



The Urgency of Intellectual Property Rights Protection in Efforts to Improve Community Welfare in South Kalimantan: Viewed from Legislation and *Maqashid al- Syari'ah*

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ABSTRACT

Advances in information and transportation technology have occurred so rapidly that they have driven globalization in the field of intellectual property, as this requires protection of intellectual property rights. Intellectual property plays an important role in the economy of a country in realizing the welfare of a society. Through a juridical approach, this research is carried out by relying on reading materials in the form of books, scientific research journals and social realities that occur in society, so as to get answers to what is the formulation of the problem. In the context of South Kalimantan, all the efforts made by the Directorate General of Intellectual Property through its various programs, seen from 2019 until now are quite significant, and to realize the achievement of prosperity in society as the goals to be achieved in the concept of *maqashid al-syariah*, the role of all parties is needed. involved in the protection of intellectual property rights, including the public.

Keywords: Protection; Intellectual Property; Welfare.

ABSTRAK

Kemajuan teknologi informasi dan transportasi terjadi begitu pesat, hingga telah mendorong globalisasi di bidang kekayaan intelektual, seiring hal tersebut diperlukan perlindungan hak kekayaan intelektual. Kekayaan intelektual berperan penting dalam perekonomian suatu negara dalam mewujudkan kesejahteraan suatu masyarakat. Melalui pendekatan yuridis, penelitian ini dilakukan dengan mengandalkan bahan bacaan berupa buku, jurnal penelitian ilmiah dan realitas sosial yang terjadi di masyarakat, hingga dapat mendapatkan jawaban dari apa yang menjadi rumusan masalah. Pada konteks Kalimantan Selatan, segala upaya yang dilakukan oleh Direktorat Jendral Kekayaan Intelektual melalui berbagai program-pogramnya, dilihat sejak 2019 hingga saat ini terbilang signifikan, dan untuk mewujudkan tercapainya kesejahteraan di masyarakat sebagaimana tujuan yang ingin dicapai pada konsep *maqashid al-syariah*, diperlukan peran segala pihak yang terlibat dalam perlindungan hak kekayaan intelektual, termasuk masyarakat.

Kata Kunci : Perlindungan; Kekayaan Intelektual, Kesejahteraan.

INTRODUCTION

Intellectual property rights are intangible human wealth but have an important impact on the welfare of society. Protection of intellectual property rights is something that must be done by all elements of the Indonesian nation as an effort to prosper the community. Protection of intellectual property rights can encourage interest for creators, inventors, designers, and so on to be more motivated in producing their intellectual works.¹

It is appropriate that the products and works produced get effective legal protection from various forms of infringement, because intellectual property rights arise as a result of various fields of producing a process or product that is certainly beneficial in the process of human welfare, as we can see in works in the fields of knowledge, art, literature and technological inventions, which are created through a person's intellectual creativity.

The institution authorized to formulate and implement intellectual property in accordance with laws and regulations is the Directorate General of Intellectual Property (DJKI). This institution is an implementing element related to intellectual property under the Ministry of Law and Human Rights and is directly responsible to the Minister of Law and Human Rights.

The advancement of information and transportation technology has occurred so rapidly that it has encouraged globalization in the field of intellectual property rights as well. The presence of goods and services in a production process requires the protection of intellectual property rights to anticipate the occurrence of counterfeiting, plagiarism, and other unfair business competition, the existence of legal certainty regarding the protection of intellectual property rights is expected to make people feel safer.

Technological changes also bring changes to the concept of wealth. Currently, the legal system categorizes wealth into three parts, *first*, personal rights in individual

¹ Herlina Ratna Sn, "Analisis Perlindungan Hukum Atas Merek Terdaftar Sebagai Hak Atas Kekayaan Intelektual (Studi pada Kantor Wilayah Kementerian Hukum dan HAM Provinsi Lampung)," *KEADILAN PROGRESIF* 7, no. 2 (2016): 151.

