

## The Role of Regional Government on Increasing Awareness of Legal Intellectual Property Rights Education and Education Personnel

Abdul Atsar<sup>1✉</sup> and Wahyudin Fitriyana<sup>2</sup>

<sup>1</sup>Faculty of Law, Universitas Singaperbangsa Karawang

<sup>2</sup>Faculty of Teacher Training and Education, Universitas Singaperbangsa Karawang

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### Abstrak

Penelitian ini bertujuan untuk mengetahui dan menganalisis faktor-faktor apa yang menyebabkan kurangnya kesadaran pendidik dan tenaga kependidikan di Kabupaten Karawang untuk mendaftarkan hak kekayaan intelektual; Selanjutnya, dianalisis mengenai dampak dari tidak mendaftarkan hak kekayaan intelektual para pendidik dan staf pendidikan di Kabupaten Karawang, serta dimaksudkan juga untuk mengetahui upaya yang dilakukan oleh pemerintah daerah dalam meningkatkan kesadaran hukum pendidik dan tenaga kependidikan tentang Hak Kekayaan Intelektual di Kabupaten Karawang. Penelitian ini menggunakan pendekatan yuridis empiris. Hasil penelitian ini menunjukkan bahwa faktor-faktor yang menyebabkan kurangnya kesadaran pendidik dan tenaga kependidikan di Kabupaten Karawang untuk mendaftarkan Hak Kekayaan Intelektual adalah kurangnya pemahaman pendidik dan staf pendidikan tentang aturan hukum hak kekayaan intelektual; Sebagian besar pendidik dan tenaga kependidikan tidak tahu apa itu Intellectual Property Rights. Selain itu, penghargaan untuk Hak Kekayaan Intelektual dan kepatuhan terhadap hukum Hak Kekayaan Intelektual masih rendah.

### Abstract

*This study aims to find out and analyze what factors are causing a lack of awareness of educators and education personnel in Karawang Regency to register intellectual property rights; The impact of not registering the intellectual property rights of educators and education staff in Karawang regency and knowing the efforts made by the local government in increasing the awareness of legal IPR education and education personnel in Karawang Regency. The method in this study is to use an empirical juridical approach. The results of this study indicate that the factors that led to a lack of awareness of educators and education personnel in Karawang Regency to register IPRs were a lack of understanding of educators and education staff about the legal rules of intellectual property rights; Most educators and education personnel do not know what IPR is; Awards for IPR and compliance with IPR laws are still low.*



## 1. Introduction

Educators are the most decisive person in the design and preparation of the process of education and learning in the classroom, classroom settings, student control, assessment of educational outcomes, and learning achieved by students. In the context of formal education in schools, teachers as educators have a position as professionals at the level of basic education, secondary education, and early childhood education. While lecturers as educators have a position as professionals at the college level.

Educators include teachers, lecturers, counselors, tutors, lecturers, instructors, facilitators, trainers, and other titles of professions that function as learning agents for students. Education staff includes leaders of education units, supervisors of non-formal education units, supervisors of formal education units, library staff, laboratory personnel, learning resource technicians, field staff, administrative staff, psychologists, social workers, therapists, school cleaning staff, and other designations for officers a kind that works in an education unit. Educators and education staff in carrying out their careers are required to be able to carry out their basic tasks properly. Running basic tasks that are in accordance with the educational background is assumed to have the opportunity to develop skills that are better than those that are not in accordance with their educational background (Bachtiar, 2016: 201).

Educators and education staff in educating must have legal awareness. The legal awareness of educators is the perspective of educators and education personnel on the law, what should be done and not done with the law, and respect for the rights of others. Legal awareness is not only to be understood and improved, but we must also develop it to form educators and education personnel who obey the law.

Educators and education Personnel. Educators are professionals who are tasked with planning and implementing the learning process, assessing the results of learning, guiding and training, and conducting research and community service, especially for edu-

cators in universities (Law No.20 THN 2003, Article 39 (2)). While the education personnel are members of the community who are devoted and appointed to support the implementation of education. (Law No. 20 of 2003 Article 1, Chapter 1 General Provisions). They are in carrying out their activities within the institution where they work are very close to legal issues both intellectual property law and other laws such as child protection law and others. Therefore the teacher or lecturer as an educator must have an awareness of the law, especially the law on intellectual property rights. In addition to educators in the educational environment there are also educational staff such as principals and chancellors who are also very instrumental in providing legal protection efforts on intellectual property rights owned by teachers or lecturers.

Intellectual Property Protection is an interesting and prominent issue in international economic relations, due to several factors, namely the creation of a global market as a result of the development of communication and transportation technology, the increasing intensity and quality of research and innovation development needed to produce and develop new products (Kumalasari, 2009: 15). Therefore, legal awareness is needed for the community, especially in this case educators and education staff so that the results of their creativity can be protected, so that they can have a positive impact on improving the welfare of their standard of living.

