



Legal Protection of Trade Secrets, Industrial Design And Integrated Circuit Layout Design In Indonesia

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Abstract

The government of Indonesia is compelled to bring national rules for the protection of intellectual property rights into line with international norms as a result of the ratification of TRIPs. This study employs a qualitative descriptive research strategy rooted on normative legal theory. In order to assess how well national laws have met the international requirements set forth by TRIPs, data was gathered via literature reviews of primary, secondary, and tertiary legal sources. This study's overarching goal is to determine how well Indonesia's various laws pertaining to IPR – such as those pertaining to trade secrets, industrial design, and integrated circuit layout design – are in sync with the provisions of the TRIPs Agreement. The findings demonstrate that these three statutes have significantly incorporated the fundamental elements governed by TRIPs. Trade secret and integrated circuit layout design protection periods, for instance, have been tweaked to meet the bare minimum requirements imposed by TRIPs. Furthermore, national legislation have also strictly governed the exclusive rights that intellectual property holders have, such as the ability to sue for damages in a civil court and get compensation, and the criminal penalties that those who violate these rights face. Nevertheless, there were obstacles to proper legal enforcement and execution in the field, particularly with regard to the level of legal knowledge among corporate players and the general public, as this study also revealed. As a result, this study significantly advances the cause of bringing Indonesian intellectual property legislation up to par with global norms. To maximize the advantages for innovation and economic development that current legislation may provide, Indonesia has to adopt strategic initiatives including bolstering law enforcement and raising public understanding about the significance of preserving intellectual property rights.

Keywords: Intellectual Property Rights, TRIPs, Trade Secrets, Industrial Design, Integrated Circuit Layout Design.

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INTRODUCTION

Legal protection of trade secrets, industrial designs and integrated circuit layout designs in Indonesia is an important part of efforts to maintain competitive advantage and innovation in the business and technology sectors.¹ Secret formulae, manufacturing procedures, or advertising plans are examples of trade secrets. Such knowledge is not generally known by the general public but has monetary worth because of its secrecy. The purpose of trade secret protection is to ensure that companies can keep their competitive advantages in the market by preventing the unlawful use or disclosure of sensitive

¹ Tuti Khairani Harahap et al., "Introduction To Legal Science," Tahta Media Publisher, May 30 2023, <https://tahtamedia.co.id/index.php/issj/article/view/255>.

information.² Industrial design, on the other hand, safeguards the product's distinctive and appealing visual features. Industrial designs in Indonesia may be officially registered to guarantee its owners the exclusive right to use or license the design.³ To prevent rivals from abusing or plagiarizing design discoveries without authorization, this protection is crucial for fostering innovation in the industry.

Integrated circuit layout designs, on the other hand, are legally protected in Indonesia. These designs are three-dimensional representations of electronic circuit parts used in a variety of technical gadgets. To safeguard technical discoveries that need substantial expenditures against acts of plagiarism or copyright infringement, the necessity to safeguard these designs has grown in tandem with the ever-increasing pace of technological advancement.

As an integral component of the Agreement on the Establishment of the World Trade Organization, the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) now applies the minimum requirements of multiple international treaties, including the Treaty of Washington, the Convention of Bern, and the Convention of Paris.⁴ The notion of complete compliance is obviously used as a bare minimum criterion for parties in the TRIPs agreement. That is why all TRIPs signatory nations have made it a priority to align their intellectual property laws with the pact.⁵ As a party to this agreement, Indonesia has approved the Uruguay Round's ratification of the World Trade Organization's founding statute, Law No. 7 of 1994, which lays out the details of the negotiating process that took place in Marrakech, Morocco.⁶

The Indonesian government is obligated to bring its Intellectual Property Rights (IPR) laws into harmony with the provisions of international conventions that have been incorporated into the Agreement on Establishing the World Trade as a result of ratifying the International Convention in the field of Copyright. This particular organization.⁷ In response to calls for more conformity between Indonesian law and international IP treaties, the country's government ratified seven IP laws in the space of a year, as outlined in the Agreement on the Establishment of the World Trade Organization. During the years 2000–2002.⁸

