

Legal Protection of Intellectual Property (Copyright) of Creative Economy Actors: Medan City Government Program Study

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Abstract

One important aspect in the development of the creative economy is the legal protection of copyright. Copyright is a very valuable intangible asset, especially for creative economy actors who depend on the originality of the work as a source of income. Copyright protection not only provides legal certainty, but also encourages the creation of a healthy and sustainable business climate. However, there are still many creative economy actors who do not understand the importance of copyright registration, making their works vulnerable to piracy and claims by other parties. Based on data from the Directorate General of Intellectual Property of the Ministry of Law and Human Rights, the level of copyright registration in Indonesia is still relatively low when compared to the potential of creative works produced every year. This research uses a normative-empirical juridical approach and is descriptive in nature. The data used consists of primary and secondary data. Primary data is obtained through interviews and observations of creative economy actors, while secondary data is collected through documentation studies. The analysis technique used is qualitative, because most of the data obtained is narrative in nature. This study aims to analyze the implementation of copyright protection for creative economic actors and the obstacles faced in the registration process.

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1. INTRODUCTION

Economic development in Indonesia has been a priority since the early days of independence until the reform era, in line with the mandate of Article 33 paragraph (1) of the 1945 Constitution which emphasizes efforts to improve the welfare of the entire community. In practice, economic development is not only the responsibility of the government, but must also involve active community participation, including through the Micro, Small and Medium Enterprises (MSME) sector as the driving force of the people's economy.[1]

MSMEs have proven to be the backbone of the national economy, especially during the 1997 economic crisis and the COVID-19 pandemic, when most capital-intensive sectors collapsed. In the midst of these limitations, MSMEs are able to absorb large numbers of workers and maintain production. Nevertheless, the pandemic has also forced MSME players to adapt to new digital and creativity-based business models, in line with the development of the creative economy concept which emphasizes the power of innovation and ideas as the main source of economic value.[2]

In the context of the creative economy, protection of Intellectual Property Rights (IPR), especially copyright, is a crucial aspect. Copyright protects original expressions of

creative ideas such as works of art, graphic designs, music, films, software and other digital content. For creative economy actors, copyright is not only a form of legal protection, but also an intangible asset that has high value and can be a source of income through licensing, royalties or outsourcing. Therefore, understanding and awareness of the importance of copyright registration needs to be increased so that creative works are not easily pirated or claimed by other parties.[3]

Unfortunately, until now, there are still many creative economy actors who do not understand the urgency of copyright registration. Ignorance of the procedures, the perception that the process is complicated and expensive, and lack of education are the main factors in the low number of registrations. This causes high levels of violations of creators' original works, both in the form of digital piracy, plagiarism, and exploitation of works without permission.[3]

In fact, Law Number 28 of 2014 concerning Copyright has provided a clear legal basis regarding the moral rights and economic rights of creators, as well as an easy registration process which can now be done online through the online system provided by the Directorate General of Intellectual Property (DJKI) of the Ministry of Law and Human Rights.[4] However, the effectiveness of this regulation has not been fully felt among MSMEs and creative industries, especially those that will be analyzed in the research, namely the city of Medan.

This problem is becoming increasingly important to study, considering the strategic role of the creative economy in the Indonesian economy. If there are no efforts to increase awareness and understanding of creative economy actors about the importance of copyright registration, then the potential of the creative economy to contribute to the national economy will be difficult to maximize. Therefore, government involvement is urgently needed in dealing with related problems. The roles that the Government can take are of course very diverse, both from outreach to the community to improving regulations or creating a special program.

In response to the importance of this issue, on March 10 2023 a Memorandum of Understanding was signed between the Mayor of Medan Bobby Nasution and the Head of the North Sumatra Ministry of Law and Human Rights Regional Office, Imam Suyudi, regarding strengthening intellectual property services. This initiative is an important opportunity to encourage copyright registration by creative economy actors in Medan City through the active involvement of the Medan City Tourism Office.[5]

Based on the data and phenomena that have been described, this is the reason for the author's interest in carrying out research to examine juridically the urgency of IPR registration, especially copyright for creative economy actors, especially in the city of Medan. This research will analyze various legal aspects related to copyright registration, starting from the legal basis, registration procedures, to the benefits obtained from copyright registration. Apart from that, this research will also identify various obstacles faced by creative economy actors in registering copyright, as well as finding appropriate solutions to overcome these problems.

2. RESEARCH METHOD

This research is of the normative-empirical juridical type, which aims to analyze a legal phenomenon which is not only in a normative context, but also includes analysis of technical aspects in order to implement legal provisions in society. This is because the effectiveness of a law cannot be explained without first examining the law at a normative level (law in books) and law at a reality level (law in action), if a comparison of these two variables is not carried out, it will certainly be impossible to measure the level of

effectiveness of a law.[6] This research is a form of juridical study of positive law which is then combined with a search for facts in the field. The facts found are used as data, then the data is analyzed to identify problems which ultimately leads to solving the problem.

