



## Study of Understanding of MSME Actors in Balangan Regency on Trademark Rights

Muhammad Noor Ridani, Muhammad Rafly, Muhammad Haris

Faculty of Sharia, Antasari State Islamic University

Jalan Ahmad Yani, Km. 4.5 Banjarmasin, Indonesia

Email: [muhammadnoorridani@gmail.com](mailto:muhammadnoorridani@gmail.com)

Received 20-02-2023 | Received in revised form 02-04-2023 | Accepted 12-06-2023

### ABSTRACT

Trademark is a crucial thing for producers as a hallmark of a product, especially to MSMEs as the largest contribution to the national economic generation after Covid-19, the author hopes that MSME actors have legal awareness regarding trademarks because it is a differentiator of a product from other products and focuses on one of the areas in Hulu Sungai South Kalimantan, namely Balangan Regency. This article aims to find out how public legal awareness of trademark rights and provide an understanding to MSME actors of the importance of registering a product's trademark. The writing of this article uses empirical juridical research methods, namely interviewing directly to the object of research so as to get accurate answers from the perspective of business actors so that they can provide suggestions on the problems obtained so as to produce a study that in the area especially which is the object of this research and compare it with trademark legislation, from the results of the study it can be concluded that the community of MSME actors in Balangan Regency is very interested in trademark registration but they do not really understand how the trademark registration procedure to provide legal protection to their products.

**Keywords:** Legal Effects, Intellectual Property Rights, Trademark Rights, MSMEs.

### ABSTRAK

Merek merupakan hal yang krusial bagi produsen sebagai ciri khas sebuah produk terutama kepada UMKM selaku sumbangsih terbesar pembangkit ekonomi nasional pasca Covid-19, penulis berharap pelaku UMKM memiliki kesadaran hukum berkenaan dengan perihal merek karena ia merupakan pembeda sebuah produk dengan produk lainnya dan berfokus ke salah satu daerah di Hulu Sungai Kalimantan Selatan yaitu Kabupaten Balangan. Artikel ini bertujuan untuk mengetahui bagaimana kesadaran hukum masyarakat terhadap hak merek dan memberikan pemahaman kepada pelaku UMKM betapa pentingnya pendaftaran merek suatu produk. Penulisan artikel ini menggunakan metode penelitian yuridis empiris, yaitu mewawancarai langsung kepada objek penelitian sehingga mendapat jawaban yang akurat dari perspektif pelaku usaha sehingga dapat memberikan saran terhadap permasalahan yang didapat sehingga menghasilkan sebuah penelitian bahwa di daerah khususnya yang menjadi objek penelitian ini dan membandingkannya dengan Perundang-undangan merek, dari hasil penelitian dapat disimpulkan bahwa masyarakat pelaku UMKM di Kabupaten Balangan sangat tertarik mengenai pendaftaran merek tetapi mereka belum

terlalu memahami bagaimana prosedur pendaftaran merek untuk memberikan perlindungan hukum pada produknya

**Kata Kunci :** Akibat Hukum, Hak Kekayaan Intelektual, Hak Merek, UMKM.

## INTRODUCTION

Intellectual property rights are a form of protection and legal certainty given to a person through his creation in the form of thoughts that cannot be denied. The work must be protected because it provides benefits to society. Trademark rights include intellectual property rights based on Law Number 20 of 2015 concerning Trademarks and Geographical Indications as an amendment to Law Number 15 of 2001. Trademark is a combination of elements in the form of names, words, images, logos, arrangements, sounds, and others that aim to distinguish a product from other products.<sup>1</sup>

MSMEs are business activities aimed at fulfilling the needs of life. MSMEs are generally owned by individuals or groups that carry out their own production activities in the form of snack products, processed plants, crafts, and others. The legal basis of MSMEs is Law No. 20/2008 on MSMEs. MSME products such as these must have legal protection such as brand rights for the products issued.<sup>2</sup> Indonesia is a state of law.<sup>3</sup> So everything is regulated in the law as a legal product by the state. Including intellectual property rights, the existence of laws governing the trademark aims to provide protection and legal certainty to the trademark holder. The lack of public understanding of the trademark rights raises issues that need to be considered by students and government authorities on this matter, considering that MSMEs play a very large role, namely more than 90% annually in national economic growth.<sup>4</sup> Brand registration plays a very important role because people usually recognize a product through its brand.<sup>5</sup>

