

STRENGTHENING ENTREPRENEURSHIP FROM VARIOUS LEGAL ASPECTS OF COPYRIGHT LAW NO. 28 OF 2014 THE COVERAGE OF THE ASIA REGION

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Abstract. HKI is essentially a right with special and special characteristics because the rights are granted by the state. The state is based on the provisions of the Act, giving those special rights to those who are entitled in accordance with the procedures and conditions that must be fulfilled. Copyright is also an intellectual property right that is born or created from an idea and creativity of someone who creates a work that can eventually become an entrepreneurial opportunity. The concept of the Rule of Law in the one asia program in entrepreneurship is very important because in every entrepreneurial power it must be governed by the laws that govern it. Copyright has exclusive rights in it, namely rights that are solely intended for the holder so that no other person may use these rights without permission from the holder. Utilization of these rights includes the activities of translating, adapting, arranging, transferring manifesting, selling, lending, importing, exhibiting, publicly displaying, broadcasting, recording and communicating creations to the public through any means. And in the end, an intellectual property which is copyright here is giving an opportunity for entrepreneurial souls to open up opportunities to make a created copyright become an entrepreneurial power. The power of entrepreneurship can be a lot of factors that support it, because not only by trading but a work of writing, music and others is part of entrepreneurship. Laws in the field of intellectual property include communal rights and personal rights. The protection carried out on these two rights still faces many obstacles. This requires serious attention from the government and stakeholders and there must be a real solution that must be done to welcome the ASEAN free market in the future. There needs to be a breakthrough in the field of law to be able to protect the Indonesian economy, one of which is through the protection of intellectual property and fair business competition.

Keywords: Entrepreneurship, Intellectual Property Rights, Copyright

I. INTRODUCTION

Every human being has a mind and mind that is able to create science, technology and artwork, where the creation of the artwork must be respected and valued as a work of copyright which is an expression of the creator's creative abilities. In its development, the work of creation created by a human being or a group of people who have created the artwork must be protected and have the copyright to his work so that it can provide a decent life for the creator of the artwork. As a traditional art work that has been going on for generations, then the protection of the Copyright on the traditional work of an area will be held by the state as stipulated in Article 10 paragraph 2 of Act No. 28 of 2014 concerning Copyright, namely: "The State holds Copyright on folklore and the results of folk culture that are shared, such as stories, saga, fables, legends, chronicles, songs, handicrafts, choreography, dances, calligraphy, and works of art others".

Indonesia in the face of free markets ASEAN needs real preparation, one of which is in the development of an Intellectual Property Rights regime that can meet the interests of local communities. Intellectual Property Rights are the fundamentals of a nation's economy. Intellectual Property Rights are assets for science-based economic

growth in the era of the upcoming ASEAN free market. There are many obstacles encountered in the implementation of Intellectual Property Rights in Indonesia due to differences in the characteristics of local communities with existing Intellectual Property Rights regimes. This exclusive right to copyright has a strong tendency to create a monopoly. The creator or holder of the work has the right to determine the availability of the work. Actually copyright is a form of entrepreneurship where in every form of copyright there is an entrepreneurial power. For example, creators are entrepreneurs who pave the way for entrepreneurship.

There needs to be improvement made by the government and stakeholders in order to establish a system of Intellectual Property Rights that is in accordance with the culture of the Indonesian people to encourage economic development in the era of ASEAN free market based on intellectual property.

Entering the ASEAN Economic Community, entrepreneurs will experience increasingly complex business competition in the business world, so that it is possible for unhealthy business competition to occur between local and foreign entrepreneurs. Awareness of the importance of paying attention to the readiness of the 2015 AEC is the main obligation, because if it is not anticipated

and not prepared, the 2015 AEC has the potential to create instability in the national economy, and even be an arena for the annexation of important economic assets.

The link between copyright and entrepreneurship is that copyright creates entrepreneurship that gives birth to entrepreneurship. In copyright always innovate and create creativity in every creation, as well as entrepreneurship that innovates in every idea to create a product.

There are several Copyright cases, for example some time ago there were cases of Copyright violations committed by PT Vizta Pratama, Inul Vizta's karaoke house (karaoke) franchise company, which became a suspect in a case of copyright infringement. PT Vizta Pratama, Inul Vizta's home singing (karaoke) franchise company, is a suspect for cases of copyright infringement. This is not the first time Inul Vizta karaoke has found a problem. In 2009, Andar Situmorang filed a lawsuit with Inul Daratista as the largest shareholder of PT Vizta Pratama, which houses the Inul Vizta karaoke outlet. Andar filed a material claim of Rp.5.5 trillion because 171 songs by national composer Guru Nahum Situmorang were in 20 Inul Vizta outlets without permission. The lawsuit that was processed at the Central Jakarta District Commercial Court was finally won by Inul.