property, in the form of intangible assets; *second*, actual property, such as buildings or other tangible property; and *third*, intellectual property rights. All countries in the world recognize the existence of ownership in intellectual forms such as ownership in the form of ideas, copyright, patents, brands and trade secrets, as well as plant circuit layouts, and plant variates. Intellectual property is based on the concept that in producing an intellectual work, humans need energy, time, and costs in the process.²

Of the various aspects of intellectual property, which often gets the attention and the spotlight is copyright. Copyrighted works are a manifestation of human intellectuality that gives rise to a relationship between the creator and the copyrighted work. Copyrighted works of new inventions seen from an economic point of view certainly contribute to bring profit to the owner.³

Based on the context of Islam, the discussion related to the existence of copyright is inseparable from the theory of ownership in Islam. Any effort made to produce a work or creation is a cause of ownership, it is equated with the concept of doing work or work (*al-'amal*) or produce a creative work (*as-sina'ah*), both of which are a cause of ownership of property.⁴

In the perspective of Sharia Economic Law (*muamalah*), intellectual property rights belong to the scope of *fiqh muamalah* which deals with human relations, human rights, as well as property rights and trade. With the basic concept of ownership rights over something material and ownership related to the soul.⁵ The right to a creation that was first made or copyright, in the treasures of Islamic law, known as *Haq al-Ibtikar*.

² Yoyo Rifardhani, *Hukum Hak Atas Kekayaan Intelektual : Suatu Pengantar* (Jakarta: Prenada Media, 2020).

³ Agil Febriansyah Santoso dan Budi Santoso, "Implementasi Hukum Kekayaan Intelektual Dalam Meningkatkan Kesejahteraan Masyarakat Dalam Perspektif Negara Hukum," *Notarius* 15, no. 2 (27 Desember 2022): 820.

⁴ Miftakhul Huda, "Konsep Dan Kedudukan Hak Kekayaan Intelektual Dalam Hukum Islam," *Salimiya: Jurnal Studi Ilmu Keagamaan Islam* 1, no. 1 (2020): 46.

⁵ Hendi Suhendi, *Fikih Muamalah* (Jakarta: PT Grafindo Persada, 2002).

Some views of the universal council that focus on aspects of intellectual property, the level of protection of Intellectual property rights in Indonesia is indeed fairly low.⁶ A report from the *International Intellectual Property Index*, shows that in 2021 Indonesia ranked 48 out of 53 countries, with an index score of 30.16%, then in 2022 Indonesia ranked 51 out of 55 countries, with an index score of 30.46%, and most recently in 2023, Indonesia ranked 50 out of 55 countries, with an index score of 30.46%. The average score of Intellectual Property of 55 countries for the last 3 years is 49.57%, this shows that Indonesia is still below average and far behind other countries in terms of intellectual property and its protection.

Based on the problems that occur, it is necessary to make people understand the importance of protecting intellectual property rights, because it has a major effect on the economic balance in society. This research was conducted with the aim of exploring, proving and verifying the truth and pre-existing knowledge, by describing it systematically, so that it can then become reading material related to the topic that is the object of research.

There are several studies that have relevance to the issues studied in this study, the first research written by Noviriska in 2022 with the title "Protection of Intellectual Property Rights Against Creative Economy Actors Based on Intellectual Property Rights Law Number 28 of 2014 concerning Copyright"⁷, this paper discusses the importance of intellectual property rights protection for creative economic actors, the role of the government in IPR protection, and the nature of IP protection; then the second, research written by Ahmad Ropei with Endah Robiatul Adaiyah in 2020, with the title "Legal Formulation of Intellectual Property Rights Protection in the Maqoshid As-Syari'ah Framework"⁸, as the title suggests, this paper examines how the paradigm of legal protection of intellectual property rights in the development of Islamic law and about

⁶ Hendra Tanu Atmadja, "Urgensi Perlindungan Hak Kekayaan Intelektual dalam Era Perdagangan Bebas," *Lex Jurnalica* 12, no. 3 (2015): 195–97.

⁷ Noviriska Noviriska, "Perlindungan Hak Kekayaan Intelektual Terhadap Pelaku Ekonomi Kreatif Berdasarkan Undang-Undang Hak Kekayaan Intelektual Nomor 28 Tahun 2014 Tentang Hak Cipta," *Jurnal Ilmiah Publika* 10, no. 2 (2022): 298–306.