Manufacturers must register their trademarks in order for them to receive protection from the state. If the trademark is not registered, then the legal consequences are that the trademark does not get protection and can be exploited by others for commercial purposes.<sup>6</sup> The results of research conducted in the previous year by students

---

<sup>1</sup> Siti Nur Sufiah, "Perlindungan Hukum Terhadap Merek Terkenal Dari Tindakan Pelanggaran Merek/Merek Tiruan Di Medan (Studi Undang-Undang No. 20 Tahun 2016 Tentang Merek Dan Indikasi Geografis)," *Juris Studia: Jurnal Kajian Hukum* 2, no. 3 (2021): 635, <https://doi.org/10.55357/is.v2i3.185>.

<sup>2</sup> Septi Indrawati dan Budi Setiawan, "Upaya Peningkatan Kesadaran Hukum Perlindungan Produk UMKM Di Kabupaten Kebumen Melalui Pendaftaran Merek," *Surya Abdimas* 4, no. 2 (27 November 2020): 38, <https://doi.org/10.37729/abdimas.v4i2.574>.

<sup>3</sup> Haposan Siallagan, "Penerapan Prinsip Negara Hukum di Indonesia," *Sosiohumaniora* 18, no. 2 (26 Oktober 2016): 32, <https://doi.org/10.24198/sosiohumaniora.v18i2.9947>.

<sup>4</sup> Dini Fitria Ramadani dan Alim Syariati, "Ekonomi Digital dan Persaingan Usaha sebagai Pendorong Pendapatan UMKM di Kota Makassar," *ICOR: Journal of Regional Economics* 1, no. 1 (2020): 25, <https://journal3.uin-alauddin.ac.id/index.php/icor/article/view/19558>.

<sup>5</sup> Lilis Mardiana Anugraheni, "Pentingnya Pendaftaran Merek Suatu Produk," *Admisi Dan Bisnis* 15, no. 3 (11 Desember 2017): 210, <https://doi.org/10.32497/ab.v15i3.1005>.

<sup>6</sup> Zaenal Arifin dan Muhammad Iqbal, "Perlindungan Hukum terhadap Merek yang Tendaftar," *Jurnal Ius Constituendum* 5, no. 1 (13 Mei 2020): 49, <https://doi.org/10.26623/jic.v5i1.2117>.

of the Sharia Economic Law Department class 20 in Balangan Regency stated that of the 10 MSME products interviewed, none of the products had been registered with the DJKI. The results of interviews with related agencies have not received satisfactory answers such as the Office of Cooperatives and MSMEs in Balangan Regency regarding trademark rights. Mr. Abdullah, S.Pd. who serves as an IKM (Small and Medium Industry) facilitator when interviewed mentioned that there are more than 2,349 MSME entrepreneurs in Balangan.

There are other similar studies that are used as a framework for thinking in this study, namely research conducted by Raissa Diva Kirana and Hernawan Hadi with the title "Understanding of Micro, Small and Medium Enterprises on the Urgency of Implementing Intellectual Property Law related to Trademarks in Review of Law Number 20 of 2016 concerning Trademarks and Geographical Indications (Study at the Surakarta Cooperative and UMKM Office)" in June 2019. In addition to geographical differences, what makes this paper different from previous research is in the object of research, in this paper the object of research is the community of MSME actors directly related to their understanding of trademark rights. Whereas in the previous research that we mentioned was only limited to the Office of Cooperatives and MSMEs that oversaw it.

In sociological law, the theory of *das sollen* *das sein* is known.<sup>7</sup> *Das sollen* expects the community to have more sensitivity to the laws relating to trademarks, but in *das sein* the community does not have knowledge of matters relating to it. Therefore, the author is interested in researching intellectual property rights with the title of the paper, namely, "Study of Understanding of UMKM Actors in Balangan Regency about Trademark Rights". The stages of problem formulation are carried out with empirical juridical research, by conducting interviews with "right on target" MSMEs that have the potential to register their trademarks to analyze related problems. So that it can answer the cause of the lack of public knowledge related to trademark rights registered with the DJKI. Whereas trademarks are included as intangible assets and are commercial assets for the owner of the rights. Therefore, it is important to register the trademark to the DGKI to obtain legal protection because it is vulnerable to misuse by other irresponsible parties. In this paper, it will be discussed about the legal protection provided by the Law based on Law No. 20 Year 2016.

