

Handling of IPR Violations at the Regional Office of the Ministry of Law and Human Rights of North Sumatra

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Abstract. *Indonesia is the country with the largest population in the world. Of course, there are many cases and violations that occur, one of which is related to intellectual property, where everyone who creates a work certainly has the right to his work if it is registered. However, until now there are still many intellectual property owners who forget or even do not register their work. This is a major factor in the occurrence of intellectual property violations in Indonesia, especially due to the lack of understanding of the importance of registering intellectual property. This is what then attracts the author's attention to be able to examine and learn more about how the handling of IPR violations within the Regional Office of the Ministry of Law and Human Rights of North Sumatra. This research uses normative-empirical research methods using two approaches, namely the statute approach and the case approach. The conclusion obtained is that the law enforcement efforts carried out by the Regional Office of the Ministry of Law and Human Rights of North Sumatra are by conducting cooperation activities in the form of seminars, socialisation, and visits to every region in North Sumatra, in order to provide guarantees of legal certainty for owners of Intellectual Property Rights (IPR) and provide supervision of potential intellectual property violations in each region of North Sumatra.*

Keywords: *Intellectual; Property; Rights.*

1. Introduction

In terms of population, Indonesia is among the countries with the largest population in the world. With such a large number, there are certainly many cases and violations that occur in this country, one of which is the case of intellectual property, where everyone who makes a work certainly has the right to their work if it is registered. However, as we see to date, there are still many cases related to Intellectual Property Rights (IPR), where the owner of this intellectual property forgets or does not even register his work as an asset. So that one day the work can be taken over by someone else or in other words, it has been registered in advance to become the rights of that person. This causes

the owner of intellectual property rights to lose their intellectual property rights.¹

Therefore, Intellectual Property is very important to be registered. Based on the results of an interview with the Head of the Intellectual Property Sub Division at the Ministry of Law and Human Rights of the North Sumatra Regional Office, he considered that so far the verdict given to the perpetrators is still very light, the lack of law enforcement officers who handle IPR issues. As well as the lack of public awareness in respecting and obeying existing laws, especially related to IPR.²

On the other hand, that the community also assesses and considers the procedure in registering IPR which is too difficult and takes a lot of time and money, making people reluctant to register it. All of these factors are then the cause of IPR infringement cases in Indonesia, especially in North Sumatra, which continue to exist from year to year.

If we look at the positive side, then of course how important Intellectual Property Rights are to be registered, because it can be beneficial in many ways, especially in business. One of them is as an asset that everyone can have to be able to recognize their intellectual property rights. Whereas it is clear, that based on Article 1 paragraph 3 of the 1945 Constitution as it reads "The State of Indonesia is a State of Law".³ Then it is appropriate, as citizens, of course we must submit and obey the provisions that have been regulated and listed in the existing laws and regulations in Indonesia.⁴

In its implementation in Indonesia, the institution directly under the auspices of the President is known as the Ministry of Law and Human Rights in carrying out its duties and functions in the field of law and human rights, besides the Ministry of Law and Human Rights also participates in assisting the President regarding the process of implementing state government within the scope of government.⁵ As an institution that is active in the fulfilment, promotion, protection and enforcement of human rights. The Ministry of Law and Human Rights is also

¹ V. Selvie Sinaga, "Factors Causing the Low Use of Intellectual Property Rights Among Batik Small and Medium Enterprises," *JOURNAL OF LAW IUS QUIA IUSTUM* 21, no. 1 (January 2014): Page. 61-80, <https://doi.org/10.20885/iustum.vol21.iss1.art4>.

² Dessy Anggerainy, "Interview with Intellectual Property Sub Division" (North Sumatra Regional Office (Kanwil Sumut): Ministry of Law and Human Rights (Kemenkumham), 15 June 2023).

³ 1945 Constitution, "Article 1 Paragraph (3) of the 1945 Constitution Concerning the State of Indonesia as a State of Law," 10 August, 2002.

⁴ Laurensius Arliman. S, "DEVELOPING GOOD LAW ENFORCEMENT IN INDONESIA'S STATES OF LAW," *Dialogia Iuridica: Journal of Business and Investment Law* 11, no. 1 (19 November, 2019): Page. 1–20, <https://doi.org/10.28932/di.v11i1.1831>.