⁸ Ahmad Ropei, "Formulasi Hukum Perlindungan Hak Kekayaan Intelektual Dalam Kerangka Maqoshid As-Syari'ah," *Jurnal Hukum Ekonomi Syariah* 4, no. 02 (2020): 165–79.

maqashid al-syariah as a formulation of legal protection of intellectual property rights, and *third*, research conducted by Septian Saputra in his thesis written in 2019 with the title "The Role of Public Relations and the Legal Services Division of the Ministry of Law and Human Rights of South Sumatra in Informing Intellectual Property Rights to the Public"⁹, this paper discusses the role of public relations and the legal services division of the Ministry of Law and Human Rights in informing intellectual property rights to the public about the importance of protecting intellectual property rights.

In this research, the author is interested in further examining how the role of the state government in implementing property rights protection strategies in improving people's welfare, how the review of sharia economic law is related to the urgency of protecting intellectual property rights, and what efforts the government has made towards the development of intellectual property rights protection in Indonesia, especially in South Kalimantan Province.

METHODS

In writing the method used is normative juridical research method, descriptive qualitative approach, with the nature of *ex post facto* research, data collection is carried out after the event that is the topic of discussion occurs, then pay attention to the variables studied with representative.¹⁰ *The literature review* of previous research acts as a framework, reference, or theoretical basis in understanding and giving meaning to the research being conducted so that it can state explicitly and then the reader can find out why this should be studied in terms of the subject under study and the relationship between this research and relevant researchers.

With the *desk study* method as a technique for processing data and information through examination, juridical analysis using secondary data (data that has been published or used by other parties), in the form of books, scientific research journals, to data sourced from social realities that occur in society in the form of news articles or information on

⁹ Septian Saputra, Andy Alfatih, and Nurly Meilinda, "The Role of Public Relations and Legal Services Division of the Ministry of Law and Human Rights of South Sumatra in Informing Intellectual Property Rights to the Public" (PhD Thesis, Sriwijaya University, 2019).

¹⁰ Soerjono Soekanto, *Penelitian Hukum Normatif* (Jakarta: PT Raja Grafindo Persada, 2003), 13.

matters related to the research conducted as an explanation, by studying, examining, examining in depth until obtaining results that have relevance to the problems studied. This research does not manipulate variables, because the symptoms and events already exist.

RESULTS AND DISCUSSION

Protection of Intellectual Property Rights as an Effort to Improve Community Welfare: The Role of Government

As we know, intellectual property is a right that originates from creative activities using human thinking abilities and can then have economic value if expressed to the general public, which is represented through various forms. The term "intellectual property rights" indicates that the use of the word refers to the results of thought or intellectuality, and in this case there are rights that are protected by law as in other property rights.

Intellectual property is closely related to welfare in society, and provides benefits to the country's economic development. So, to optimize the role and function of intellectual property rights, it is necessary to protect these rights.¹¹ The legal protection of intellectual property is based on Pancasila and the 1945 Constitution, as stated in the fourth paragraph of the Preamble of the 1945 Constitution "...to form an Indonesian state government that protects the entire Indonesian nation and the entire Indonesian homeland and to advance the general welfare, educate the nation's life, and participate in implementing world order based on independence, lasting peace, and social justice ..."

In terms of a nation's economy, intellectual property rights are a fundamental element. The development of the nation's economy can be seen from the presentation of intellectual property owned by the nation, the more intellectual property, the more

¹¹ SSeptian Saputra, Andy Alfatih, and Nurly Meilinda, "The Role of HPublic Relations and DServices Division of the HLegal KMinistry of HLaw and Human Rights of South Sumatra in Informing HIntellectual Property Rights to the Public" (PhD Thesis, Sriwijaya University, 2019), 3.

significant economic growth can be achieved, because intellectual property rights can be a benchmark for the economic progress and welfare of a country.¹²

