only on specific branches of intellectual property law or on normative legal analysis. Limited attention has been given to the broader interaction between legal norms, enforcement institutions, and public legal culture in determining the effectiveness of intellectual property law enforcement in Indonesia. This study therefore seeks to fill that gap by examining intellectual property enforcement through an integrated legal system perspective.

The novelty of this study lies in its comprehensive analysis of intellectual property law enforcement in Indonesia by combining the dimensions of legal substance, legal structure, and legal culture. Rather than merely describing the applicable regulations, this study evaluates how intellectual property laws are implemented through civil enforcement, criminal enforcement, and alternative dispute resolution mechanisms. The significance of this study is to provide a clearer understanding of the factors that influence the effectiveness of intellectual property law enforcement and to offer recommendations for strengthening Indonesia's intellectual property protection system. In addition, in the context of non-litigious resolution of intellectual property disputes through Alternative Dispute Resolution, legal and social issues can be resolved<sup>14</sup>. In terms of intellectual property dispute resolution, progress remains minimal, as evidenced by research conducted in the judicial district of West Java Province<sup>15</sup>.

Based on this background, this article examines the effectiveness of intellectual property law enforcement in Indonesia by analysing relevant legislation, the role and capacity of law enforcement institutions, and the legal culture of society. Through this analysis, the study aims to identify the main obstacles in intellectual property enforcement and to formulate legal and institutional strategies to improve the protection of intellectual property rights in Indonesia.

## II. Research Problems

This research concerns the issue of legal effectiveness. How effective is intellectual property law enforcement in Indonesia when viewed through Lawrence Meir Friedman's theory?

## III. Research Methods

This study uses a normative juridical research method with a qualitative doctrinal approach. This method is applied to examine the effectiveness of intellectual property law enforcement in Indonesia by analysing legal norms, regulatory frameworks, institutional mechanisms, and their implementation in practice. The doctrinal approach is used to interpret and evaluate legal rules governing intellectual property rights, while the qualitative analysis allows the study to assess the relationship between legal provisions and enforcement challenges.

This study adopts Lawrence M. Friedman's legal system theory as its primary analytical framework. The theory is applied to analyse three interconnected components of law enforcement, namely legal substance, legal structure, and legal culture. Legal substance encompasses the body of laws and regulations governing intellectual property rights, including rules relating to civil remedies, criminal sanctions, administrative control, and alternative dispute resolution mechanisms. Legal structure refers to the role and capacity of institutions involved in intellectual property enforcement, such as law enforcement agencies, courts, customs authorities, and relevant government institutions. Legal culture refers to public awareness, compliance, and social attitudes toward the protection of intellectual property rights.

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<sup>14</sup> Rusli Subrata, 'Can Alternative Dispute Resolution Mechanisms Revolutionize Conflict and Dispute Resolution in Indonesia?', *Jurnal Litigasi*, 24.1 (2023), 151-64 <<https://journal.unpas.ac.id/index.php/litigasi/article/view/7198>>.

<sup>15</sup> {Formatting Citation} sidik

The legal sources utilized in this study consist of both primary and secondary legal materials. Primary legal materials comprise statutory regulations relating to intellectual property rights in Indonesia, including legislation on copyright, trademarks and geographical indications, patents, industrial designs, trade secrets, as well as regulations governing the supervision of imported or exported goods suspected of infringing intellectual property rights. Meanwhile, secondary legal materials include scholarly books, academic journal articles, research findings, institutional publications, and other relevant literature discussing intellectual property law enforcement and legal effectiveness.

The data collection technique is conducted through library research by identifying, classifying, and reviewing relevant legal materials and scholarly literature. The collected materials are then analysed using a descriptive-analytical method. This method first describes the applicable legal norms and enforcement practices, then critically analyses them using Friedman’s legal system theory to identify the factors affecting the effectiveness of intellectual property law enforcement in Indonesia.

The conclusion is drawn using deductive reasoning, by examining general principles of intellectual property law enforcement and legal system theory, and then applying them to the specific context of intellectual property law enforcement in Indonesia. This approach enables the study to formulate a reasoned conclusion regarding the effectiveness, challenges, and necessary improvements in Indonesia’s intellectual property enforcement system.