⁵ Presidential Regulation (PERPRES), "No 44 of 2015 on the Ministry of Law and Human Rights," 2 December, 2015.

spread in each provincial area. As is the case with the Regional Office of the Ministry of Law and Human Rights of North Sumatra.⁶

As an institution that is directly under the mandate of the Law, it certainly has a great responsibility for the continuity of security and legal compliance in Indonesia, especially in this case Intellectual Property (IP). For this reason, in this study, I as the author am interested in seeing the extent of efforts to deal with IPR violations carried out at the Regional Office of the Ministry of Law and Human Rights of North Sumatra.

2. Research Methods

This research uses a normative-empirical research method, in which this research method combines elements of normative law which are then supported by additional data or other empirical elements.⁷ This research uses two approaches, namely a statute approach and a case approach.⁸ The statute approach tries to see the existing regulations as a whole related to efforts to handle IPR violations in the Regional Office of the Ministry of Law and Human Rights of North Sumatra. While the case approach was chosen considering that this study will look at cases in the Ministry of Law and Human Rights, especially the North Sumatra Regional Office of the Ministry of Law and Human Rights in terms of handling violations related to IPR.

Based on what has been described previously, the data sources in this study use two things, namely primary data and secondary data. Primary data is data obtained directly from research in the field. While secondary data is data collected based on previous research (library research) sourced from journals, books and other sources related to the issues raised in this study, in order to find out how the handling of IPR violations in the Regional Office of the Ministry of Law and Human Rights of North Sumatra exists from each period of time.

3. Result and Discussion

3.1. Ministry of Law and Human Rights

The Ministry of Law and Human Rights of the Republic of Indonesia, also known as *Kemenkumham Republik Indonesia*, is the government department responsible for overseeing all matters relating to law and human rights. From 1945 to 1999, the name of the Ministry of Law and Human Rights of the Republic of Indonesia was the Ministry of Justice. Then, between 1999 and 2001, the name was changed to the Department of Law and Human Rights. In 2001-2004,

⁶ JDIH Legal Information and Documentation Network, "Constitution of the Republic of Indonesia Year 1945 Article 25A," 10 August, 2002.

⁷ Depri Liber Sonata, "Methods: Normative and Emperical Legal Research: Distinctive Characteristics of Legal Research Methods," *Fiat Justicia Journal of Legal Studies* 8, no. 1 (1 March, 2014): Page. 1-21.

⁸ Jozef Raco, "Qualitative Research Methods: Types, Characteristics and Advantages," *OSF Preprints* 1, no. 1 (18 July, 2018): Page. 20, <https://doi.org/10.31219/osf.io/mfzuj>.

the name was changed to the Department of Law and Human Rights. Then, in 2009, the name was changed to the Ministry of Law and Human Rights.⁹

The Ministry of Law and Human Rights is a government agency that has been directly appointed by the state to strengthen and manage human rights. It is responsible for protecting, developing, enforcing human rights, as well as managing the administrative affairs of existing State institutions. Based on article 1 paragraph 1 of Presidential Regulation No. 18 of 2003 as a government agency directly under the auspices of the president, of course the Ministry of Law and Human Rights has specific duties and authorities in carrying out its mandate.¹⁰

The duties and functions of the Ministry of Law and Human Rights itself are to carry out tasks or orders from the President to be carried out in each provincial area based on the Minister's policy and the provisions of the laws and regulations that have been regulated. The Ministry of Law and Human Rights also has regional offices in each province where each office has a function, namely as programmed control, provision of legal information, reporting, planning coordination, both in the implementation of operational units and technical implementation within the Ministry of Law and Human Rights.¹¹

In its implementation, it also does not escape the implementation of facilitation, drafting regional legal products in the form of legal culture development or legal counseling, both in the form of consultation and legal assistance in terms of coordinating the implementation of services in the legal administration, intellectual property, immigration and correctional sectors. In accordance with the Regulation of the Minister of Law and Human Rights No. 30 of 2018 concerning the Organization and Work Procedures of the Regional Office of the Ministry of Law and Human Rights that each Regional Office of the Ministry of Law and Human Rights has a Regional Office Head who is in charge of managing and supervising each existing division.¹² There are several divisions in the Ministry of Law and Human Rights, including: Administration Division,