Everything that is classified as intellectual property must obtain legal force from its intellectual results. The purpose of the application of intellectual property protection is to anticipate all possible violations of intellectual property from other parties, to increase competitiveness and market share in commercialization, to make intellectual property a material in considering the determination of industrial research strategies in Indonesia.¹³

In practice, intellectual property rights relate to the protection of intellectual property that has commercial value, the protection provided is evidence of recognition that the owner of the rights can enjoy the results of his intellectual property economically.¹⁴ The existence of intellectual property rights is a trigger tool in order to motivate and encourage the growth of industrial products born from intellectual property, so as to encourage national economic growth through the growth of a healthy business climate, and can compete with products from other countries based on intellectual property as well.¹⁵

Indonesia is classified as a country that has high biological diversity, more than that Indonesia has a variety of cultures and traditional works. But without realizing it, there are many intellectual property assets owned by the state registered abroad as belonging to foreign countries. This lack of awareness about the importance of intellectual property rights results in complex losses for Indonesia. Intellectual property rights as *private rights* provide that a person has the freedom to register their intellectual property or not. However, if the perpetrators of intellectual property (inventors, creators, designers and others) do register, then the State will certainly provide exclusive things as a tribute to

¹² Ansori Sinungan, *Perlindungan Desain Industri: Tantangan dan Hambatan dalam Praktiknya di Indonesia* (Bandung: Alumni, 2011), 147.

¹³ Niru Anita Sinaga, "The Importance of Intellectual Property Law protection for Indonesia's Economic Development," *Sasana Law Journal* 6, no. 2 (2020): 151.

¹⁴ Abdul Rasyid Sulaiman, *Hukum Bisnis untuk Prusahaan: Teori dan Contoh Kasus* (Jakarta: Prenada Media, 2011), 144.

¹⁵ Sudarmanto, *KI dan HKI Serta Implementasinya Bagi Indonesia* (Jakarta: PT Elex Media Komputindo, 2012), 61.

their intellectual work, and none other than to prevent things that are detrimental to the perpetrators of intellectual property.

Looking at the reality in the community, rattan handicrafts, which are traditional handicraft products in Indonesia, are registered with the United States Patent Institute under the name of an American citizen. Moreover, tempeh and batik are also registered as inventions of Japanese and Malaysian citizens. These traditional works may be considered trivial by some people, but when applied to small industries, it is possible to generate profits and foreign exchange.

The registration of a typical Indonesian product abroad indicates that the exporter from Indonesia must face royalty payments if the exported commodity contains intellectual works that have been patented in advance on behalf of foreign inventors in the country concerned. Based on the reality of the case, we can know that intellectual property rights play a significant role in the welfare of society. The impact of intellectual property rights is also very real for the economy of the relevant country.

Protection of intellectual property rights must be protected in Indonesia. The government's efforts in realizing the protection of Intellectual Property in Indonesia is to make laws and regulations related to Intellectual Property Rights contained in:

1. Undang-Undang Republik Indonesia Nomor 28 Tahun 2014 Tentang Paten
2. Undang-Undang Republik Indonesia Nomor 20 Tahun 2016 Tentang Merek dan Indikasi Geografis
3. Undang-Undang Republik Indonesia Nomor 13 Tahun 2016 Tentang Paten
4. Undang-Undang Republik Indonesia Nomor 31 Tahun 2000 Tentang Desain Industri
5. Undang-Undang Republik Indonesia Nomor 32 Tahun 2000 Tentang Desain Tata letak Sirkuit Terpadu
6. Undang-Undang Republik Indonesia Nomor 29 Tahun 2000 Tentang Varietas Tanaman
7. Undang-Undang Republik Indonesia Nomor 30 Tahun 2000 Tentang Rahasia Dagang

Legislation is a tool that can be utilized to protect people's rights. Moreover, given that the national economic system is oriented towards the international economy, Indonesia is a member of the *World Trade Organization* (WTO). In the field of intellectual property, Indonesia's participation as a member of the WTO requires Indonesia to implement the provisions of the *Agreement on Trade Related Aspects of Intellectual Property Rights*, which deals with the relationship between aspects of intellectual property and trade. This is a realization of the fulfillment of the state's goal to participate in world order, as in the fourth paragraph of the UUD 1945.¹⁶