## IV. Result and Discussion

### A. The Effectiveness of Law Enforcement in Intellectual Property in Indonesia

Law enforcement is required to be effective to improve the public trust in the power of justice.<sup>16</sup> Independence and professionalism in law enforcing processes are predominant. The effectiveness of law enforcement should be viewed from examining process, verdict process and execution of court verdict. Directorate General of Intellectual Property Rights (Direktorat Jenderal Hak Kekayaan Intelektual, thereafter called DJKI) has made some innovations in the law enforcing process since 2019 through “*E-pengaduan* (Electronic complaint)” and has resolved 119.51% out of 41 complaints.<sup>17</sup> Law enforcement in intellectual property rights has been distributed in many executive and judicative institutions. The law enforcement in Directorate General of Intellectual Property Rights in 2019 can be seen in the table below.

**Table 1.** Case Resolution in Directorate General of Intellectual Property Rights

Case	Number	Remark
Supervision and Mandate Administration	16 6	Supervision and Observation Handling
Pretrial	15	Pretrial handling
SP3(Non-Crime)	9	8 cases constituting Case Report in 2018
SP3 (Withdrawal)	18	16 cases constituting Case Report in 2018
SP3 (Mediation)	1	
Total case handled	41	
Intellectual Property Law Enforcement	Total	Remark
Website Content Closing	199	Number of websites recommended to be closed

<sup>16</sup> See the Report of the Secretary General of the Council of Europe (2015), pp. 14, 17, 27, see also the CCJE Opinion No. 13(2010) on the enforcement of judicial decisions

<sup>17</sup> Laporan Tahunan Direktorat Jenderal Hak Kekayaan Intelektual Tahun 2019, Kementerian Hukum Dan Hak Asasi Manusia [Annual Report of Directorate General of Intellectual Property Right in 2019, Ministry of Law and Human Resource] p.3

Intellectual Property Law Enforcement	Total	Remark
Verdict of Appeal Commission for Patent Case	13	Declination of Application: 12 corrections over description, clime, and image following the application: 0 Verdict granting patent:1
Verdict of Appeal Commission for Brand Case	792	granted: 269 granted partially: 24 declined: 499

Source: Data of the Directorate General of Intellectual Property Rights in 2019

The optimization of Law Enforcement Process in DJKI is conducted in 23 regions and is concentrated on Java, Sumatera, Bali, NTT, and NTB regions. In addition to catering on complaint, DJKI also enforces the law through appeal and patent commission trials. These trials are the ones intended to resolve the infringement of intellectual property rights that have been protected.

### B. Legal/Legislation Substance Factor in Intellectual Property field

Since joining WTO and ratifying TRIPs Agreement, Indonesia has experienced some amendments to legislations. Nearly all intellectual property regimes have been regulated in the Law and its implementing regulation, even Local Regulation. Until 2022, some Laws are still effective, including the latest legislations such as Law Number 20 of 2016 about Brand and Geographic Indication, Law Number 13 of 2016 about Patent, Law Number 28 of 2014 about Copyrights, Law Number 30 of 2000 about Trade Secret, Law Number 29 of 2000 about Plant Variety Protection, Law Number 32 of 2000 about Integrated Circuit Network, and Law Number 31 of 2000 about Industrial Design. There are two characteristics of intellectual property regulation in Indonesia: individual and communal. This individual aspect becomes the world characteristic globally due to commercialization purpose, while communal characteristic is based on social condition of Indonesian people. Such integration is included into various legislations including brand and geographical indication law that accommodates communal interest, the geographical indication protection. The implementing regulation includes the Minister of Law and Human Rights' Regulation Number 13 of 2017 about Data of Intellectual Property. In addition to the Right of Geographical Indication, the protection of communal intellectual property consists of traditional knowledge, traditional cultural expression, and genetic resource. Indonesia develops such regulation in the form of communal intellectual property inventory for national development purpose.