⁹ Karangasem Correctional Facility Admin, "HISTORY OF THE MINISTRY OF LAW AND HUMAN RIGHTS FROM TIME TO TIME," [Kemenkumham.go.id](https://lapaskarangasem.kemenkumham.go.id/profil/sejarah-pemasyarakatan?view=article&id=453:sejarah-kementerian-hukum-dan-ham-dari-masa-ke-masa&catid=28), 17 November, 2022, <https://lapaskarangasem.kemenkumham.go.id/profil/sejarah-pemasyarakatan?view=article&id=453:sejarah-kementerian-hukum-dan-ham-dari-masa-ke-masa&catid=28>.

¹⁰ Presidential Regulation (PERPRES), "Presidential Regulation No. 18 Year 2003 on the Ministry of Law and Human Rights,"

¹¹ Hilmi Ardani Nasuiton, "The Role of the Ministry of Law and Human Rights in Grounding Pancasila in Indonesia," *Proceedings of the National Seminar on Citizenship 3*, no. 22 (22 December, 2021): Page. 114-18.

¹² Taufik H Simatupang, "Juridical Analysis of the Role of the Regional Office of the Ministry of Law and Human Rights in the Management and Service of Database of Legislative Regulations in the Region," *Scientific Journal of Legal Policy* 12, no. 1 (29 March, 2018): Page. 1–20, <https://doi.org/10.30641/kebijakan.2018.v12.1-19>.

Corrections Division, Immigration Division, and Legal and Human Rights Services Division.¹³

As one example, in the division of legal and human rights services in the Regional Office of the Ministry of Law and Human Rights of North Sumatra there are several work units, one of which is Intellectual Property (IP) services. Intellectual Property itself is in the Division of Legal Counseling and Human Rights in the field of legal services which is technically in the Intellectual Property Sub Division.

In addition, the Directorate General of Intellectual Property (DJKI) is also responsible for managing Intellectual Property. Within the Ministry of Law and Human Rights of the Republic of Indonesia, DJKI is an Echelon I organization unit responsible for managing and protecting copyrights, patents, brands, industrial designs, integrated circuit layout designs, trade secrets, and geographical indications. In accordance with existing regulations. DJKI is led by a director general. In carrying out its main work and functions, DJKI follows the provisions of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia No. M.09-PR.07.10 of 2007.¹⁴

Responsible for the development and implementation of all copyright-related technical regulations and standards. The responsibilities of the Directorate General of Intellectual Property (DGII) include:

- 1) Formulation of policies in the field of legal protection of intellectual property, settlement of applications for registration of intellectual property, investigation, settlement of disputes and complaints of intellectual property violations, cooperation, promotion of intellectual property, as well as information technology in the field of intellectual property;
- 2) Providing technical guidance and supervision in the field of legal protection of intellectual property, settlement of applications for intellectual property registration, investigation, settlement of disputes and complaints of intellectual property violations, cooperation, promotion of intellectual property, and information technology in the field of intellectual property;
- 3) Implementation of monitoring, evaluation and reporting in the field of legal protection of intellectual property, settlement of applications for intellectual property registration, investigation, settlement of disputes and complaints of intellectual property violations, cooperation, promotion of intellectual property, as well as information technology in the field of intellectual property:

¹³ Ministerial Regulation (PERMEN), "Regulation of the Minister of Law and Human Rights Number 30 of 2018 concerning the Organisation and Work Procedure of the Regional Office of the Ministry of Law and Human Rights,".

¹⁴ Ministerial Regulation of the Ministry of Law and Human Rights (PERMENDKUMHAM), "No. M.09-PR.07.10 Year 2007 on the Organisation and Work Procedure of the Ministry of Law and Human Rights,".

- 4) Implementation of the administration of the Directorate General of Intellectual Property; and
- 5) Implementation of other functions assigned by the Minister.¹⁵

If we look at the intellectual property in our country, there must be very many cases of intellectual property that occur, both in the form of violations and actions that violate the applicable provisions in the existing laws and regulations. Such as cases of intellectual property violations that occurred in North Sumatra.