For this reason, the legal protection of intellectual property rights in Indonesia must be oriented towards the theory of justice in accordance with the provisions of Pancasila.¹⁷ However, in realizing the purpose of intellectual property rights protection as an effort to improve the welfare of the community, it involves the role of related stakeholders in its implementation.¹⁸

Urgency of Intellectual Property Rights Protection in Review of Maqashid al-Syariah

Intellectual property in an Islamic perspective (Sharia Economic Law is seen as part of the property (*al-mal*), which is everything that humans have, both in the form of material and benefits. This theory of ownership is in line with the assertiveness of the Ulama Fatwas, including the Decree of *Majma' al-Fiqhi al-Islami* number 43, Mu'tamar V Year 1409 H/1998M on *al-Huquq al-Mu'nawiyah* and MUI Fatwa Decree No.1/Munas VII/MUI/15/2005 on the protection of intellectual property rights.¹⁹

¹⁶ Law Number 7 of 1994 Concerning the Ratification of the Agreement Establishing the World Trade Organization. Protection of Industrial Design Rights is specifically regulated in Article 25 and Article 26 of the TRIPS/WTO Agreement.

¹⁷ Slamet Sutrisno, *Filsafat dan Ideologi Pancasila* (Yogyakarta: Andi, 2006), 71.

¹⁸ Sudarmanto in his book entitled "IP and IPR and its Implementation for Indonesia" divides four aspects of intellectual property stakeholders, including actors, trainers, promoters, and referees. What is meant by actors are designers, inventors, creators, IPR applicants, craftsmen, industrial communities, IPR implementers, and others. Trainers are ministries, non-ministries, agencies, relevant local governments, universities and research institutes, IPR consultants, and so on. Promoters consist of associations (crafts, industry and trade), cadres, entrepreneurs/inventors, NGOs, and so on. The referees are IPR offices, courts, supreme courts, police, and prosecutors.

¹⁹ Mujahid Quraisy, "Hak Kekayaan Intelektual (HaKI) dalam Perspektif Hukum Islam," *Muqtasid: Jurnal Ekonomi dan Perbankan Syariah* 2, no. 1 (2011): 48.

Humans who have the status of servants of Allah reflect the urgency of obedience and obedience to maintain security, peace at every step in action, so that they always use their minds as a means of protecting the universe in order to fulfill all the needs, desires and other human interests, to achieve the benefits of life.

Islam has recognized the existence of intellectual property, long before national law was born. This is as stated in the word of Allah in the Qur'an surah al-Mujadalah, the 58th surah in the Qur'an, precisely in verse 11²⁰, which states that Allah gives appreciation to *Ulu al-Albab*, scholars, and intellectuals.

The existence of the conception of intellectual property goes hand in hand with the need for protection for intellectual property, which then gives rise to the conception of legal protection of intellectual property and the enforcement of rights to it.²¹ As humans achieve and obtain the results of their intellectual property with sacrifices that are not easy, the enforcement of intellectual property rights protection is a tribute given to its owner so that the rights to intellectual property are attached to the owner of the related rights.

As a religion that has universal values that highly value humans as individuals and communities, Islam shows that its sharia covers various aspects of law that regulate all aspects of community life in terms of creed, worship, and muamalah which includes economics, civil law, criminal law, international relations and social order.²²

The need for protection of intellectual property rights arises as a result of the needs of society to achieve a benefit. An innovative breakthrough in the study of Islamic law that emerged from the development of the scientific world is the term *Ibtikar*. The concept of *ibtikar* provides an understanding that as ownership that arises as a result of the hard work

²⁰ "O you who have believed, when it is said to you, "Make room in your assemblies," make room, and Allah will make room for you. And when it is said: "Stand up", then stand up, surely Allah will elevate those who believe among you and those who are given knowledge a few degrees. And Allah knows best what you do." (Q.S al-Mujadalah: 11)

Reference : <https://tafsirweb.com/10765-surat-al-mujadalah-ayat-11.html>

²¹ Muhammad Musyafa, "Kekayaan Intelektual dalam Perspektif Ekonomi Islam," *Al-Iqtishad: Jurnal Ilmu Ekonomi Syariah* 5, no. 1 (2013): 46.