Law enforcement protecting various human interests has an impact on the real evidence of the existence of law. There are three aspects in law enforcing process: law certainty, benefit, and justice.<sup>18</sup> These three aspects, of course, go hand in hand for human interests. Then, the law enforcement factor is affected by three components: legal substance, structure or law enforcer, and community culture. These three factors are inseparable from each other in examining the effectiveness of law enforcement. In the context of legal substance, Mark A. Lemley explains that law protection is instead dominant in agreement or contracted entered into by the parties rather than coming from rules of law in intellectual property field.<sup>19</sup>

### C. Structure or Law Enforcer Factor

#### 1. Law Enforcement in Civil Case

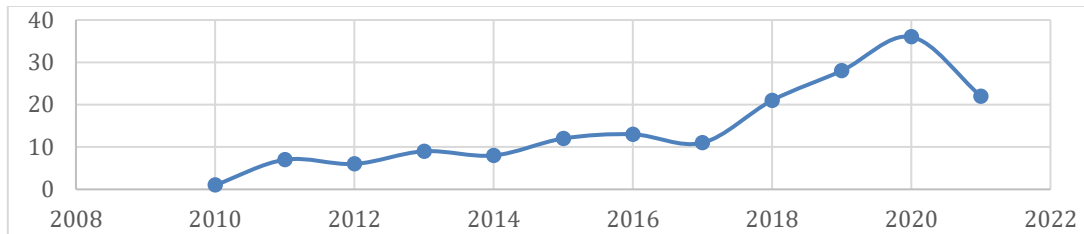
Law enforcement becomes the parameter of justice fulfillment. Many factors affect the law enforcing process, one of which is the law enforcers' poor understanding; thus the law enforcement cannot perform well and eventually, some law infringements are ignored. The

<sup>18</sup> Sudikno Mertokusumo. *Mengenal Hukum*. Liberty Yogyakarta. Yogyakarta. 1999. p.145

<sup>19</sup> Mark A Lemley, *Beyond Preemption: The Law and Policy of Intellectual Property Licensing*, 2002, *California Law Review*, p. 57

intellectual property-related law enforcement is fluctuating in Indonesia in the period of 2010-2021. The data obtained from the database of Republic of Indonesia Supreme Court's Verdict shows that 136 cases have been decided by the court. Those cases are distributed in some regions throughout Indonesia. The data of case numbers processed in the court is presented in the table below.

**Table 2.** Number of Cases Processed in the Court



Source: Data of Supreme Court, accessed on June 25, 2024

Considering the data, instead the highest number of cases entered into and processed in the court in the last fifty years is found during the peak of Covid-19 Pandemic in Indonesia. Indonesia is a developing country and considered as one of the third world countries. Certain developing countries have some potential intellectual properties communally. However, nearly all law enforcing processes are dominated by the intellectual property with individual protection characteristic.

The ratification of Law about intellectual property affects the law enforcement in Indonesia. The law enforcement process in intellectual property field is divided into two clusters in Indonesia. Firstly, the cases of plant variety protection are handled by District Court, while secondly other intellectual properties - Copyright, Brand Right, Patent and Trade Secret Rights are handled by Commercial Court.

The advantage of case resolution in the District Court is, among others, that each of regency or municipal governments has had district court that is affordable to the people or those interested. The District Court is authorized to examine the Application for Obligatory License. In the examination process to protect the parties whose rights have been infringed, according to Article 68 of Law 29/2000, the activity process conducted by the suspect offender can be stopped temporarily to reduce the loss in the party infringed. This is the form of law protection to the holder of Plant Variety Protection rights. Data of Supreme Court reveals that 15 cases have been decided by first-level, second-level, appeal Courts, and judicial review. This figure will, of course, increase because not all court verdicts are documented in the Supreme Court's database. In the law enforcement of Plant Variety Protection, there some regulating Laws: Law Number 29 of 2000 about plant variety protection and Law Number 22 of 2019 about farming cultivation system.