3.2. IP Violation Cases in North Sumatra

Intellectual Property Rights (IPR), abbreviated as "IPR" or "HaKI", is an abbreviation of the conventional term, including rights arising from a process or product that is beneficial to humans. In other words, IPR is the right to benefit financially from the results of a creativity realized by a person. IPR, is an object, an object produced or created by the intellectual capacity of human beings themselves.¹⁶

Therefore, legal certainty and regulation in the field of IPR are indispensable. Because the mindset of appreciation, recognition and protection not only creates a sense of security, but also creates an environment conducive to innovation and progress. The initial idea that the establishment of an IPR system is expected to increase economic growth and improve the welfare of Indonesia. This is a very important rule to be able to make a good quality country that is good in terms of community resources, especially with regard to intellectual property protection.

Because there is no protection of intellectual property, many intellectual properties both owned by individuals and companies in Indonesia have been confiscated for economic reasons for other countries. So, as an archipelago that has knowledge, traditions, and cultures that produce various kinds of goods or products that have high economic potential, Indonesia should have the concept of legal protection of existing goods so that the existing economic value can improve the lives of its people.¹⁷

The IPR field is divided into 2 (two) parts, namely:

- 1) Copyright;

¹⁵ DJKI Kemenkumham RI, "Organisational Structure of the Directorate General of Intellectual Property," www.dgip.go.id, accessed June 5, 2023, <https://www.dgip.go.id/tentang-djki/struktur-organisasi/direktorat-jenderal-kekayaan-intelektual#:~:text=Directorate%20General%20of%20Intellectual%20Property>.

¹⁶ Robiatul Adawiyah and Rumawi Rumawi, "REGULATION OF INTELLECTUAL PROPERTY RIGHTS IN COMMUNAL COMMUNITIES IN INDONESIA," *Repertorium: Scientific Journal of Kenotariatan Law 10*, no. 1 (31 May, 2021): Page. 1–16, <https://doi.org/10.28946/rpt.v10i1.672>.

¹⁷ Kusaimah, "Implementation of Intellectual Property Rights in the Perspective of the Rule of Law," *ADIL: STIH YPM Law Journal 3*, no. 2 (26 October, 2021): Page. 77-171, <https://adil.stihypm.ac.id/index.php/ojs/article/view/100>.

- 2) Industrial Property Rights, which include:
 - a) Patent;
 - b) Industrial Design;
 - c) Trademark;
 - d) Repression of Unfair Competition;
 - e) Integrated Circuit Layout Design; and
 - f) Trade Secrets.

The IPR system is a personal right, this is what then makes IPR have its own characteristic value. A person is free to apply or register intellectual work or not. The exclusive rights granted by the state to individual IPR actors (inventors, creators, designers, and so on) are none other than intended as an appreciation for their work (creativity) and so that others are encouraged to develop even more, so that with the IPR system the interests of society are determined through market mechanisms. This is evidenced by data obtained from the Regional Office of the Ministry of Law and Human Rights in the field of the Directorate General of Intellectual Property (DJKI) that since 2021 there have been 116 simple patent data and 47 ordinary patent data, 4,853 trademark application data and 9,054 copyright data in North Sumatra registered with the DJKI related to IPR.¹⁸

In addition, the IPR system supports the establishment of a good documentation system for forms of human creativity so that the possibility of producing technology or other similar works can be avoided/prevented. With proper documentation, it is likely that people can make the best use of this to meet their needs or to grow with more added value.

A website article mentioned that in the last five years, from 2015 to 2021. The National Police seized 958 out of 1,184 cases of intellectual property and property rights violations, also known as IPR. A total of 658 cases pertained to trademarks, 243 to intellectual property, 27 to industrial health, 8 to commercial secrecy, 2 to integrated circuit configuration, and to plant variety protection.