Law 30 of 2000 on Trade Secrets, Law 31 of 2000 on Industrial Design, and Law 32 of 2000 on Integrated Circuit Layout Design are three of the seven laws pertaining to intellectual property rights that were enacted by the Indonesian government. Accordingly, the congruence between these three statutes and the terms of TRIPs will be the primary subject of this article. By ratifying many international agreements and associated legislation,

² Rahmat Teguh Santoso Gobel, Mohamad Hidayat Muhtar, and Viorizza Suciani Putri, "Regulation And Institutional Arrangement Of Village-Owned Enterprises After The Work Creation Era Applied," *Pamator Journal: Trunojoyo University Scientific Journal* 16, no. 1 (March 30, 2023): 15–33, <https://doi.org/10.21107/pamator.v16i1.19135>.

³ Dolot Alhasni Bakung and Mohamad Hidayat Muhtar, "Determination of Rights Holders' Legal Protection of Neighboring Rights," *Jambura Law Review* 2, no. 1 (28 January 2020): 65–82, <https://doi.org/10.33756/jalrev.v2i1.2400>.

⁴ Carlos Correa, *Trade Related Aspects of Intellectual Property Rights: A Commentary on the TRIPS Agreement* (Oxford University Press, 2020).

⁵ Budi Agus Riswandi, *Contemporary IPR Problems* (Bandung: GitaNagari, 2006).

⁶ R. Djubaedillah and Muhamad Drs Djumhana, *Intellectual Property Rights (history, theory and practice in Indonesia)* (Bandung: Citra Aditya Bakti, 2003).

⁷ Irsan Rahman et al., "Harmonization of Digital Laws and Adaptation Strategies in Indonesia Focusing on E-Commerce and Digital Transactions," *Innovative: Journal Of Social Science Research* 4, no. 1 (January 18, 2024): 4314–27, <https://doi.org/10.31004/innovative.v4i1.8240>.

⁸ Dolot Alhasni Bakung et al., "Criticizing Potential Deviations in the Role of Environmental Impact Analysis after the Enactment of the Job Creation Law," *E3S Web of Conferences* 506 (2024): 06005, <https://doi.org/10.1051/e3sconf/202450606005>.

Indonesia has shown a strong commitment to bringing its laws on Intellectual Property Rights (IPR) in line with international norms. A crucial step in ensuring consistency with the provisions in Trade-Related Aspects of Intellectual Property Rights (TRIPs) was the ratification of three laws: Law 30 of 2000 on Trade Secrets, Law 31 of 2000 on Industrial Design, and Law 32 of 2000 on Integrated Circuit Layout Design.

This change not only strengthens protections for local inventors and business players, but it also demonstrates Indonesia's dedication to preserving its reputation and integrity on the global stage. Encouraging the formation of a more competitive and inventive business environment via the protection of trade secrets, industrial designs, and integrated circuit layout designs is intended to contribute to the growth of the national economy. Still, a big worry is the difficulty of executing and regulating rules in the field. Public education on the importance of intellectual property rights (IPR) legislation and the reinforcement of institutions responsible for its enforcement should accompany initiatives to bring IPR law into line with worldwide norms. This is how intellectual property protection in Indonesia can work, and how everyone involved can gain. Question 1 in light of the above description is whether or not Trade Secret Law 30 of 2000 provides enough legal protection in line with the requirements of TRIPs. and (2) Are the legal protections provided by Law No. 32 of 2000 on Integrated Circuit Layout Design and Law No. 31 of 2000 on Industrial Design up to the criteria set by TRIPs?