## 2. Law Enforcement in Criminal Case

Law enforcement in civil case involves various institutions such as Civil Servant Investigator (Indonesian: *Penyidik Pegawai Negeri Sipil*, thereafter called PPNS), having authority at ministry or executive institution or governmental level. Police officers contribute to finding proof, evidence, and witness or expert information. Police officers and PPNS are in charge of investigating the law infringement cases in intellectual property field. Considering the Copyright Law No. 28 of 2014, Police officers still find difficulty in disclosing the cases of intellectual property right infringement as they are complaint offenses. The victims often do not know that a law infringement has occurred against their intellectual property rights.<sup>20</sup> In 1987-2002 ordinary offense has been applied to the Copyright, but it has changed into complaint offense in 2014<sup>21</sup>.

<sup>20</sup> Bryan Aduardus Chriatiano, Implikasi Perubahan Delik dalam Undang-Undang Nomor 28 tahun 2014 tentang Hak Cipta terhadap Deterrence Effect Praktik Pembajakan Buku Akademis di Indonesia, *Padjajaran Law Review* Vol (9) No (1), 2021, p. 5

<sup>21</sup> Irhamdessetya, Hani, and Daniel Manongga. "The Effectiveness of Copyright Law No. 28 of 2014 in the Prevention of Copyright Infringement." *The Virtual International Conference on Economics, Law and Humanities* 1 (2023): 167-173. <https://callforpaper.unw.ac.id/index.php/ICOELH/article/view/288>.

The difference between complaint offense and ordinary offense lies on the process of complaining to law enforcers (police or PPNS). Complaint offense should be made by the holder of right, but the ordinary one can be processed without the complaint from the holders of right or those harmed. Meanwhile, the Law of Patent uses two offenses: complaint and ordinary. The complaint offense is regulated in Articles 161, 162 and 164 of Patent Law, while the ordinary one in Article 163. In this provision, ordinary offense is applied when the infringement is made against the provision of Articles 161 and 162, leading to impaired health and living environment.

The position of PPNS in the Law Enforcement of Intellectual Property as the assistant investigator of Republic of Indonesia's Police is included into Article 1 number 11 and Article 3 of Law Number 2/2002. It is this condition that challenges the effectiveness of law enforcing process as it involves two institutions in the same duty. Revitalization should be made on institutional field to enable the law enforcing processes to run professionally, efficiently, and effectively. Moreover, the cases becoming the object are related to the products with domino effect on various affected aspects such as the fulfillment of consumers' need, the existence of industry and the fate of workers. Supreme Court's Verdict Number 130/PUU-XIII/2015 has an implication to the performance of PPNS, in which they work more quickly and effectively in completing the investigation administration to accelerate the law enforcing processes.

### **3. Legal or Community Culture Factor**

Law or regulation in intellectual property field has been existing and even is always updated to adapt to time development and change. Many Laws have been adjusted with recent condition. Even, in the Law of Plant Variety Protection, people have an opportunity of being plant seed breeder by providing exclusive rights to the product of plant seed created. In copyright field, the state through Law Number 18 of 2014 protects intellectual works in the form of writing, image or other works visible to the five senses. However, how far do the people know the provisions of various legislations? The challenge appearing within the community is to understand so many laws prevailing in which even Indonesia has more than 43,000 legislations excluding governor regulation, regent or mayor regulation, and village regulation in 2016.<sup>22</sup> The shortage of so many legislations is, among others, the overlapping rules and thereby the unfulfilled law certainty aspect.

Legal culture of Indonesian community is very pluralistic as it consists of diverse ethnic groups, customs, and cultures. It is this condition that leads to the people's diverse perspectives on the existence of law. On the other hand, Indonesia knows legal pluralism in which law is defined not only in written form but also non-written laws living within community. Svensson and Larson say that in there is a gap of copyright protection in European countries between rules of law and social norms having an impact on collective actions.