This research is descriptive in nature, namely a problem solving procedure that analyzes by describing a phenomenon including the subject or object of law in research based on the facts found or what they are without engineering. [6] The research presents a complete discussion of positive law which aims as. guidelines for analysis of all phenomena or social realities found when conducting field research, by explaining factors related to the problem and units studied among the phenomena being tested, with the aim of obtaining an explanation of the scope of the problem being studied.

The legal material in this research was obtained from two types of data, namely primary data and secondary data. Primary data is information that is directly related to the issue being researched, obtained through statements or actions of informants who provide information to researchers during the data collection process. In other words, this data is the result of direct observation or interaction in the field, originating from primary sources.[7] Primary data in this research was collected through interviews and a data input process carried out at the Medan City Tourism Office. Meanwhile, secondary data functions as a complement that strengthens the analysis of the problems being studied, and is obtained through documentation studies, namely by tracing various documents that have been previously available.[7]

Qualitative data analysis is the process of processing information in the form of words, not numbers or numerical data, which is then arranged systematically based on certain categories. This information can be obtained through methods such as interviews and observations from various sources. However, before being analyzed, the data must be processed first so that it can be used effectively. In a qualitative approach, analysis focuses more on the interpretation of narratives that have been collected and arranged in a complete manuscript, without using mathematical calculation techniques as a tool.[7]

3. RESEARCH RESULTS AND DISCUSSION

3.1.Research result

The regional autonomy system implemented in Indonesia, in accordance with the provisions regulated in Law Number 32 of 2004 concerning Regional Government, gives power to provincial and district/city governments to carry out their government functions more independently.[8] One important aspect that is their responsibility is the management of the economic sector, including investment administration services.

This service aims to create a better investment climate and encourage accelerated economic growth at the regional level. With the ease of the investment administration process, it is hoped that more investors will be interested in investing. This will not only increase the number of jobs, but also contribute to increasing people's income. Through effective and efficient management,[9] local governments are expected to be able to create prosperity for local communities, so that economic development can be sustainable and bring real benefits to everyday life.

Law Number 20 of 2008, in Article 7, explains the important role of regional governments in empowering the Micro, Small and Medium Enterprises (MSMEs) sector, where regional governments not only function as managers, but also as the main driver in developing various aspects related to MSMEs. One of the main focuses is financing, where local governments are responsible for facilitating access to financing for MSMEs through the provision of grants, soft loans, or working capital assistance, all of which aim to help business actors start or develop their businesses.[10]

As a follow-up step to this law, the government issued Government Regulation Number 17 of 2013 to implement the provisions in Law Number 20 of 2008 and clarify the mechanism for empowering MSMEs. All provisions in this regulation are a concrete form of the government's efforts to empower MSMEs at the regional level, while also functioning as an extension of the authority of the central government. With these initiatives, it is hoped that an ecosystem will be created that supports the growth of MSMEs, which will not only increase their contribution to the local economy, but also contribute to the welfare of society as a whole, bearing in mind that effective empowerment of MSMEs can increase employment opportunities and reduce poverty.[10]

In accordance with the research location which focused on the city of Medan, especially carried out by researchers at the Medan City Tourism Office. So far, the Medan City Government has implemented various programs to support the business development of creative economy actors in Medan City, the majority of which are dominated by MSMEs. The routine annual programs held include:

1. Organizing events and bazaars as a means of promotion[11]
2. Organizing seminars, training and expertise certification activities for creative economy actors[12]
3. Implementation of a collaboration program between the Medan City Government and the North Sumatra Regional Office of the Ministry of Law and Human Rights (Kanwil Kemenkumham) regarding free IPR registration for Medan City creative economy actors.[5]

Based on the presentation of the research results above, it can be concluded that the implementation of regional autonomy provides strategic space for regional governments, including the Medan City Government, to manage and develop the creative economy sector independently. One concrete form of this responsibility is the implementation of MSME empowerment programs which not only focus on promotion and training aspects, but also on legal protection of intellectual property. A more focused approach to IPR is reflected in the collaborative initiative between the Medan City Government and the Regional Office of the Ministry of Law and Human Rights of North Sumatra in organizing a free IPR registration program for creative economy actors. This program not only provides access to administrative legal protection, but also increases business actors' awareness of the importance of exclusive rights to their works and innovations. Thus, the IPR protection approach is one of the important pillars in creating a creative economic ecosystem that is competitive and sustainable at the local level.

3.2. Discussion

Protection of IPR, especially copyright, is very crucial in ensuring that the innovation and creativity of business actors can be protected from potential misuse or theft by other parties.[4] With adequate legal protection, creative economy players can feel more secure and confident in developing their products and brands, which in turn can encourage more significant business growth.