METHODS OF THE RESEARCH

This study employs normative legal research as its research approach. Analyzing applicable statutory laws and legal concepts is the main subject of normative legal study.⁹ Indonesia has three laws dealing with IPR: the Law on Trade Secrets, the Law on Industrial Design, and the Law on Integrated Circuit Layout Design. This study will look at how well these laws align with the terms of TRIPs. This study makes use of primary, secondary, and tertiary legal texts as its sources. The examined statutes and regulations, as well as the TRIPS international agreement, are examples of primary legal documents. Articles, scientific publications, and scholarly journals are all examples of secondary legal sources. On the other hand, if you want to go further into the ideas presented, you may use tertiary legal resources such legal encyclopedias and dictionaries. In order to determine whether Indonesian laws are compliant with TRIPs rules, this study use qualitative descriptive analysis to thoroughly examine data collected from legal texts. Also, any potential loopholes in the law will be located and suggestions for future regulatory improvement will be offered by this study. With any luck, this research can help Indonesia's intellectual property legislation evolve into something more in line with global norms.

RESULTS AND DISCUSSION

A. Trade Secret

Trade secret protection is necessary because of a provision in the TRIPS Agreement, an annex to the WTO Agreement that Indonesia ratified with Law No. 7 of 1994. This agreement addresses intellectual property issues related to trade. New discoveries and innovations will flourish as a result of this protection, which ensures that the creator will

⁹ Nurul Qamar et al., *Legal Research Methods* (CV. Social Political Genius (SIGn), 2017).

retain full ownership, control, and use rights over their work notwithstanding its secrecy.¹⁰ Trade secrets, concealed information, and confidential information are all terms that cannot be found in TRIPs' definition. While outlining many forms of infringement and requirements for a trade secret, TRIPs just mandates that member nations provide adequate protection of trade secrets. According to Article 1 paragraph (1) of Law Number 30 of 2000 concerning Trade Secrets, this type of information is defined as something that the owner keeps secret and that is not known to the public. It pertains to technology and/or business and has economic value due to its usefulness in business activities. Commercial Confidential Information. Thus, trade secrets consist of the following: 1. information relevant to business and technology; 2. not widely known; 3. economically valuable; 4. useful in doing business; and 5. the owner's diligent efforts to keep the information secret.

Because of how all-encompassing this concept is, it may include any and all types of data. Article 2 reflects the scope of this notion when it says that trade secrets are protected by various manufacturing processes, processing methods, sales methods, or other commercial or technological knowledge that is not known to the general public but has economic worth.¹¹ Trade secrets may be protected if they satisfy three conditions: first, they are confidential; second, they have economic worth; and third, reasonable steps are made to preserve their secrecy (Article 3, paragraph (1)). According to Article 3, paragraph (2), information is deemed secret if it is either known exclusively to a select few or is not publicly known.¹²

Information is deemed to have economic worth if its secrecy may be used to conduct commercial or economic operations or companies, as stated in Article 3, paragraph (3). The owner or parties controlling information are deemed to have taken adequate and proper precautions to keep it secret, according to Article 3 paragraph 4 of the treaty. The criteria as stated in Article 3 are in line with Article 39 TRIPs as follows:¹³ *"..... so long as such information: 1) is secret in the sense that it is not, as a body or in the precise configuration and assembly of its components, generally known among or readily accessible to persons within the circles that normally deal with the kind of information in question; 2) has commercial value because it is secret; and 3) has been subject to reasonable steps under the circumstances, by the person legally in control of the information, to keep it secret."*

According to Article 4, the right to possess a trade secret includes the ability to utilize it to either authorize or forbid another party from utilizing it or revealing it to a third party for commercial gain. According to Articles 13 and 14, a person is deemed to have infringed upon another party's trade secret if he acquires or controls the secret in an improper or improper way, or if he is in disagreement with relevant laws. If someone knowingly divulges a trade secret or breaches an agreement or duty to keep the secret, whether written or unwritten, it is considered a violation of the secret. The provisions regarding acts that are categorized as violations of trade secrets also refer to TRIPs which states: *"...Natural and legal persons shall have the possibility of preventing legal information within their control from being*

¹⁰ See the general explanation of Law of the Republic of Indonesia Number 30 of 2000 concerning Trade Secrets

¹¹ Dolot Alhasni Bakung et al., "Contra Perceptions Of The Principle Of Freedom Of Contract In Law No 2 Of 1960 Concerning Agricultural Product Sharing Using The Ijon System (Legal Counseling to the Community in Kaidundu Village, Bulawa District, Boen Bolango Regency, Gorontalo Province)," *Jurnal Nusantara Berbakti* 1, no. 3 (June 23, 2023): 81-95, <https://doi.org/10.59024/jnb.v1i3.164>.