In the Plant Variety Protection Law, no farmer has Plant Variety Protection Law because in their farming culture, they are accustomed with cooperation (working together) from cultivating the land to sharing seed. Seed exchange becomes a hereditary culture occurring and in the Plant Variety Protection Law, sharing, storing, and selling seed are prohibited. It belongs to the copyright deriving from communal intellectual property. The works produced, of course, become communal ones, so that everyone can utilize them by enjoying the creation either with or without permission. Nevertheless, some cases attract Indonesian public's much attention, the cases of song covering posted in youtube. Many singers do not cover some songs without asking the holders of copyright first for the permission. It leads to legal actions including subpoena or lawsuit against the infringement of right. The findings demonstrate that the growth of digital piracy across the world is largely influenced by rapid technological development, the widespread accessibility of unauthorized content distribution, and the lack of uniformity in international copyright regulations<sup>23</sup>.

<sup>22</sup> Retrieved from <https://finance.detik.com/berita-ekonomi-bisnis/d-3344758/cetak-rekor-ri-jadi-negara-hukum-dengan-aturan-paling-banyak-di-dunia>

<sup>23</sup> Panjaitan, Hulman, Andrew Betlehn, Tomson Situmeang, Md Zubair Kasem Khan, and Mahadi Hasan Miraz, 'Jurnal Hukum UNISSULA', 40.2 (2024), 235-57  
<<https://jurnal.unissula.ac.id/index.php/jurnalhukum/article/view/40525/10976>>.

The Discussion and Conclusion sections should <sup>24</sup>: Clearly address the research questions and arguments presented in the introduction; <sup>25</sup>; Highlight the novelty and contribution of the study; Incorporate and critically engage with findings from previous studies and relevant scholars; and Explain the significance and implications of the research, particularly within the field of law.

Indonesia belongs to watch priority in United States of America and EU, of course, having an impact on the process of resolving the conflict or dispute when the harmed parties take legal action. EU thinks that the judicature system existing today still takes a long time and is inefficient. By ratifying TRIPs agreement, the law enforcing process related to intellectual property in Indonesia should rely on WTO through integrated dispute settlement system.

Indonesia has had Law governing the alternative dispute settlement, Law No.30/1999. An effective dispute settlement should be based on the dispute settlement forum such as court, national and international arbitration body or other alternative dispute settlements. The implementation of law should be effective in the context of its implementation. The decision making process should perform quickly with fair cost. Neutrality and professionalism of judge, arbitrator, and third party involved should be emphasized. The decision of court or arbitration body should be implemented. The parties should be submitted to the verdict yielded.<sup>26</sup> Article 6 of Law Number 30/1999 about alternative dispute settlement has governed maximum time limitation for dispute settlement is 14 days, while the dispute settlement through the Court, according to Supreme Court's Circular Number 2 of 2014 is maximally 5 months in the first-level court and 3 months in the appeal court. So, the settlement of dispute related to intellectual property rights takes 8 (eight) months excluding the legal action at judicial review level, when the parties in the dispute still use their legal attempt. It is the dispute settlement in the court considered as inefficient by industrial actors, because in that period there is no law certainty about the object of dispute, either intellectual work or product.

Judicature system in Indonesia, in which the dispute of intellectual property right enters into court domain, increases and accumulates the settlement burden in the court.<sup>27</sup> It is this that makes the law enforcing process through litigation channel taking a long time and inefficient in either national or international business dispute settlement process. Around the world, intellectual property disputes are more often resolved through non-litigation or alternative dispute resolution methods outside the court system<sup>28</sup>. The alternative dispute settlement is a solution to achieve efficient solution viewed from any aspects. The principle of alternative dispute settlement prioritizing win-win solution will of course prioritize benefit, certainty, and justice. There are some dispute settlement models out of the court: mediation, consultation, negotiation and expert assessment<sup>29</sup>. Dispute settlement in intellectual property field is governed in various laws in the area of intellectual property right, as explained below.

a. Copyright dispute

Article 95 of Law No. 28 of 2014 about Copyright gives the parties some options to settle the dispute: alternative dispute settlement, arbitration, and court.

b. Patent dispute

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<sup>24</sup> E. Jachnik, *Zasada dobrostanu zwierząt we Wspólnej Polityce Rolnej Unii Europejskiej*, „Studia Iuridica Lublinensia” 2017, vol. 26(1), p. 290.