## METHODS

---

<sup>7</sup> RR Lyia Aina Prihardiati, "Teori Hukum Pembangunan antara *Das Sein* dan *Das Sollen*," *Hermeneutika : Jurnal Ilmu Hukum* 5, no. 1 (27 Februari 2021): 85, <https://doi.org/10.33603/hermeneutika.v5i1.4898>.

The writing of this article uses empirical juridical research methods.<sup>8</sup> Empirical research is research with its main focus on the problems or phenomena of the object of research in detail. The research approach is carried out sociologically, namely looking at phenomena that occur directly in the community. The legal sources used are primary, namely direct interviews with MSME actors in Balangan Regency and secondary, namely laws relating to Intellectual Property Rights, especially on Trademark Rights, and supported through legal data in the form of books and articles that discuss trademarks by developing existing designs to provide solutions to the problems studied.

## RESULTS AND DISCUSSION

### Legal Protection of Trademark Rights Based on Law Number 20 Year 2016

Legal protection of intellectual property rights, especially in this paper is very necessary trademark, given the rapid development of the business world with the support of technology that is also directly proportional so that a trademark can be recognized easily by the public. It is to distinguish and minimize the occurrence of misuse of trademark imitation by irresponsible parties.<sup>9</sup> Constitutive system adopted by the state of Indonesia, means the protection of the trademark will obtain legal protection if it has been registered.<sup>10</sup>

Trademark protection is granted after registration. There are many similarities of trademarks sold by MSME players in Indonesia. Law No. 20 Year 2016 provides protection and legal certainty to collectively registered trademarks. Collective trademark according to the explanation of the Act is a trademark whose use has the same characteristics such as the nature, general characteristics, and quality of goods or services as well as its supervision that is traded by the producer simultaneously to distinguish with other similar goods or services.<sup>11</sup> Trademarks also contain elements of creation such as logos or letters contained therein. But in trademarks the protection given is limited to the mark itself, and its use on those products for the commercial business of the right holder. For producers, the brand is a hallmark or identity as well as the company's good name and is a strategy in

---

<sup>8</sup> Muhaimin, *Metode Penelitian Hukum* (Nusa Tenggara Barat: Mataraman Univesity Press, 2020), 85, <https://zlibrary-id.se/book/19217997/c84306>.

<sup>9</sup> R. Eddy Haryadi, "Perlindungan Hukum Bagi Pemegang Merek Terhadap Pelanggaran Merek Menurut UU Merek Indonesia," *Yuriska: Jurnal Ilmiah Hukum* 2, no. 1 (2010): 124, <https://doi.org/10.24903/yrs.v2i1.79>.

<sup>10</sup> Lionita Putri Lobo dan Indirani Wauran, "Kedudukan Istimewa Merek Terkenal (Asing) dalam Hukum Merek Indonesia," *Masalah-Masalah Hukum* 50, no. 1 (31 Januari 2021): 71, <https://doi.org/10.14710/mmh.50.1.2021.70-83>.

<sup>11</sup> Rahmat Suhargon, "Analisa Hukum terhadap Pentingnya Pendaftaran Hak Merek Dagang bagi UMKM dalam Rangka Meningkatkan Perekonomian Rakyat (Berdasarkan Undang-Undang No.20 Tahun 2016 tentang Hak Merek dan Indikasi Geografis)," *Jurnal Ilmiah Muqoddimah : Jurnal Ilmu Sosial, Politik, dan Humaniora* 3, no. 2 (6 Agustus 2019): 70, <https://doi.org/10.31604/jim.v3i2.2019.67-73>.

business. The identity in the brand is an identifier as well as a differentiator with other manufacturers' brands.

The right to a trademark is an exclusive right granted by the state to the right holder to exploit his own trademark or be licensed to others for commercial purposes. Given this fact, it can be concluded that there is a mechanism related to mandatory registration so that the trademark is registered and gets protection and legal certainty. Trademarks that are not registered have the impact of causing harm to the original owner because they are vulnerable to being used by others.<sup>12</sup> The law on trademarks does not discuss explicitly *verbis* about MSMEs but only in general terms contained in Letter a of the Trademark Law of 2016, "That in the era of global trade, in line with international conventions that Indonesia has ratified, the role of Trademarks and Geographical Indications becomes very important, especially in maintaining fair business competition, justice, protection of consumers, as well as protection of Micro, Small and Medium Enterprises, and domestic industries."