The Medan City Government, in an effort to improve the protection and management of Intellectual Property Rights (IPR), has established significant collaboration with the North Sumatra Regional Office of the Ministry of Law and Human Rights (Kanwil Kemenkumham). The signing of the Memorandum of Understanding (MoU) was carried out on Friday, March 10, at the Caribbean Hotel, and was attended by the Mayor of Medan, Bobby Nasution, together with the Regional Head of the North Sumatra Ministry of Law and Human Rights, Imam Suyudi. [13]

This collaboration aims to create a conducive climate for the growth of the creative economy in the City of Medan.

In order to increase understanding regarding the protection of Intellectual Property Rights (IPR) for business actors in the Creative Economy sector, the Medan City Government through the Tourism Office held an Intellectual Property Facilitation Socialization activity in 2024. This activity took place on Wednesday, 19 June 2024, at the Madani Hotel Medan, and was attended by 110 participants who were business actors from various sectors.[14]

The implementation of this socialization activity is the result of collaboration between the Medan City Tourism Office and the North Sumatra Regional Office of the Ministry of Law and Human Rights. This activity presented speakers who were competent in their fields, namely Alex Cosmas Pinem as Head of the Legal and Human Rights Services Division, and Desy Anggerainy who served as Young Expert Intellectual Property Analyst. Both provide insight into the importance of registering intellectual property, the procedures that must be followed, and the benefits that can be obtained from IPR protection.[14]

With this outreach, it is hoped that business actors can better understand their rights related to intellectual property and gain practical knowledge that is useful for protecting their innovations and products. This is an important step to increase public awareness of the importance of IPR in the business world, as well as strengthening the competitiveness of business actors in Medan City.

The Intellectual Property Rights (IPR) registration program in Medan City has been implemented since March 2023. Specifically, regarding copyright, based on data obtained up to the period September 2024, 176 certificates have been issued out of a total of 193 documents submitted. The data regarding copyright registration is as follows:

NO	YEAR	TARGET	SUBMITTE D	RISE	NOT YET RELEASED	REJECTE D
1.	2023	100	107	84	16	-
2.	2024	110	118	79	31	-

Table .1

If you observe the data in the table, problems are found in program implementation. Although this program has great potential to increase protection for business actors, its implementation has not gone smoothly. One of the main obstacles faced is the limited budget, which has a direct effect on the available registration quota. This budget limitation means that a number of business actors who want to register their IPR have to wait, while several others are forced to postpone their application until there is an allocation of additional funds. This creates its own challenges, considering the importance of IPR protection in encouraging innovation and providing a sense of security for creative economy players.

From a legal perspective, the free IPR registration program has a strong basis in supporting the public interest and providing protection that should be received by all business actors. The free Intellectual Property Rights (IPR) registration program implemented by the Medan City Government through the Tourism Office aims to provide legal protection for creative economy actors. With easier and free access, it is hoped that business actors can register their work, thereby increasing their sense of security and confidence in innovation.

When linked to the concept of utilitarianism theory which focuses on achieving happiness and the greatest benefits for society.[7] In the context of the free IPR registration program, this approach can be analyzed from several aspects:

1. Collective Welfare: By providing free IPR registration, this program has the potential to improve the welfare of society as a whole. IPR protection allows business actors to feel safe in innovating, which in turn can create new jobs and improve the local economy.
2. Accessibility: This program helps reduce economic barriers for business actors, especially those from the lower middle class. This accessibility is very important to create an inclusive environment, where all business actors have the same opportunity to protect their work.
3. Innovation and Creativity: With strong legal protection, business actors are more encouraged to innovate. This has the potential to produce better products and services, which not only provide economic benefits but also improve people's quality of life.

4. CONCLUSION

The implementation of regional autonomy, as regulated in Law Number 32 of 2004, has given broad authority to regional governments, including the Medan City Government, in managing the economic sector, especially through empowering Micro, Small and Medium Enterprises (MSMEs). One concrete form of this effort can be seen in various annual programs that support the growth of the creative economy in Medan City, ranging from promotion, training, to legal protection through registration of Intellectual Property Rights (IPR).

The free IPR registration program implemented by the Medan City Government through the Tourism Office in collaboration with the Regional Office of the Ministry of Law and Human Rights of North Sumatra, is a strategic initiative that supports the creation of an inclusive, competitive and sustainable creative economic ecosystem. Through this program, business actors gain access to administrative legal protection for their works and innovations, while increasing awareness of the importance of exclusive rights to intellectual property.

However, program implementation still faces various challenges, especially related to budget limitations which have an impact on registration quotas and waiting times for business actors. This shows the need for better budget planning so that the benefits of this program can be felt evenly.

When viewed from the perspective of utilitarianism theory, this program is in line with the principle of achieving the greatest benefit for society, through increasing collective welfare, equitable accessibility, and encouraging innovation and creativity among business actors. Thus, this program not only contributes to legal protection, but also plays a role in encouraging local economic growth and poverty alleviation at the regional level.

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