The legal awareness of educators and education personnel on intellectual property rights currently in Karawang Regency is still very low, from the preliminary observations made by researchers in the school environment in Karawang Regency, it appears that educators and education staff do not fully understand the intellectual property rights they have. so that educators and education staff cannot register the property rights they have. This might be one of the factors causing the lack of socialization by the local government regarding intellectual property laws among them.

Legal awareness is actually the values contained in humans about the law that

exists, or about the expected law (Alfons, 2017: 308). Awareness of what the law means is the realization that the law is a protection of human interests, because the law is a method whose function is to protect human interests.

Efforts to inculcate legal awareness of the intellectual property rights of educators and Education Personnel are not only the responsibility of law enforcement officials but also become a joint responsibility, especially the government, in this case the Karawang regency government.

## 2. Research Methods

The research method used in this study is using an empirical juridical approach. This approach was chosen as a research method that seeks to see the law in a real sense or can see, examine how the law works in society (Soekanto, 2003: 76). This research was conducted by the Department of Youth and Sports Education and the Regional Government of Kabupaten Karawang, location selection was carried out on the basis of considerations, among others, the proximity of the location to the existence of the University of Singaperbangsa Karawang where the researchers were on duty.

Data collection techniques are carried out by means of library research, namely research conducted by examining library materials and to obtain supporting data in depth interviews with the Secretary of the Department of Education for Youth and Sports and Respondents from several teachers/lecturers and educational staff in the Department of Education for Youth and Sports Karawang Regency and by observing directly in the field (Burhan Ashshofa, 2013: 21).

Data analysis techniques were carried out with qualitative descriptive analysis techniques. Data obtained from library research, analyzed later concluded by using deductive thinking. After the data analysis is complete, the results will be presented descriptively, namely by telling and describing what they are according to the problem under study (Sutopo, 1998: 37). The conclusion is the answer to the problems raised in this

study.

## 3. Results and Discussion

### Factors Causing Lack of Awareness of Educators and Education Personnel in Karawang Regency to Register Intellectual Property Rights

Intellectual property rights as intangible objects, obtain legal protection for registration (except for copyright and trade secrets). By registration, the protection of intellectual property rights holder in the form of exclusive rights acquisition. Without registration, there is no protection so there is no exclusive right (Sufiarina, 2012: 265). Protection of Intellectual Property Rights is not merely protecting human beings as personal, but human rights in relation to other human beings (Imaniyati, 2010: 167).

Legal awareness is self-awareness without pressure, coercion or external orders to comply with applicable law. With legal awareness in the community, the law does not need to impose sanctions. Sanctions are only imposed on citizens who are truly proven to be violating the law. The law contains orders and prohibitions. The law tells us which actions are contrary to the law which if done will be threatened by legal sanctions. Against actions that are contrary to the law, of course, are considered to be against the law so that they are threatened with punishment (Rosana, 2014: 3).

The factors that influence the legal awareness of educators and education personnel on the legal intellectual property rights of educators and education personnel are as follows: (1) about the lack of understanding of educators and education staff about legal rules of intellectual property rights, (2) Most educators and Education staff do not know what intellectual property law is. Understanding of educators and education personnel does not comprehensively understand the laws of intellectual property rights, meaning that educators and education staff do not yet know the contents and uses of intellectual property rights. Understanding of Education and Education Personnel to the intellectual property rights law in schools can be

indicated by how much of the copyright is registered in the Directorate of Intellectual Property Rights; (3) Appreciation of intellectual property law. An attitude of respect for intellectual property rights is demonstrated by educators and education staff by obeying the laws of intellectual property rights; (4) Arrangement or compliance with legal regulations. The cause of the presumption of legal compliance of educators and education personnel in Karawang Regency, one of which is due to the fear of sanctions that will be accepted with the violation of intellectual property rights. This is the goal of educators and education personnel in complying with intellectual property rights laws, namely avoiding existing sanctions, sanctions in the form of fines or even criminal sanctions.

There are four factors that become indicators that influence legal awareness, namely 1) knowledge of the law is one's knowledge of certain behaviors regulated by law, 2) understanding of law is a number of information a person obtains regarding the contents of the regulations of a particular law, 3) attitude against law is a tendency to accept the law because of the appreciation of the law as something beneficial or beneficial if the law is obeyed, 4) Legal behavior is the main thing in legal awareness, because here can be seen whether a rule applies or not in society. Soerjono Soekanto mentioned the factors that caused people to obey the law, as follows

1. Fear of sanctions that will be imposed if the law is violated;
2. To maintain good relations with the ruler;
3. To maintain good relations with group colleagues;
4. Because personal interests are guaranteed by law;
5. Because the law is in accordance with the values adopted, especially the values of order and peace (Soekanto, 1990: 34).