Based on these facts, the main concern of the Trademark Law 2016 is to provide and legal protection to business actors, so that it is expected to create healthy competition between business actors. With the granting of rights to the trademark, the person who has the potential to exploit the trademark as a form of unfair business competition will be sanctioned in the commercial court based on a lawsuit by one of the parties because the trademark has been registered in the DJKI. One of the government's efforts in increasing the registration of trademarks carried out by MSME actors includes:<sup>13</sup>

- a. MSME trademark registration fees are cheaper than non-MSMEs.
- b. There is cooperation between the Directorate General of Intellectual Property of the Ministry of Law and Human Rights and the Office of Cooperatives and MSMEs.
- c. Intensive financing to MSMEs for their brand registration.
- d. Collective registration of MSME brands.

So it can be concluded that the legal protection given to business actors is for those who have registered their trademarks to the Directorate General of Intellectual Property. The form of protection provided is in the form of legal certainty against registered trademarks and cannot be exploited by others without the knowledge and consent of the right holder. So that if there is a dispute related to it, the parties can file a lawsuit to the commercial court by filing a lawsuit related to the trademark. In this paper will discuss the

---

<sup>12</sup> Zaenal Arifin dan Muhammad Iqbal, "Perlindungan Hukum terhadap Merek yang Terdaftar," *Jurnal Ius Constituendum* 5, no. 1 (13 Mei 2020): 49, <https://doi.org/10.26623/jic.v5i1.2117>.

<sup>13</sup> Andrew Betlehn dan Prisca Oktaviani Samosir, "Upaya Perlindungan Hukum terhadap Merek Industri UMKM di Indonesia," *Law and Justice* 3, no. 1 (2 November 2018): 10, <https://doi.org/10.23917/laj.v3i1.6080>.

importance of registration of a trademark, because the legal consequences for unregistered trademarks are very detrimental to the owner.

### Legal Consequences of Unregistered Trademarks

Brands have a main purpose related to consumer confidence to use the products produced. The fame of a brand is directly proportional to the level of public trust.<sup>14</sup> The protection of trademark rights is indeed an obligation to obtain legal certainty from a business actor, if the trademark is registered then the trademark is bound in law. Conversely, if a business actor does not register his trademark to the DGKI, then he does not get the rights that he should get in the registration. Legal protection of trademarks is increasingly becoming important given the rapid development of today. As it is said that if the trademark has not been registered then the trademark owner can not take legal action to resolve cases of infringement of trademark rights.

Trademark law in Indonesia adheres to the first to file system, meaning that who first registered then he is entitled to protection if there is a similarity of trademarks with other registrants and disputes occur.<sup>15</sup> Trademark law aims to provide certainty and legal protection of the trademark that has been registered, so that the original trademark holder does not have to worry about the misuse of irresponsible people against his trademark.<sup>16</sup> If the owner of the trademark first discovers that someone has registered the trademark exactly the same, then the owner of the original trademark is very disadvantaged because it does not receive legal protection and cannot take legal action. Article 200 paragraph (2) of the Law on Trademarks and Geographical Indications states that if there is a party who imitates and uses the same trademark that has been registered before, it can be subject to criminal sanctions in the form of imprisonment for a maximum of four years and / or a maximum fine of two billion rupiah.<sup>17</sup>

In conclusion, Law No. 20 Year 2016 provides legal protection to rights holders who have registered their trademarks at the DJKI and provides exclusive rights. Because of the vulnerability of the trademark is misused by parties with commercial interests and unfair business competition, especially if the trademark is well known. Then the parties can file a

---

<sup>14</sup> Febri Noor Hediati, "Optimalisasi Pengawasan Pada Penerimaan Pendaftaran Merek Dalam Rangka Perlindungan Merek," *Jurnal Suara Hukum* 2, no. 2 (20 September 2020): 236, <https://doi.org/10.26740/jsh.v2n2.p234-257>.

<sup>15</sup> Viona Talitha Syafira, "Perlindungan Hukum Bagi Pemegang Hak Merek Superman Terhadap Pelanggaran Merek," *Jurnal Suara Hukum* 3, no. 1 (9 Maret 2021): 89, <https://doi.org/10.26740/jsh.v3n1.p85-114>.

<sup>16</sup> Ali Ismail Shaleh dan Shabirah Trisnabilah, "Perlindungan Hukum Terhadap Persamaan Merek Untuk Barang Atau Jasa Yang Sejenis: Studi Merek Bossini," *Journal of Judicial Review* 22, no. 2 (18 Desember 2020): 292, <https://doi.org/10.37253/jjr.v22i2.1494>.