¹² Sri Rejeki Hartono, "Trade Secrets An Introduction" (Paper presented at the IPR Management and Workshop, Semarang, 2006).

¹³ Iswi Hariyani, *Correct Procedure for Managing IPR* (Yogyakarta: Pustaka Yustisia, 2010).

disclosed to be acknowledged by, or used by others without their consent in a manner contrary to honest commercial practices..."

Article 4 of the Trade Secrets Law states that anyone with a legitimate interest in the secret information may sue in civil court for damages or redress if another party acts maliciously and without authorization in violation of that interest. The case can be brought before the District Court per paragraphs (1) and (2) of Article 11. The highest fine for a violation is 300,000,000 rupiah (three hundred million rupiah), and the maximum jail term is seven years (Article 17).

There is no need to register trade secrets under the Law on Trade Secrets. Article 8 specifies that the licensing agreement must be recorded. The creation or disclosure of a trade secret gives rise to the right to protect that secret. So, this statute is structured similarly to copyright statutes. Trade secret registration is also not necessary under TRIPs. As with TRIPs, the duration of protection for trade secrets is not determined by the Law on Trade Secrets. Whether or whether the owner of the rights chooses to keep this secret is totally up to them. An examination of the Trade Secrets Law's clauses leads one to the conclusion that Indonesia's legal protection of trade secrets conforms to the requirements of TRIPs. Strong protection for rights holders is provided by regulations pertaining to trade secret owners' rights to safeguard, prevent the use or disclosure of sensitive information. With this provision, Indonesia has taken a step toward implementing the international standards outlined in TRIPs, particularly with respect to safeguards against deceptive business practices.

Trade secret owners also have a clear legal framework to pursue prosecution for infractions thanks to the law's civil and criminal penalties. A major step toward effectively protecting these rights is the ability to sue for damages and the end of infringing actions via the courts. Further evidence of Indonesia's legal need to protect the secrecy of business information is the existence of criminal penalties including jail terms and substantial fines. This law's exemption from the need to register trade secrets is in harmony with TRIPs's provisions, which provide rights holders leeway to choose their own methods of protecting proprietary information. This allows owners of trade secrets more leeway in managing their rights while also bringing national and international legislation into harmony. When it comes to protecting trade secrets, Indonesia's Trade Secrets Law does a good job of following the guidelines laid down by TRIPs. But strong enforcement of the legislation and the commercial secrecy of companies' information are the two most important factors that will determine the law's ultimate success or failure.

B. Industrial Design

In order to safeguard the interests of designers, define their responsibilities, and prevent unauthorized parties from abusing their work, Indonesia has enacted legislation specifically addressing industrial design. The regulation of Industrial Designs aims to provide a foundation for effective protection against different types of plagiarism, piracy, or imitation of well-known Industrial Designs, in addition to fulfilling the commitment to the TRIPs Agreement.¹⁴ Intellectual works that are aesthetically pleasing, reproducible, and capable of

¹⁴ Rohaida Nordin and Siti Safina Abu Bakar, "Malaysian batik industry: Protecting local batik designs by copyright and industrial design laws," *International Journal of Business & Society* 13, no. 2 (2012), <http://www.ijbs.unimas.my/repository/pdf/Vol13No2-paper3.pdf>.

making two- or three-dimensional objects are the subject of the regulatory concept of acknowledging ownership. The purpose of the legal protections afforded to Industrial Design Rights is to inspire designers to keep coming up with new ideas, which will hopefully lead to a more creative and productive environment overall. This is the rationale for the legislative formulation of the Industrial Design regulations.¹⁵ An industrial design is defined in Article 1 paragraph (1) of Law Number 31 of 2000 concerning Industrial Design as an original work of art that can be utilized to create goods, industrial commodities, and handicrafts in either three- or two-dimensional form. This work can be a shape, configuration, composition of lines and colors, or a combination of these elements.¹⁶