<sup>25</sup> F. Gárdos-Orosz, *COVID-19 and the Responsiveness of the Hungarian Constitutional System*, [in:] *COVID-19 and Constitutional Law*, ed. J.M. Serna de la Garza, Ciudad de México 2020, pp. 159-161.

<sup>26</sup> Supanca, Ida Bagus., 2006, *Kerangka Hukum dan Kebijakan Investasi Langsung di Indonesia*, Bogor: Ghalia Indonesia, 1<sup>st</sup> edition, p. 8

<sup>27</sup> Yuniar Kurniawaty, *Efektifitas Alternatif Penyelesaian Sengketa dalam Sengketa Kekayaan Intelektual (Alternative Dispute Resolution on Intellectual Property Dispute)*, *Jurnal Legislasi Indonesia*, Volume 14 Number 02, June 2017. pp.163-170

<sup>28</sup> Joko Sulistyono, *The Potential of Alternative Dispute Resolution in Intellectual Property: Patents in Japan and Indonesia* (Atlantis Press SARL, 2024) <<https://doi.org/10.2991/978-2-38476-218-7>>.

<sup>29</sup> Sabela Gayo, 'The Use Of Mediation As An Alternative Dispute Resolution In The Resolution Of Intellectual Property Rights Disputes', 1.2 (2022), 101-6. <https://doi.org/10.59712/iaml.v1i2.18>

Article 153 of Law Number 13 of 2016 about Patent also provides some options of dispute settlement, in which in addition to being settled through the court, the dispute can be settled through arbitration and alternative dispute settlement.

c. Brand and Geographical Indication Dispute

Article 93 of Law Number 20 of 2016 about Brand and Geographical Indication also provides some options of dispute settlement, in which in addition to being settled through the court, the dispute can be settled through arbitration and alternative dispute settlement

d. Industrial Design Dispute

Article 47 of Law No. 31 of 2000 about Industrial Design explains that the dispute can be settled in the court, in addition there are some options to settle dispute: through arbitration or alternative dispute settlement. This law is considered still having some shortages related to substance, registration procedure and law enforcement.<sup>30</sup>

e. Integrated Circuit Layout Design Dispute

Article 39 of Law Number 32 of 2000 about Integrated Circuit Layout Design explains that in addition to being settled in the court, this law provides some options to solve dispute, through arbitration or alternative dispute settlement.

f. Trade Secret Dispute

Article 12 of Law No.30 of 2000 about trade secret states that dispute settlement can be done in litigation and non-litigation ways.

g. Plant Variety Protection Dispute

Article 66 of Law No. 29 of 2000 about Plant Variety Protection states that the harmed parties can file lawsuit to the District Court. The right to prosecute can be filed after the holder of right receives the certificate of plant variety protection rights issued by Plant Variety Protection Office, Republic of Indonesia's Agricultural Ministry. The Plant Variety Protection Law does not govern the dispute settlement out of the court. This law protects the right to proliferate seed, to store it for propagation purpose, to advertise, to offer, to sell, to export, to import, and to reserve it. Meanwhile, Article 13 of the Community Plant Variety Rights System (CPVR) Regulation stipulates that the rights granted under the CPVR framework include activities such as reproduction, preparation for propagation, offering for sale, commercialization, exportation, importation, and the storage of plant varieties intended for those purposes.<sup>31</sup>

## V. Conclusion

The enforcement of intellectual property rights in Indonesia can be pursued through both litigation and non-litigation mechanisms. In civil disputes, alternative dispute resolution and arbitration should be strengthened as preferred mechanisms, particularly in business-related intellectual property conflicts<sup>32</sup>. These mechanisms offer several advantages, including confidentiality, procedural efficiency, lower costs, flexibility in choosing legal forums and arbitrators, and binding decisions that may be executed through simpler procedures. Therefore, parties involved in intellectual property transactions should include clear dispute resolution clauses in their contracts to ensure faster, more effective, and legally certain settlement of disputes.