<sup>17</sup> Nadira Ramadhanty dan I. Wayan Wiryawan, "Akibat Hukum Tidak Didaftarkan Merrek Dagang Produk Kue Kering Toko 'Madame Patisserie,'" *Kertha Semaya : Journal Ilmu Hukum* 7, no. 6 (18 Juli 2019): 13.

lawsuit to the commercial court.<sup>18</sup> This paper will describe the results of the author's interviews with MSME actors in Balangan Regency.

### Views of the people of Martadah Village

The people of Martadah are of the view:

1. *Rahin* may use the goods he pawned as long as he gets permission from *murtahin* (mutual consent) in this case concerning mutual assistance.
2. *Murtahin* may use if he gets permission from *rahin* in another sense (mutual consent) this is one of the problems.
3. The *murtahin* may use it as rent, which the *murtahin* will pay to the *rahin* as rent.

Then what if we compare it with Shafi'i in this case

1. In the Shafi'i Mazhab *Rahin* may use the goods he pawned as long as he gets permission from the *murtahin* and as long as it does not reduce the value or benefits of the land in other words it can damage the authenticity of the land then it is allowed so in this case the opinion of the Shafi'i Mazhab with the views of the *martadah* community shows a match.
2. *Murtahin* according to the perspective of the Shafi'i Mazhab may not use or utilize the pawned land even though he has received permission from the person who pawned or *rahin* because it includes the element of *ribawi*, a pawned person must allow the person who owes him money to utilize the land he pawned as a sign of his service for lending money. So in this case the Shafi'i Mazhab does not allow it to be used.
3. A *murtahin* may use the land pawned by the *rahin* as rent, but this rent must be outside the pawn contract. A *murtahin* who rents land from the person who pawned his land is the same as relieving the burden of the *rahin*.

What is still a problem today is that there is still someone *murtahin* who uses the pawned land from the person who pawned it and stated to use it at the time of the contract or without permission from *rahin*. This is due to the people's lack of knowledge about *fiqh muamalah* or their unwillingness to learn it, so that they only follow the ancients or only hear rumors that they use as evidence for the permissibility of using the mortgaged land.

From the results of interviews with the people of *Martadah* village, what they often do in pawn matters is that a *murtahin* uses or utilizes the pledged goods in the form of paddy fields and then rents them to *rahin* and pays *rahin* a rental fee or rental fee. Because in the village of *Martadah*, the people are very strong in their kinship ties, even in

---

<sup>18</sup> Fatmawati Fatmawati dan Aminah Aminah, "Perlindungan Hukum Atas Merek Bagi Pelaku UMKM di Indonesia," *Notarius* 16, no. 1 (27 April 2023): 536, <https://doi.org/10.14710/nts.v16i1.42116>.

the village, most of the people have the same bloodline from their upper lineage. So when their relatives or people closest to them get into debt by pledging something, they are very alert to help their relatives who are in trouble. They do a rental contract outside of the pawn so that according to the perspective of Syafi'i it is permissible. And rarely do the people of Martadah village owe money to banks or other financial institutions because they trust their closest relatives more so they are reluctant to owe money to banks or other institutions which according to their view if someone owes money to a bank then it will cause a difficulty either difficulty in taking care of the conditions for owing money to the bank or in repaying their debt to the bank.

### **Interview Results of MSME Entrepreneurs in Balangan Regency related to Brand**

Based on Law Number 20 Year 2016 on Trademarks and Geographical Indications, trademarks play a very important role as a differentiator with other brands.<sup>19</sup> Given the importance of legal protection certification of the trademark is inversely proportional to the results of interviews with SMEs in Balangan that have the potential to be registered trademark. There are 6 products that we interviewed and potentially could be registered trademark rights to the DJKI. Of the 6 products, there is only 1 product that is in the process of registering a trademark. While other products have not been registered due to their lack of knowledge regarding registration and who is the authorized party in overseeing it.