The concept of industrial design is undefined and unregulated under TRIPs. Protection of industrial designs, protection standards, breaches, and protection durations are the exclusive areas governed by TRIPs, which only applies to member nations.¹⁷ For an industrial design to be eligible for legal protection, it must be innovative according to the rules laid forth in Article 2, paragraph (1). According to Article 2 paragraph (2), if an industrial design is not identical to an existing disclosure as of the date of receipt, it is considered new. This means that the disclosure must have been made before the acceptance date or priority date, respectively, in the case of applications submitted with priority rights. The third one. "Members shall provide for the protection of independently created industrial designs that are new or original," TRIPs reads, aligning with these requirements".¹⁸ No industrial design may be protected if it violates any law, regulation, public policy, or morality (Article 4).¹⁹

According to TRIPs, industrial design rights are protected for 10 years starting from the date of receipt. Article 5, paragraph (2) of the Industrial Design Law states the same thing. The Directorate General of Intellectual Property Rights grants Industrial Design Rights upon application, following the processes outlined in Articles 10 to 31. The Industrial Design Law grants licensees or holders of industrial design rights the civil liability to sue anyone who willfully and without authorization commits an act as stated in this law. The claim for compensation and/or termination of the act can be made in accordance with Article 9 of this law, and the lawsuit can be submitted to the Commercial Court according to Article 46 paragraphs (1) and (2).

Furthermore, according to Article 9 paragraph (1), an individual who has been awarded an industrial design has the exclusive right to use and sell or import items that bear that design without the owner's permission.²⁰ These provisions refer to the TRIPs provisions which state: *"The owner of protecting industrial design shall have the right to prevent third parties not having the owner's consent from making, selling, or importing article bearing or embodying design, which is a copy, or substantially a copy, of the protected design, when such acts undertaken*

¹⁵See the general explanation of Law of the Republic of Indonesia Number 31 of 2000 concerning Industrial Design

¹⁶ OK Saidin, *Legal aspects of intellectual property rights* (Jakarta: Raja Grafindo Persada, 2015).

¹⁷ Muhammad Z. Irawan et al., "Analyzing Commuters' Behavior on Egress Trips from Railway Stations in Yogyakarta, Indonesia," *Open Transportation Journal* 11 (2017): 53–66, <https://doi.org/10.2174/1874447801711010053>.

¹⁸ Sulfikar Amir, "The development of industrial design in Indonesia: a case study in the electronic industry" (PhD Thesis, Arizona State University, 2000).

¹⁹ Defi Arika, Elza Syarief, and Yudhi Priyo Amboro, "Legal Protection Of Clothing Fashions As Industrial Design In Indonesia," *Yustisiabel Journal* 7, no. 2 (October 12, 2023): 264–83, <https://doi.org/10.32529/yustisiabel.v7i2.2429>.

²⁰ Yuliasih Yuliasih, "Legal Protection Of Industrial Design In The Implementation Of Principles Of Justice According To John Rawls's Theory Of Justice (Case Study Decision Number 35 Pk/Pdt.Sus-Hki/2014)," *Notarius* 8, no. 2 (2015): 152–279, <https://doi.org/10.14710/nts.v8i2.10263>.

for commercial purposes".²¹ Violation of these provisions can be subject to imprisonment for a maximum of 7 years and a fine of a maximum of IDR. 300, 000, 000,- (three hundred million rupiah).