In criminal enforcement, the effectiveness of intellectual property protection still depends heavily on the capacity of law enforcement institutions. Strengthening the technical competence of investigators, prosecutors, judges, customs officers, and other relevant authorities in

<sup>30</sup> Laporan Tahunan Direktorat Jenderal Hak Kekayaan Intelektual Tahun 2019, kementerian hukum dan hak asasi manusia [Annual Report of Directorate General of Intellectual Property Right in 2019, Ministry of Law and Human Resource] p.16

<sup>31</sup> Carina Gommers, Willem Leppink and Marius Schneider, *Round-up of European enforcement case law 2021*, Journal of Intellectual Property Law and Practice, 2022, Vol 17 No. 6, page 486

<sup>32</sup> Haunss, Sebastian. "Enforcement versus Access: Wrestling with Intellectual Property on the Internet." *Internet Policy Review* 2, no. 1 (2013): 1-9. <https://doi.org/10.14763/2013.2.132>.

intellectual property matters is essential. In addition, better coordination among enforcement agencies and simplification of bureaucratic procedures are needed to create a more professional, efficient, and practical enforcement system.

Overall, the effectiveness of intellectual property law enforcement in Indonesia requires an integrated approach that combines strong legal substance, competent law enforcement institutions, and supportive legal culture. Legal reform should not only focus on improving regulations, but also on strengthening institutional capacity, promoting inter-agency collaboration, encouraging the use of alternative dispute resolution, and increasing public awareness of intellectual property protection. These efforts are necessary to ensure that intellectual property law can provide legal certainty, justice, and economic benefits for right holders, business actors, and society.

## References

- Abbas, Ririn Yulandari, Ika Novitasari Munira, and Riskayanti. "Alternatif Penyelesaian Sengketa Perdata di Era Digital: Upaya Perlindungan Merek dalam Ekosistem E-Commerce Indonesia." *Semarang Law Review (SLR)* 6 (2025): 350-366. <https://doi.org/10.26623/slr.v6i2.12621>.
- Calboli, Irene. "Trademark Exhaustion in the European Union: Community-Wide or International? The Saga Continues." *Marquette Intellectual Property Law Review* 6, no. 1 (2002).
- Dinwoodie, Graeme B. "The International Intellectual Property Law System: New Actors, New Institutions, New Sources." *Marquette Intellectual Property Law Review* 10, no. 2 (2006).
- Geiger, Christophe. "The Social Function of Intellectual Property Rights, or How Ethics Can Influence the Shape and Use of IP Law." Max Planck Institute for Intellectual Property and Competition Law Research Paper (2013). <https://doi.org/10.4337/9781783470532.00013>.
- Gervais, Daniel J. "The TRIPS Agreement and the Doha Round: History and Impact on Economic Development." *Vanderbilt Journal of Transnational Law* 36, no. 2 (2003).
- Gommers, Carina, Willem Leppink, and Marius Schneider. "Round-up of European Enforcement Case Law 2021." *Journal of Intellectual Property Law & Practice* 17, no. 6 (2022): 478-486.
- Gumilang, Natassja Putri, and Fennieka Kristianto. "Legal Protection of Copyright Towards Work Piracy for 'Paid Stories' Written Works on Wattpad Platform: A Case Study in Indonesia." *European Journal of Law and Political Science* 4 (2025): 15-21. <https://doi.org/10.24018/ejpolitics.2025.4.2.168>.
- Haunss, Sebastian. "Enforcement versus Access: Wrestling with Intellectual Property on the Internet." *Internet Policy Review* 2, no. 1 (2013): 1-9. <https://doi.org/10.14763/2013.2.132>.
- Hulman Panjaitan, Andrew Betlehn, Tomson Situmeang, Md Zubair Kasem Khan, and Mahadi Hasan Miraz. "Music Copyright Protection in the Digital Era: Legal Framework and Strategies for Enforcement." *Jurnal Hukum* (2024). <https://doi.org/10.26532/jh.v40i2.40525>.
- Irhamdessetya, Hani, and Daniel Manongga. "The Effectiveness of Copyright Law No. 28 of 2014 in the Prevention of Copyright Infringement." *The Virtual International Conference on Economics, Law and Humanities* 1 (2023): 167-173. <https://callforpaper.unw.ac.id/index.php/ICOELH/article/view/288>.
- Kurniawaty, Yuniar. "Efektivitas Alternatif Penyelesaian Sengketa dalam Sengketa Kekayaan Intelektual." *Jurnal Legislasi Indonesia* 14, no. 2 (2017): 163-170. <https://doi.org/10.54629/jli.v14i2.98>.
- Kur, Annette. "Trademark Functions in European Union Law." Max Planck Institute for Intellectual Property and Competition Law Research Paper (2011).