The importance of the existence of intellectual property rights is the reason why the authors are interested in knowing the role of Cipta Karya Indonesia as a Collective Management Institution appointed by the majority of creators and legal protection for copyrighted songs in accordance with the Copyright Law.

II. BASIC THEORY

A. Entrepreneurship

According to Peter Drucker, the term entrepreneur has been used for more than 200 years. Entrepreneurship comes from the word "Entreprendre", which means "between" and "to under take" or "to take" (carrying out / doing, doing / doing a job). Entrepreneurship is a process of caressing new businesses, organizing resources such as; human resources (labor), natural resources (raw materials) needed for economic value-added activities that will produce products, both goods and services, taking into account the associated risks and remuneration to be received from sales activities goods and services products.

Thomas W. Zimmerer et al (2005) formulated the benefits of inheritance as follows: 1. Providing opportunities and freedom to control one's own destiny, 2. Providing opportunities for change: Businesses find ways to combine their manifestations of concern for various economic and social problems in the hope that they will live a better life, 3. Give an opportunity to reach full potential: Have your own business to give power, spiritual awakening and make entrepreneurs able to follow their own interests or hobbies, 4. Have the opportunity to achieve optimal benefits, 5. Have

the opportunity to play a role active in the community and get recognition for their efforts, 6. Have the opportunity to do something that is liked and foster a sense of pleasure in doing it.

B. The Concept Of Entrepreneurship

The concept of entrepreneurship was introduced in the 18th century in France by Richard Cantillon. In the same period in England there was also an industrial revolution involving a number of entrepreneurs. Then, the idea was discussed in more depth by Joseph Schumpeter, a German economist, in 1911. Through Schumpeter's theory of economic growth the concept of entrepreneurship has been placed in a very important position in the implementation of development.

C. Problems In Entrepreneurship

There are several obstacles or obstacles in every entrepreneurship, including:

1. Capital

Every business needs investment. The capital needed to set up a business and strategy to maintain it depends heavily on the business plan. So if the plan fails, your business will not run well. You must be prepared to face big losses when your capital is not returned.
2. Income is not fixed

In doing business, your income every month is not fixed. Sometimes you get big profits, but the next month the profit you get is much smaller.
3. There is no time

When you become an employee, people will think that being an entrepreneur is good for managing time. Apparently it was totally wrong, especially if it was still in the startup stage. If we want to be successful business owners, the key is mastering time.
4. No Courage

Try to explore the reasons for starting a business. The biggest obstacle to overcoming it is from self determination.
5. Don't want to take risks

Many people don't take risks in their lives. Business is indeed full of risks. However, the risk can be minimized with careful planning.
6. There is no Family Support

It seems that this point is quite difficult to start a business. We know that without support from family and friends, the struggle is hard. We need time to approach and explain the business prospects to them.
7. There are no financial guarantees

When you become an employee, you have financial guarantees every month. If you don't act in a variety of ways, the job can continue to be in your hands. Instead in doing business, you spend a lot of money at the beginning without any certainty that the capital will

return. Remember, in business there are only two choices, profit or loss.

8. Business markets are very dependent on the market.

You must be good at reading the economic situation to determine the business strategy that must be done. Losses can still be predicted but still there is no guarantee that you will make a profit from the business being run. Fluctuating market conditions will have a major impact on a business, especially when the country is experiencing an economic recession.

III. DISCUSSION

A. Intellectual Property Rights

Intellectual Property (IP) is the result of ideas in the form of ideas or ideas that are manifested or expressed in the form of inventions, literary and artistic works, designs, certain symbols / signs, creation of semiconductor component layouts and breeding varieties. This expression will be a legal product and inherent into an Intellectual Property Rights, Intellectual Property Rights (IPR) if it is processed through applicable procedures and provisions so that IPR can be said to be a legal product in the form of rights arising from intellectual property generated. The IP results are then used in the world of commerce to produce economic value for the inventors / creators of these creations. In its journey, IP to become an IPR product requires applicable stages and procedures, where the regulations are in accordance with the Law and government regulations. These procedures and stages are usually considered difficult and complex by IP producers so there are still many IP results that have not yet been submitted by the IPR. The impact of this condition is that the economic benefits of IP that have been used by the public have not been felt optimally by IP producers.

Therefore, this IPR Guidebook is structured as an effort to help IP producers and readers in general understand the theory, legal basis and process procedures of IP to become IPR so that it is expected to help provide knowledge and understanding of IPR more easily and encourage increased IPR productivity overall in Indonesia.

B. Copyright

Copyright is one type of intellectual property rights, but copyright is different from other property rights (such as patents, which give monopoly rights to the use of inventions), because copyright is not a monopoly right to do something, it requires the right to help others. Laws that contain copyright usually only contain works that are made into certain manifestations and are not equipped with general understanding, concepts, facts, styles, or techniques that can be realized or represented in creation. For example, the copyrights associated with Mickey Mouse cartoon characters are those who do not have the right to contribute to the cartoon or make the work referred to by certain mouse

characters made by Walt Disney, but do not include appropriate or senior works given to public mouse figures.