Of the total cases that have been handled by the Police, 115 are still in process, 169 have been declared P-21, 656 have been issued SP3, 10 have been determined to be completed investigations, and 8 have been submitted. The DJKI of the Ministry of Law and Human Rights is also responsible for handling IPR violations in addition to institutions such as the Police. Of the 226 cases that

¹⁸ Regional Office of the Ministry of Law and Human Rights of North Sumatra, "Improving Intellectual Property Rights Protection, Regional Office of Kumham Sumut Signs Memorandum of Understanding with Pelita Harapan University", (<https://sumut.kemenkumham.go.id/berita-kanwil/berita-utama/tingkatkan-perlindungan-hak-kekayaan-intelektual-kakanwil-kumham-sumut-teken-mou-dengan-universitas-pelita-harapan>, 25 May, 2023).

have been handled by the department, 115 are in process, 4 of which have been declared P-21, and 107 have been issued SP3.¹⁹

In addition, according to other sources, there are about 6,036 other copyright complaints that have been blocked. These complaints relate to the unauthorized distribution of digital content or digital products with the permission of the original creator.²⁰ This is based on Ordinance No. 28 of 2014 on copyright as well as Ordinance No. 56 of 2021 on royalty management for music and music copyrights. Copyright belongs to any artistic, intellectual, or literary creation resulting from inspiration, ability, thought, imagination, engineering skill, or real skill. It also belongs to any other party who has received legal rights from the author.²¹

In addition, Government Regulation No. 56 of 2021 was issued on the basis of the importance of providing legal certainty to creators, copyright holders, and owners of economic rights related to the commercial use of songs.²² Another objective of this PP is to optimize the management of copyright royalties for musical works and related products. There are many other cases of intellectual property rights violations, such as plagiarism. "The circulation of pirated DVD/VCD tapes is very widespread that occurs to date in Medan City, this is due to weak supervision from law enforcement officials".

According to Toba Pos newspaper, information obtained from research conducted by Toba Pos journalists. It is evident that pirate CD sellers are present in almost every neighborhood of Medan City, as well as in modern and traditional markets. In addition, we can also see it in Titi Gantung in Medan City area. There are still many businesses that duplicate books without the permission of the official author, which is against the law.

So is the case with trademark infringement, such as the Geprek Benu trademark dispute case, between culinary entrepreneurs Benny Sujono and Ruben Onsu with case number 32/Pdt.Sus-HKI/TBrand/2022/PN Niaga Jkt.Pst. And there is also a case of infringement of women's clothing brand with Hoki & Sheila Brand owned by Veronika Thalib whose brand has been registered at the DJKI at the Ministry of Law and Human Rights of the Republic of Indonesia in 2003 with

¹⁹ Wibi Pangestu Pratama, "1,184 Cases of IPR Infringement Prosecuted in RI Since 2015," *Bisnis.com*, 6 October, 2021, <https://ekonomi.bisnis.com/read/20211006/9/1451327/ada-1184-kasus-pelanggaran-haki-ditindak-di-ri-sejak-2015>.

²⁰ Lona Olavia, "Intellectual Property Rights Violations Still Rampant," *beritasatu.com*, 28 April, 2021, <https://www.beritasatu.com/ekonomi/767127/pelanggaran-hak-kekayaan-intelektual-dinilai-masih-marak>.

²¹ Hulman Panjaitan, "UNDANG UNDANG NOMOR 28 TAHUN 2014 TENTANG HAK CIPTA DAN PERLINDUNGAN HUKUM BAGI PENCIPTA KARYA CIPTA MUSIK DAN LAGU," *Tora* 5, no. 1 (April 2019): Page. 19-25.

²² Afifah Husnun U.A et al, "The Mechanism of Management of Music Royalty Rights by LMK & LMKN in Review of Government Regulation No. 56 of 2021 concerning Management of Royalties for Copyright of Songs and or Music," *Padjajaran Law Review* 9, no. 1 (16 August, 2021).

registration number IDM000020475. Two traders in Medan's central market use the same brand, although they say they got the brand from Tanah Abang Jakarta.

Just like in the extraordinary case of PSMS Medan. Currently, two PTs claim to be the official PSMS of Medan. Whereas PSMS Medan is known as PT Pesemes, the other two PTs are PT Kinantan and PT Pesemes. Because the PSMS Medan logo has existed since 1950, it is now owned by another PT, PT. Menimbang Medan, after the verdict of the applicant's lawsuit was rejected and the applicant's exception was rejected. This is certainly a controversial topic in Medan, as is the case of M. Rizky Saragih's Electrical Panda fashion brand in Medan City.