For this reason, the author will detail the results of the interviews obtained with the following details:

1. Syrup Batumandi, syrup Batumandi is a processed syrup originating from one of the districts in Balangan Regency, namely Batumandi District. Mrs. Mawaddah's business has been running for 3 years, but she did not know about this brand. And when we explained about the brand, she was quite interested and interested in registering the brand with the obstacle of not knowing how to register and the administration.
2. Mandai Crysipi, manday crysipi is processed chips from tiwadak fruit which grows a lot in Batumandi District, processed manday chips are also produced by Mrs. Mawaddah who we interviewed above.
3. Es Permen Karet 2320 Balangan, is a processed beverage with the taste of chewing gum at a low price so that it is in great demand, Mrs. Minah who has started a business since 2 years ago when we interviewed about the brand she only knew a little and of course had not registered the brand. But when interviewed whether she was interested in registering this brand, her answer was quite interested.

---

<sup>19</sup> Prayoga Tayosa dan Lili Naili Hidayah, "Pendaftaran Merek Dagang Produk Sirup Kayu Manis Di Kabupaten Kerinci," *Zaaken: Journal of Civil and Business Law* 1, no. 2 (23 September 2020): 224, <https://doi.org/10.22437/zaaken.v1i2.8978>.



Regarding the obstacles that we asked why she has not registered her brand due to lack of knowledge and how to register the brand.

4. Various processed cakes, as a complement to interviews from MSMEs, the author also interviewed Ms. Wilda, who has a variety of cake selling businesses that have been running for two years located in Lampihong District. When we interviewed her about the brand, she only knew a little, although there was no brand that was used as a hallmark of production, but the author assumed that the business carried out by Mrs. Wilda had the potential to register the brand because it was her own processing. When asked if she was interested in registering her brand later? She is very interested because she aspires to have her own cake shop. However, the obstacle she has is that for now she is focusing on developing her business first, which is her hobby, when it develops, she will then register the brand.
5. Rorompok Bahenol, is a variety of processed snacks originating from Paringin District, Balangan Regency. Rorompok bahenol has many snacks produced by Mrs. Wartini. When we interviewed her knowledge about the brand she answered that she only knew a little about the brand and did not fully understand, as the name suggests, this processed product already has a brand but has not registered its rights with the DJKI, related to the obstacles she has is funding. Mrs. Wartini mentioned that the relevant agency had conducted training on trademarks and was very willing if the agency helped her product for the registration process.
6. Cimi's, is a processed snack made from onions, hence the name onion sticks. Cimi's is the production of Mr. Shadiq who is located in Awayan Subdistrict, we asked him about the brand, and he apparently already knew about the brand, and the brand has also been registered with the DJKI but is still in the process stage.

### **Causes of Low Knowledge of MSME Actors in Balangan Regency about Trademark Rights**

From the results of the analysis that we found related to the low level of knowledge of MSME actors in Balangan Regency, due to the lack of socialization carried out by related government agencies or institutions. Even though during the study visit of the Sharia Economic Law department on Thursday, December 29, 2022 previously, Mr. Riswandi, S.H., M.H. and Mrs. Eka Shanty Maulina, S.E. as officials at the Regional Office of the Ministry of Law and Human Rights of South Kalimantan in the field of intellectual property said that one of their work programs related to the socialization of intellectual property rights was:

First, by routinely conducting socialization related to intellectual property rights to the community. Second, by cooperating with related agencies in each region, for example the Cooperative and MSME Agency, which in this case is in line with advancing MSMEs in the region. Third, partnering with schools with the hope that education related to intellectual property rights will be instilled from an early age.

In fact, quoting from the results of interviews conducted by Nurul Fadillah and Fatimah about the assignment from the previous year, Mr. Abdullah, S.Pd. who served in the Office of Cooperatives and MSMEs of Balangan Regency said: there are at least 2,349 number of SMEs in Balangan Regency in 2022 with various types of products, for example woven crafts, gula ants, ahsan sasirangan, laang Balangan, and the author argues that their products have the potential to be registered for brand rights.

Mr. Abdullah mentioned that the last time there was socialization from the Ministry of Law and Human Rights related to trademarks in Balangan Regency was in 2018 and after that the Office of Cooperatives and MSMEs facilitated SMEs to register their trademarks at the DJKI through a government program without spending any money. The high interest of MSME players regarding trademarks should be well facilitated because there are several MSMEs that come directly to the Office of Cooperatives and MSMEs to ask about trademark registration. But it is unfortunate that the dissemination of information and knowledge about the community towards the trademark is inversely proportional to their interest in registering the trademark.

Citing similar research above, the 10 MSME products interviewed in 2022 in Balangan Regency also had no registered brands and the lack of knowledge of producers about brands, but when asked about their interest in brand registration, it was very inversely proportional. This means that they are very interested in registering their trademarks but are constrained by ignorance about registration procedures.