C. Integrated Circuit Layout Design

The industrial sector in Indonesia has to be more competitive if the country is to progress as a developing nation. Integrated circuit layout design, a subset of IP rights, may play a part in achieving this competitive advantage. Research and design capacity building, particularly in the areas of cutting-edge technology, is therefore very important. Law No. 7 of 1994 approved the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS Agreement), which is part of the Agreement Establishing the World Trade Organization, and Indonesia has ratified it in connection to trade globalization. Every member nation develops its own set of minimum regulatory criteria pertaining to Integrated Circuit Layout Design, which are included in the TRIPs Agreement. The Washington Treaty, an agreement on intellectual property pertaining to integrated circuits, is also included in the TRIPs agreement.²²

Given the above, it is imperative that Indonesia establish a system of legal protections for designers, outlining their rights and responsibilities, and preventing third parties from abusing their Right to Design Integrated Circuit Layouts. This will facilitate the transfer of technology, which is critical for designers to maintain a high level of creativity and continuously produce innovative designs.²³ As a result, this law's provisions on IC layout design are structured so that the state can grant protection to IC layout design rights upon application by the designer or other entity with legal claim to the IC layout design.²⁴

Article 1 paragraph (1) of Law Number 32 of 2000 concerning Integrated Circuit Layout Design provides a two-part definition of integrated circuit layout. Firstly, it states that an integrated circuit is a product, either finished or semi-finished, that contains various components, at least one of which is an active component, and that these components are interconnected and formed in an integrated manner in a semi-conductor with the purpose of producing electronic functions.

The process of creating a three-dimensional model of an integrated circuit's layout, including all of its interconnections and elements (at least one of which is active), is known as layout design. This model is used to prepare for the actual fabrication of the circuit.²⁵ Paragraphs (1) and (2) of Article 1 make explicit reference to the IPIC Treaty, which is applicable under TRIPs, and the separation of definitions therein. As stated in Article 2 of the TRIPs Agreement: 1) *"Integrated circuit means a product, in its final form or an intermediate form, in which the elements, at one of which is an active element, and some or all of the interconnections are integrally in an or on a piece of material and which is intended to perform an electronic function; 2) Layout design topography means the three dimensional disposition, however*

²¹ Amir, "The development of industrial design in Indonesia."

²² Sudjana, "Application Of The Legal System According To Lawrence W Friedman On The Effectiveness Of Protection Of Integrated Circuit Layout Designs Based On Law Number 32 Of 2000," *Al-Amwal Journal* 2, no. 2 (2019), <http://ojs.staibhaktipersadabandung.ac.id/index.php/Alamwal/article/view/48>.

²³ Sulasno Sulasno, "Intellectual Property Rights (IPR) Licensing From The Perspective Of Agreement Law In Indonesia," *AdiL: Journal of Law* 3, no. 2 (2012): 352-352, <https://doi.org/10.33476/ajl.v3i2.61>.

²⁴ See the general explanation of Law of the Republic of Indonesia Number 32 of 2000 concerning Integrated Circuit Layout Design

²⁵ Muhammad Syaiful Aliim, Hari Siswanto, and Retno Supriyanti, "Redesign of the Patent and Copyright Module of the Intellectual Property Rights Information System at Jenderal Soedirman University," *Engineering Dynamics* 16, no. 2 (24 August 2020): 91-96, <https://doi.org/10.20884/1.dr.2020.16.2.348>.

expressed, of the elements, at last one of the interconnections of us an integrated circuit intended for manufacture."

For an integrated circuit layout design to qualify for legal protection, it has to be both unique (Article 2) and the designer's own work. Moreover, it couldn't have been common knowledge at the time of creation. The IPIC Treaty, which is cited under the originality standards, declares that: *"The obligation referred to in paragraph (1) (a) shall apply to layout designs (topographies) that are original on the sense that they are the result of their creators own intellectual abilities and are not common place among creators of layout-design (topographies) and manufactures of integrated circuits at their timecreation"*.²⁶

Articles 9–22 outline the processes that must be followed in order for an application (registration) to be considered for the right to design an integrated circuit layout by the Director General of Intellectual Property Rights. Article 3 states that this right cannot be given if it is in violation with public order, morals, or legislative requirements. The implementation of a registration system is not mandatory for member nations of TRIPs. Paragraphs (1) and (2) of Article 38 of the TRIPS Agreement specify that member nations are free to adopt or reject a registrar system.