Based on the decision of the Supreme Court, it is known that the number of Intellectual Property violations that occur in North Sumatra continues to increase from year to year. This can be accessed through the website <https://putusan3.mahkamahagung.go.id/>, where there are listed how many intellectual property cases in North Sumatra.²³

The number of violations in North Sumatra is inseparable from the jurisdiction of the Ministry of Law and Human Rights of North Sumatra, which then strengthens Indonesia's position on the Priority Watch List (PWL). Whereas in the national legislation process, Indonesia pays serious attention to the issue of intellectual property infringement. With this in mind, given the high number of complaints of intellectual property infringement, it is important to understand that the route of resolving intellectual property infringement disputes under intellectual property infringement laws is the last option.²⁴

3.3. The Role of the Ministry of Law and Human Rights in Handling IPR in the North Sumatra Regional Office

Everything about intellectual property violations in the Regional Office of the Ministry of Law and Human Rights is certainly under the supervision of an official, be it the police or Civil Servant Investigators (PPNS). To protect the economic and moral rights of creators, regulators are required to make considerable efforts to protect intellectual property. It will be difficult to establish effective legal protection of intellectual property rights if there is no uniform monitoring of those who violate the law. IPR is something that is given and inherent to an industrialized society or leading to it.²⁵

²³ Desy Anggerainy, Intellectual Property Cases in North Sumatra Region Increasing, interviewed by Tiva Novianti, 15 June, 2023.

²⁴ Harison Citrawan and Achmad Fikri Rasyidi, "EFFECTIVENESS OF LAW ENFORCEMENT IN THE SECTOR OF INTELLECTUAL PROPERTY BY STATE OFFICER INVESTIGATORS," *Mimbar Hukum - Faculty of Law, Universitas Gadjah Mada* 31, no. 2 (3 June, 2019): Page. 174, <https://doi.org/10.22146/jmh.31886>.

²⁵ Lindsey, Intellectual Property Rights an Introduction (Bandung: Asian Law Group Pty Ltd in collaboration with PT Alumni, 2006). Page 7.

Indonesian people and nations refrain from interacting or engaging directly with it, and its existence often adapts to the dynamics of existing development. Intellectual products, such as artistic, scientific and literary creations, are increasingly dependent on a country's economy and trade. Having rights means that those who exercise them will benefit from legal protection and oversight.

For example, in articles in the Law of the Republic of Indonesia Number 20 of 2016 on Trademarks and Geographical Indications, Law of the Republic of Indonesia Number 28 of 2014 on Copyright, Law of the Republic of Indonesia Number 13 of 2016 on Patents, Law of the Republic of Indonesia Number 30 of 2000 on Trade Secrets, Law of the Republic of Indonesia Number 31 of 2000 on Industrial Design, and Law of the Republic of Indonesia Number 32 of 2000 on Integrated Circuit Layout Design.

In reality, violations are still ongoing and still occur so much that it is very detrimental to the economic rights of its creators. According to Barda Nawawi Arief, the effectiveness of the law is not definitive and that the law is only one of the means to regulate society. They added that the influence of public opinion, the influence of religious and social practices, the support and condemnation of certain groups, and the focus on groups of people.

In accordance with the law, those responsible for investigating copyright infringement have been appointed and designated. Certain Civil Servants in the Ministry that organizes government affairs in the field of law are given special authority to conduct intellectual property investigations, both civil and criminal²⁶, in addition to investigating officials of the Indonesian National Police. However, one of the challenges in handling IPR cases is that the law is a complaint offence. Police investigators and other ministries require a complaint from the copyright holder before they can take further action.

However, upon cancellation of the complaint, the legal proceedings must be stopped. Thus, the police request anyone who encounters intellectual property (IPR)-related problems to disclose the intellectual property so that those responsible can be arrested. The data found that a total of 656 cases were arrested, 68% of which were as a result of the termination of the complaint by the owner or the authorities. That is the nature of a complaint offence.