- Lemley, Mark A. "Beyond Preemption: The Law and Policy of Intellectual Property Licensing." *California Law Review* 87, no. 1 (1999). <https://doi.org/10.2307/3481005>.
- Maskus, Keith E. "The Role of Intellectual Property Rights in Encouraging Foreign Direct Investment and Technology Transfer." *Duke Journal of Comparative & International Law* 9, no. 1 (1998).
- Merges, Robert P. "Contracting into Liability Rules: Intellectual Property Rights and Collective Rights Organizations." *California Law Review* 84, no. 5 (1996). <https://doi.org/10.2307/3480996>.
- Noerhadi, Cita Citrawinda. "Cybercrimes and Alternative Settlement of Intellectual Property (IPR) Disputes in Indonesia." 16 (2022): 89-109. <https://doi.org/10.5281/zenodo.4766558>.
- Ode, Zuliarti Wa. "Uncharted Water: Indonesia's Copyright Challenges in the Digital Age." 4 (2025): 103-119.
- Organisation for Economic Co-operation and Development (OECD) and European Union Intellectual Property Office. *Trends in Trade in Counterfeit and Pirated Goods*. Paris: OECD Publishing, 2019. <https://doi.org/10.1787/g2g9f533-en>
- Panjaitan, Hulman, Andrew Betlehn, Tomson Situmeang, Md Zubair Kasem Khan, and Mahadi Hasan Miraz. "Music Copyright Protection in the Digital Era: Legal Framework and Strategies for Enforcement." *Jurnal Hukum* 40 (2024): 235-257. <https://doi.org/10.26532/jh.v40i2.40525>.
- Pitta, Oktavia, Marito Manurung, Jinner Sidauruk, and Samuel F. B. Situmorang. "The Legal Arrangements of Intellectual Property Rights in Indonesia on Addressing Priority Watch List Status." 8 (2025): 277-294.
- Sabela Gayo. "The Use of Mediation as an Alternative Dispute Resolution in the Resolution of Intellectual Property Rights Disputes." 1 (2022): 101-106.
- Samuelson, Pamela. "Challenges in Mapping the Public Domain." *Law and Contemporary Problems* 66, no. 1/2 (2003): 147-171.
- Sell, Susan K. "TRIPS-Plus Free Trade Agreements and Access to Medicines." *Liverpool Law Review* 28, no. 1 (2007): 41-75. <https://doi.org/10.1007/s10991-007-9011-8>.
- Sidik, Jafar, Asep Rozali, Dewi Sulistianingsih, and others. "The Implementation of Intellectual Property Dispute." 52 (2023): 237-248.
- Subrata, Rusli. "Can Alternative Dispute Resolution Mechanisms Revolutionize Conflict and Dispute Resolution in Indonesia?" *Jurnal Litigasi* 24 (2023): 151-164. <https://journal.unpas.ac.id/index.php/litigasi/article/view/7198>.
- Sulistiyono, Joko. *The Potential of Alternative Dispute Resolution in Intellectual Property: Patents in Japan and Indonesia*. Atlantis Press SARL, 2024. <https://doi.org/10.2991/978-2-38476-218-7>.
- Yu, Peter K. "The Global Intellectual Property Order and Its Undetermined Future." *WIPO Journal* 1, no. 1 (2009).
- Houston Law Review 46, no. 4 (2009). "Addressing Intellectual Property Crime in Indonesia." *Indonesian Journal of Criminal Justice* 1 (2025): 208-229.