After this year the author conducted a similar research, the interview results obtained were more or less the same as the previous year's research conducted by Nurul Fadillah and Fatimah (Students of the Sharia Economic Law Department class of 2020). This shows that the work program of the Ministry of Law and Human Rights has not been effectively implemented, especially in small cities or districts and needs further coordination with related agencies (in this case the Balangan Cooperative and UMKM Office).

In fact, of the 6 MSME actors we interviewed, there was only 1 that had been registered with the DJKI and was still in the process of being accepted. The education factor also affects the understanding of MSME actors regarding trademark rights, the product in the registration process is known that the business owner is one of the education personnel at the Islamic Boarding School located in Amuntai, the author underlines that what must be prioritized in the implementation of government programs (in this case the Ministry of Law and Human Rights) must be accompanied by a major contribution from students and related agencies to conduct more socialization, because it is unfortunate if the trademark of MSME actors has not been registered while public interest in it is very high.

The author provides advice to the relevant agencies to make new innovations related to socialization to MSME actors, even in annual cultural events can be used as a means of socialization because it is attended by various groups of people. The role of students is also needed regarding the socialization of government programs, because the level of public education is a major factor related to existing legal issues (in this case, especially trademark rights) so that it is hoped that the level of awareness of MSME actors, the important role of students, and work programs from the government (Ministry of Law and Human Rights) can coordinate and complement each other to maintain and provide legal certainty to business actors in each region.

## CONCLUSION

MSMEs play a very large role, namely more than 90% annually in national economic growth. So it is very necessary for the achievement of healthy business competition, it is expected that MSME actors have a broad understanding of the brand. Because trademark protection is given to those who have registered their trademarks. The legal consequences of not registering a trademark in the DJKI is if there is a dispute and misuse of the trademark from the responsible party then the first party of the trademark is very disadvantaged because it can not file a lawsuit to the commercial court.

The results of the interviews conducted by the author can be concluded that the amount of knowledge of MSME actors on trademarks is inversely proportional to their interest in registering their trademarks. The obstacles they experience are in the form of ignorance about how to register and the regulations. Based on this, the author suggests that all parties must be involved in carrying out socialization of government programs (in this case the Ministry of Law and Human Rights) to relevant agencies, students also have an important role in implementing this program because students are academics in realizing the value of the tri dharma of higher education, namely community service. In particular, MSME actors as the object of our research must also have high awareness so that knowledge of trademarks and intellectual property rights can be applied through trademark registration.

## Bibliography

- Anugraheni, Lilis Mardiana. "Pentingnya Pendaftaran Merek Suatu Produk." *Admisi Dan Bisnis* 15, no. 3 (11 Desember 2017): 209–14. <https://doi.org/10.32497/ab.v15i3.1005>.
- Arifin, Zaenal, dan Muhammad Iqbal. "Perlindungan Hukum terhadap Merek yang Tendaftar." *Jurnal Ius Constituendum* 5, no. 1 (13 Mei 2020): 47–65. <https://doi.org/10.26623/jic.v5i1.2117>.
- . "Perlindungan Hukum terhadap Merek yang Terdaftar." *Jurnal Ius Constituendum* 5, no. 1 (13 Mei 2020): 47–65. <https://doi.org/10.26623/jic.v5i1.2117>.