Freddy Harris, DJKI of the Ministry of Law and Human Rights, believes that the enforcement of IP-related laws is crucial to improving Indonesia's favorable investment environment. This is due to the fact that IP law enforcement is one of the main concerns of the majority of investors looking to invest in the country. According to Anom Wibowo, Director of Investigation and Dispute Resolution,

²⁶ Chuasanga A., Ong Argo Victoria. (2019). *Legal Principles Under Criminal Law in Indonesia and Thailand*, Jurnal Daulat Hukum, Vol 2, No 1 (2019) <http://jurnal.unissula.ac.id/index.php/RH/article/view/4218>

law enforcement is as important as dissemination and socialization of information technology, as it enables people to understand and protect information technology.²⁷

As an example of the efforts made by the Ministry of Law and Human Rights of the North Sumatra Regional Office in terms of Intellectual Property violations in the North Sumatra region is to carry out cooperation activities in the form of seminars and socialization in the form of visits to each region in the North Sumatra region, by trying to provide guarantees and legal certainty for every IPR owner. One of them is by supervising the potential for IPR violations in the regions in North Sumatra.

It is envisaged that the protection of intellectual property will be implemented not only in the field of prevention, but also in the field of law enforcement through laws on intellectual property. Everyone, including all the actors involved, must work together to combat intellectual property infringement to achieve positive results as well as common goals, especially for the benefit of the state and nation.²⁸

Based on an initiative seminar established by the North Sumatra Regional Office of the Ministry of Law and Human Rights with the aim of being able to strengthen understanding and knowledge in the prevention of copyright and infringement, especially in the North Sumatra region. The focus is on the intellectual property system, where the IP system is considered private property. Only individuals have the freedom to decide whether they want to bid or register artistic creations, but in the provisions of the Act, what is protected is the first registrant (first to file) and not the first user is the legal owner.²⁹

In other words, when a creator acquires intellectual property rights over a work, no one else can use those rights without the author's permission. This situation is known as the term "creator's exclusive right". According to legal expert Bambang Kesowo, creator exclusivity allows the owner to gain economic benefits from his

²⁷ DJKI Kemenkumham, "IP Agenda," www.dgip.go.id, 25 July, 2022, <https://www.dgip.go.id/artikel/detail-artikel/djki-bahas-perkembangan-penegakan-hukum-kekayaan-intelektual-dengan-miap?kategori=agenda-ki%C2%A0>.

²⁸ Regional Office, "Implementation of Cooperation Activities to Supervise Potential Intellectual Property Violations with Related Agencies by the Regional Office of the Ministry of Law and Human Rights of North Sumatra", (<https://sumut.kemenkumham.go.id/berita-kanwil/berita-utama/laksanakan-kegiatan-kerja-sama-pengawasan-potensi-pelanggaran-kekayaan-intelektual-dengan-instansi-terkait-oleh-kantor-wilayah-kementerian-hukum-dan-ham-sumatera-utara>, 2 June, 2023).

²⁹ Regional Office, "Preventing Intellectual Property Violations, Regional Office of the Ministry of Law and Human Rights of North Sumatra Invites APH, Business Actors and Related Agencies to Synergise", (<https://sumut.kemenkumham.go.id/berita-kanwil/berita-utama/cegah-pelanggaran-kekayaan-intelektual-kanwil-kemenkumham-sumut-ajak-aph-pelaku-usaha-dan-instansi-terkait-bersinergi>, 3 June, 2023)

or her own creation. These benefits can come from publishing, including performing and reproducing, as well as selling the work.³⁰

4. Conclusion

Every country has institutions to take care of its affairs, one of which is like in Indonesia which has the Ministry of Law and Human Rights. It is a government department responsible for all legal and human rights affairs in Indonesia. The same is the case with the example of the division of legal and human rights services within the Regional Office of the Ministry of Law and Human Rights of North Sumatra. There are several work units, one of which is the intellectual property service. Intellectual Property Rights (IPR), also known as "HaKI", is the right to create products or processes that are useful to humanity. DJKI, an organizational unit at the Echelon I level of the Ministry of Law and Human Rights of the Republic of Indonesia, is responsible for managing and protecting IPR (Copyrights, Patents, Trademarks, Copyright, Industrial Designs, Integrated Circuit Layout Designs, Trade Secrets, and Geographical Indications).

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