²² Abdullah Nasih Ulwan, *Islam Syari'at Abadi* (Jakarta: Gema Insani Press, 1996), 23.

of human intellectuals, it is fitting that the owner gets special appreciation both in moral and *financial* terms.²³ The legal basis of the conception of *ibtikar* comes from *urf'* or a custom that is generally accepted in a society, and is based on the rule of *maslahah mursalah* "a benefit that has no *nashnya* from the Qur'an and As-Sunnah, but contains goodness in essence".

Because, all the arrangements of human life today are increasingly developing, various new discoveries are the result of advances in science and technology, for that in determining the stipulation of all laws are not legitimized from the *nash* alone, but rather adjust to the development of civilization that occurs, meaning that even though classical *fqh* scholars explicitly did not discuss it, a very possible approach was taken using the concept of the principle of *maqashid as-syariah*. The principle of *maqashid as-syariah* plays an important role and has a high urgency position as a fundamental element in facing the challenges of the times, as the core conceptualization of *maqashid as-syariah* is to maintain all forms of benefit and avoid misfortune.²⁴

The conception in sharia economic law (*muamalah*) with *maqashid as-syariah* approach regarding intellectual property rights is related to *al-Manfaat*. This can be seen from the existence of the function of intellectual property rights that can be used as a bridge in obtaining wealth. through this *al-Manfaat* paradigm, intellectual property rights have the potential to become an object of activity in the economy and have a useful value.²⁵

More than that, there is an aspect other than *al-Manfaat*, which is the justification for the prohibition of obtaining other people's property through forbidden means²⁶, therefore intellectual property in the eyes of Islamic law is seen as property and

²³ Miftakhul Huda, "The Concept and Position of Intellectual Property Rights in Islamic Law," *Salimiya: Journal of Islamic Religious Studies* 1, no. 1 (2020): 42-43.

²⁴ Ahmad Ropei, "Formulation of Legal Intellectual Property Rights Protection in the Framework of Maqoshid As-Syari'ah," *Journal of Sharia Economic Law* 4, no. 02 (2020): 171.

²⁵ Akhmad Hulaify, "Perlindungan dan Pengelolaan Hak atas Kekayaan Intelektual Sebagai Harta Kekayaan dalam Perpektif Ekonomi Islam," *AL-IQTISHADIAH: EKONOMI SYARIAH DAN HUKUM EKONOMI SYARIAH* 1, no. 1 (2014): 23.

²⁶ "And let not some of you eat of the wealth of others among yourselves by unlawful means, and let not your property be brought before a judge, that you may eat of the wealth of others by way of sin, while you know" (Q.S. Al-Baqoroh: 188).

ownership, in order to avoid its use by others who are not its owners, and must fulfill the principle of halal in obtaining property.

Efforts of DJKI Kemenkumham South Kalimantan in Implementing Intellectual Property Rights Protection

The Directorate General of Intellectual Property (DJKI) is an Echelon I organizational unit within the Ministry of Law and Human Rights (Kemenkumham) of the Republic of Indonesia. This institution has the task of implementing the management and protection services of Intellectual Property Rights in Indonesia.

In an effort to implement the protection of intellectual property rights, DJKI has a Public Relations division which is in accordance with the Regulation of the Minister of State for Administrative Reform and Bureaucratic Reform of the Republic of Indonesia Number 30 of 2011 which explains that in government, Government Public Relations is a government-owned institution that has the function of carrying out tasks in the field of information and communication, in order to create good relations between the public.²⁷

In the context of South Kalimantan, DJKI has set a thematic year to focus on applications and education to the public regarding types of intellectual property since 2019. Quoted from the official website of DJKI published by DJKI Public Relations on Wednesday, January 18, 2023²⁸, high-ranking pratama leaders in order to strengthen synergy meet the Regional Office of the Ministry of Law and Human Rights of South Kalimantan to establish synergy and collaboration between DJKI and the Regional Office of the Ministry of Law and Human Rights to support DJKI's program in 2023, which this year is set to be a brand year.