The legal consequences of copyright are:

1. Creator's rights

Copyright Law protects Intellectual and Art works in the form of corrections. The expressions intended are in the form of writings such as song lyrics, articles, poetry and books in the form of images such as photos, architectural drawings, maps and forms of sound and video such as recording songs, speeches, videos played and choreographic videos. Copyright protected by copyright is approved, sold or made derivative of the work. The protection obtained by the creator is protection against plagiarism by other people. The rights covered by copyright are: Exclusive rights, and economic Rights and Moral Rights

2. Copyright Infringement

Copyright infringement is the use of copyrighted works that are transferred to the copyright holder's exclusive rights, such as the right to reproduce, put together, display or display copyrighted works, or create derivative works, without permission from the copyright holder, sold or assigned by the creator of the work. . Violations of the Copyright form are legal complaints. (article 113)

Which is with punishment:

- Everyone who without the right requests for permission from the economy submitted in Article 9 paragraph (1) letter i for Commercial use shall be punished with a maximum prison sentence of 1 (one) year and / or prison fine of a maximum of Rp100,000,000 rupiah).
- Anyone who with no rights and / or without permission of the Author or Copyright holder carries out the economic right of the Author agrees to Article 9 paragraph (1) letter c, letter f, letter f, and / or letter h for special commercial use punishable by imprisonment no later than 3 (three) years and / or a fine of no more than Rp500,000,000.00 (five hundred million rupiahs).
- Anyone who with no rights and / or without permission from the Author or the Copyright holder carries out the economic right of the Author agrees to Article 9 paragraph (1) letter a, letter b, letter e, and / or letter g for commercial commercial use punishable by prison no later than 4 (four) years and / or prison fines of no more than Rp1,000,000,000.00 (one billion rupiah).
- Everyone who fulfills the agreed conditions in paragraph (3) carried out in the form of piracy, is punished with a maximum sentence of 10 (ten) years and / or a maximum sentence of Rp.4,000,000,000.00 (four million rupiah).

In a Copyright can be made various benefits that can be done by entrepreneurs, for example a creator who created a book, can the creator be royalty from the sale of his book, then made a film from the book, and finally the director, producer and others who get royalties from the film without reducing the creator's royalty. From the example above can

be made an explanation of a copyright Obtain an opportunity in the field of entrepreneurship as agreed in the introduction.

C. The role of the government and state as the highest legal entity in handling copyright protection

Basically there are several ways for a copyright to have strong protection from the state and the government. Actually, Indonesia has issued a law on copyright where all forms of punishment and prohibitions are discussed in the copyright law. This copyright law is clear enough that the plagiarism of all forms of copyright is strictly prohibited and if it violates the penalties which are in the form of imprisonment and fines. But in reality there are still many people who up to now commit plagiarism and violations. This is due to the lack of public awareness of law enforcement. For example, there are a lot of CD piracy, which is strictly prohibited from expanding the form of work without the permission of the creator and the copyright holder.

For this problem the government can see and carry out an action such as giving socialization to the wider community so that their awareness of the prohibition of plagiarism against all forms of copyright.

D. A copyright can be an asset for entrepreneurs in creating a product, whether tangible or intangible objects

As previously discussed, copyright can be an opportunity for entrepreneurs to do business in the form of creativity and innovation. Actually the creator is an entrepreneur which of a creation can be used as a business and produce a tangible or non-tangible product. From this creation can create an opportunity such as job opportunities for editors, producers, directors and others if a creation is in the form of a book or novel that will be made into a film.

For example, there is an essay entitled "Laskar Pelangi" written by Andrea Hirarta. This novel was written in 2005, and was made into a film in 2008 by director Riri Riza. Here we can see that the copyright holder of the above case is not only the creator of the novel, but the director is also the copyright holder in the form of films and many more are getting loyalty from the creation.

IV. CONCLUSION

From all the explanations above, it can be concluded that a work can be protected from all legal aspects. Because copyright itself has a law that regulates it. And as a copyright holder, a creator is an entrepreneur who produces a tangible product or not that can give birth to a form of entrepreneurship in the field of copyright.

In various countries especially developing countries there is still a minimum awareness of violations of plagiarism by the work of others without permission. This is a problem for the state why many people still copy other people's creations without permission. This might be a review for the government in socializing the community.

A copyright can also cause various legal aspects only from one creation, for example a book that is made into a film, exhibition and others. The right of holders is not only for the creator but also for the distributions of the work of the creator. And finally the power of entrepreneurship can be done only by creating a new idea and creativity created by the creator where there is also a guarantee of protection for the creator.

And that in every economic growth in Asia, one of them is part of a created work, which can have a positive impact on the economy

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