Article 4 states that the protection term begins on the date of application receipt and ends ten years after the first commercial use of the design. For nations that do not use a registration system, TRIPs nonetheless provide a minimum of ten years of protection (6). To top it all off, TRIPs gives member nations the option to impose stricter protections for integrated circuit designs made more than 15 years ago.²⁷

The right holder of integrated circuit layout design rights or a licensee can sue civilly against anyone who intentionally and without permission commits an act as stated in Article 38 of this law. The lawsuit can be submitted to the Commercial Court, as per Article 46 paragraphs (1) and (2). The purpose of the lawsuit is to seek compensation and/or termination of the act, as stated in Article 8.

Furthermore, the owner of the right has the exclusive authority to make, market, import, and distribute products that use all or part of the design for the integrated circuit layout (Article 8 paragraph 1). None other than the right holder may engage in all or part of these activities (Article 8, paragraph 2) without that holder's express consent. The maximum penalty for violating it is seven years in jail and a fine of three hundred million rupiah (IDR) (Article 42). TRIPs mentions several actions that are categorized as violations, namely: *...importing, selling or otherwise distributing for commercial purposes a protected layout design, an integrated circuit in which protected design is incorporated, or an article in corporate such an integrated circuit only in so far it continues to contain an unlawfully reproduced layout design*.²⁸

On the other hand, TRIPs doesn't specify criminal penalties or standards that must be enforced. Examining the details of Indonesia's Integrated Circuit Layout Design Law, it seems that the protections afforded to such designs fulfill the bare minimum requirements imposed by TRIPs. In compliance with the requirements of TRIPs, which mandate that member nations provide protection for a minimum of 10 years, the duration of protection is 10 years, beginning either from the date of application or the first commercial use of the

²⁶ Aliim, Siswanto, and Supriyanti.

²⁷ Amir, "The development of industrial design in Indonesia."

²⁸ Amir.

design. Even though Indonesia stuck to the 10-year threshold, this rule also accommodates the freedom allowed by TRIPs for member nations in deciding protection of up to 15 years.

Owners of rights to integrated circuit layout designs are strongly protected by this law's provisions governing the ability to sue civilly and the criminal penalties that are governed by it. Everybody knows their legal rights are protected because of the stringent regulations that prevent anybody from using, making, selling, or distributing anything using integrated circuit layout designs without the owner's consent. This legislation clearly shows that Indonesia is serious about protecting integrated circuit layout designs, since it regulates criminal punishments with maximum fines of IDR 300,000,000 and imprisonment of up to 7 years. Although member nations are not required to use criminal standards or punishments provided by TRIPs, this arrangement in Indonesia demonstrates a strong commitment to preventing abuse of rights and cracking down on infractions. When it comes to protecting the rights of those who own integrated circuit layout designs, Indonesia's Integrated Circuit Layout Design Law does a good job of adopting and implementing TRIPs rules. To be sure, this safeguard will only work if laws are well-crafted and enforced, and if both the general public and businesses understand how critical it is to follow the letter of the law.

CONCLUSION

Findings from this study indicate that Law No. 30 of 2000 on Trade Secrets, Law No. 31 of 2000 on Industrial Design, and Law No. 32 of 2000 on Integrated Circuit Layout Design have adequately provided the legal protections mandated by TRIPs. Regulating exclusive rights, protection durations, and legal procedures for enforcing these rights are all crucial components of protecting intellectual property owners' rights, and these three laws address all of these issues. More robust legal protection for right holders is also ensured by regulations pertaining to criminal and civil penalties. Nevertheless, the field's efficacy in enforcing laws and regulations is the greatest obstacle. Given this background, it is critical to raise public knowledge about the significance of complying with intellectual property rights legislation and to enhance the capabilities of law enforcement authorities. Improving the legal framework and enforcing it more effectively are future research implications that should be prioritized for optimum protection of intellectual property rights. Furthermore, there has to be more coordination across public, corporate, and non-profit organizations to raise awareness about intellectual property rights. In addition to fostering a more robust and competitive economic environment in Indonesia, this will also guarantee that creative endeavors have the necessary legal safeguards to grow and flourish.

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