Through the efforts made by DJKI through its programs, it has given significant results. In 2022, applications for intellectual property registration increased from 1,246 applicants to 2,271 applicants, with details; 646 trademark applications, 8 patent

²⁷ Avisssa Yufen Fabrianne dan Yugih Setyanto, "Upaya Humas Direktorat Jenderal Kekayaan Intelektual Dalam Membangun Kesadaran Hak Cipta," *Prologia* 2, no. 2 (2018): 259.

²⁸ "Perkuat Sinergi, Pimpinan Tinggi Pratama Temui Delegasi Kanwil Kemenkumham Kalimantan Selatan," 18 Januari 2023, <https://dgip.go.id/index.php/artikel/detail-artikel/perkuat-sinergi-pimpinan-tinggi-pratama-temui-delegasi-kanwil-kemenkumham-kalimantan-selatan?kategori=liputan-humas>.

applications, 53 simple patent applications, 24 industrial design applications, and 1,540 copyright applications.

In carrying out the brand year, registration of geographical indications of Sasirangan cloth, creating the One Brand One Work Unit program, and intellectual property activities for students at the primary and secondary education levels, in order to increase awareness of intellectual property for the people of South Kalimantan. The support from the South Kalimantan Regional Office of the Ministry of Law and Human Rights was welcomed by the Secretary of the Directorate General of Intellectual Property (Sesditjen KI), Sucipto.

In response to this, on Monday, March 6, 2023 DJKI invited the South Kalimantan government to encourage the public to register their work, considering that of the 64 million Micro, Small, and Medium Enterprises (MSMEs) actors throughout Indonesia, only about 11% have a special brand. So that with the implementation of the One Brand One Staker program, it is hoped that MSME players can compete in the national and global markets, so that they can then help the economy of a related region.²⁹

CONCLUSION

The protection of intellectual property rights is an urgent matter, considering that the protection of intellectual property rights aims to give special appreciation to the owners of related intellectual property, anticipate all possible violations of intellectual property from other parties, increase competition and market share in commercialization, to make intellectual property as material in considering the determination of industrial research strategies in Indonesia. The government's effort in realizing the protection of intellectual property rights is to provide legal certainty regarding this matter through legislation and related provisions.

²⁹ "Rich in Property Intellectual , DJKI Invites Government South Kalimantan Encourage People to Register Their Works," March , 2023, <https://dgip.go.id/artikel/detail-artikel/kaya-akan-kekayaan-intelektual-djki-ajak-pemerintah-kalimantan-selatan-dorong-masyarakat-daftarkan-karyanya?kategori=liputan-humas><https://dgip.go.id/artikel/detail-artikel/kaya-akan-kekayaan-intelektual-djki-ajak-pemerintah-kalimantan-selatan-dorong-masyarakat-daftarkan-karyanya?kategori=liputan-humas>

Then, related to the urgency of protecting intellectual property rights in the view of Sharia Economic Law (muamalah) is very important to be realized considering that intellectual property is an ownership and classified as property that is produced through one's hard work. Consequently, if intellectual property does not get protection, it will lead to mischief as in the provisions of Islamic law on the prohibition of obtaining other people's property in a forbidden way. The protection of intellectual property rights is an effort to achieve the objectives of *maqashid al-syariah*. Moreover, seen from the context of South Kalimantan, all efforts made by the DJKI of the Ministry of Law and Human Rights through its various programs, seen since 2019 until now are fairly significant. Therefore, in addition to the role of the government and its staff, in realizing the objectives of protecting intellectual property rights as an effort to improve the welfare of the community involves the role of relevant stakeholders in its implementation, these stakeholders include the community itself, as the purpose of protecting intellectual property rights in realizing community welfare.

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artikel/kaya-akan-kekayaan-intelektual-djki-ajak-pemerintah-kalimantan-selatan-dorong-masyarakat-daftarkan-karyanya?kategori=liputan-humas.

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