- Betlehn, Andrew, dan Prisca Oktaviani Samosir. "Upaya Perlindungan Hukum terhadap Merek Industri UMKM di Indonesia." *Law and Justice* 3, no. 1 (2 November 2018): 1–11. <https://doi.org/10.23917/laj.v3i1.6080>.
- Fatmawati, Fatmawati, dan Aminah Aminah. "Perlindungan Hukum Atas Merek Bagi Pelaku UMKM di Indonesia." *Notarius* 16, no. 1 (27 April 2023): 529–39. <https://doi.org/10.14710/nts.v16i1.42116>.
- Haryadi, R. Eddy. "Perlindungan Hukum Bagi Pemegang Merek Terhadap Pelanggaran Merek Menurut UU Merek Indonesia." *Yuriska: Jurnal Ilmiah Hukum* 2, no. 1 (2010): 124–30. <https://doi.org/10.24903/yrs.v2i1.79>.
- Hediati, Febri Noor. "Optimalisasi Pengawasan Pada Penerimaan Pendaftaran Merek Dalam Rangka Perlindungan Merek." *Jurnal Suara Hukum* 2, no. 2 (20 September 2020): 234–57. <https://doi.org/10.26740/jsh.v2n2.p234-257>.
- Indrawati, Septi, dan Budi Setiawan. "Upaya Peningkatan Kesadaran Hukum Perlindungan Produk UMKM Di Kabupaten Kebumen Melalui Pendaftaran Merek." *Surya Abdimas* 4, no. 2 (27 November 2020): 37–43. <https://doi.org/10.37729/abdimas.v4i2.574>.
- Lobo, Lionita Putri, dan Indirani Wauran. "Kedudukan Istimewa Merek Terkenal (Asing) dalam Hukum Merek Indonesia." *Masalah-Masalah Hukum* 50, no. 1 (31 Januari 2021): 70–83. <https://doi.org/10.14710/mmh.50.1.2021.70-83>.
- Muhaimin. *Metode Penelitian Hukum*. Nusa Tenggara Barat: Mataraman Univesity Press, 2020. <https://zlibrary-id.se/book/19217997/c84306>.
- Prihardiati, RR Lyia Aina. "Teori Hukum Pembangunan antara Das Sein dan Das Sollen." *Hermeneutika: Jurnal Ilmu Hukum* 5, no. 1 (27 Februari 2021). <https://doi.org/10.33603/hermeneutika.v5i1.4898>.
- Ramadani, Dini Fitria, dan Alim Syariati. "Ekonomi Digital dan Persaingan Usaha sebagai Pendorong Pendapatan UMKM di Kota Makassar." *ICOR: Journal of Regional Economics* 1, no. 1 (2020). <https://journal3.uin-alauddin.ac.id/index.php/icor/article/view/19558>.
- Ramadhanty, Nadira, dan I. Wayan Wiryawan. "Akibat Hukum Tidak Didaftarkan Merrek Dagang Produk Kue Kering Toko 'Madame Patisserie.'" *Kertha Semaya: Journal Ilmu Hukum* 7, no. 6 (18 Juli 2019): 1–14.
- Shaleh, Ali Ismail, dan Shabirah Trisnabilah. "Perlindungan Hukum Terhadap Persamaan Merek Untuk Barang Atau Jasa Yang Sejenis: Studi Merek Bossini." *Journal of Judicial Review* 22, no. 2 (18 Desember 2020): 291–300. <https://doi.org/10.37253/jjr.v22i2.1494>.
- Siallagan, Haposan. "Penerapan Prinsip Negara Hukum di Indonesia." *Sosiohumaniora* 18, no. 2 (26 Oktober 2016): 122–28. <https://doi.org/10.24198/sosiohumaniora.v18i2.9947>.
- Sufлах, Siti Nur. "Perlindungan Hukum Terhadap Merek Terkenal Dari Tindakan Pelanggaran Merek/Merek Tiruan Di Medan (Studi Undang-Undang No. 20 Tahun 2016 Tentang Merek Dan Indikasi Geografis)." *Iuris Studia: Jurnal Kajian Hukum* 2, no. 3 (2021): 634–43. <https://doi.org/10.55357/is.v2i3.185>.
- Suhargon, Rahmat. "Analisa Hukum terhadap Pentingnya Pendaftaran Hak Merek Dagang bagi UMKM dalam Rangka Meningkatkan Perekonomian Rakyat (Berdasarkan Undang-Undang No.20 Tahun 2016 tentang Hak Merek dan Indikasi Geografis)."

- Jurnal Ilmiah Muqoddimah: Jurnal Ilmu Sosial, Politik, dan Humaniora* 3, no. 2 (6 Agustus 2019): 67–73. <https://doi.org/10.31604/jim.v3i2.2019.67-73>.
- Syafira, Viona Talitha. “Perlindungan Hukum Bagi Pemegang Hak Merek Superman Terhadap Pelanggaran Merek.” *Jurnal Suara Hukum* 3, no. 1 (9 Maret 2021): 85–114. <https://doi.org/10.26740/jsh.v3n1.p85-114>.
- Tayosa, Prayoga, dan Lili Naili Hidayah. “Pendaftaran Merek Dagang Produk Sirup Kayu Manis Di Kabupaten Kerinci.” *Zaaken: Journal of Civil and Business Law* 1, no. 2 (23 September 2020): 219–36. <https://doi.org/10.22437/zaaken.v1i2.8978>.