According to Soerjono Soekanto, the standard of legal awareness of a person is through knowledge of the law, understanding of the law, attitudes towards law, and legal behavior. In terms of knowledge, according

to (Soekanto, 1990: 34) Knowledge of the law is one's knowledge of certain behaviors regulated by law. Certainly the law referred to here is written law and unwritten law. Legal knowledge is closely related to the assumption that the public is considered to know the contents of a regulation when the regulation has been promulgated.

In line with the opinions expressed by Soerjono Soekanto, knowledge regarding intellectual property rights here means the knowledge of educators and education personnel regarding the law on intellectual property rights that someone knows about intellectual property rights, and rules that are in accordance with laws relating to intellectual property rights. An educator and education staff must be aware of the intellectual property rights law.

The lack of information on someone influences the knowledge of the intellectual property rights of educators and education staff is still low. Knowledge of the contents of the law causes legal awareness but it is difficult to determine exactly what degree of compliance is achieved with that knowledge, because it depends on the example given by legal officials and the level of perfection of the regulatory implementing oversight mechanism (Sudjana, 2016: 11). The thought of someone who does not consider the importance of information about intellectual property rights that makes someone not willing to try to find that information, or vice versa because there is no media information regarding intellectual property rights law. Media information in this case in the school environment by spreading knowledge regarding intellectual property rights can be through socializing the importance of legal protection of intellectual property rights in the school environment, through additions in extracurricular and extracurricular matters relating to intellectual property rights law, and through socialization or training on how to obtain legal protection against intellectual property rights produced by educators and education personnel.

Community legal awareness is the output of the process of legal counseling activi-



ties characterized by a sense of respect for law, through practice in the field, only communicative legal methods or techniques that are able to touch people's conscience to respect the law, which can be effective to raise awareness community law. The choice of people in behaving and acting according to what the law requires is strongly influenced by the moral and character of society, because the law is never separated from its social environment. Communities are said to be aware of the law if the community generally consists of people who obey the law because they are aware of the law, in the sense that they are not law-abiding because of coercion or fear of sanctions. From the legal awareness of the community it will create a legal culture in the form of an orderly and obedient or obedient to the legal norms and regulations that apply for the establishment of the rule of law. Legal culture is defined as the attitude of the community towards law and the legal system that includes the beliefs, values, ideas and expectations of the community towards the law. The running of the law in the midst of society is largely determined by attitudes, views and values that are lived out by community members (Kamaruddin, 2016: 146).

Indicators to see the degree / level of public legal awareness used in the results of research using the theory of B. Kustchinsky with four (4) indicators, namely: 1) Knowledge of legal regulations (Law Awareness). 2) Knowledge of the contents of legal regulations (Law acquaintance), 3) Legal attitude (Legal attitude), 4) Pattern of legal behavior (Legal behavior). This indicator illustrates that legal awareness is considered low if only knowing about the rules and contents of the law. Legal awareness is considered high if it is not limited to just knowing, but has behaved in accordance with the law (Silviana, 2012: 118). These four factors greatly influence the level of legal awareness of educators and education personnel on intellectual property rights law. Educators and education staff generally do not yet have knowledge of legislation governing intellectual property rights, do not yet have an understanding of the legal substance of intellectual property rights. Educators and education staff also do not have

good legal attitudes and behavioral patterns towards intellectual property rights. This illustrates that the level of legal awareness of the intellectual property rights of educators and education personnel can be said to be still low.

### **The Impact of Not Conducting Registration of Intellectual Property Rights of Educators and Education Personnel in Karawang Regency**

Educators and education staff are required to have an awareness of the importance of registering intellectual property rights among educators and education staff because if they do not have awareness of this, it will cause various kinds of impacts. Impacts that can result from the absence of registration The rights of intellectual property of educators and education personnel are:

#### 1.No Legal Protection.

The biggest advantage of registering is the guarantee of legal protection for IPR as the owner. This is regulated in Law No. 28 of 2014 which was ratified directly by the President. This protection is the main weapon for protecting school products or services that you are developing. So, if there is an attempt at plagiarism by a competitor to the product and damage to the reputation of your school, they can be dragged to the green to account for their actions.

#### 2.Possible Risks of Plagiarism Actions Are Very High.

The progress of information technology now contributes to an increase in the number of plagiarism in various fields, ranging from academic to business. If it has been registered, the copyright, patent or even your brand will be recognized by the government so that the school's copyright will be easier and safer from the plagiarism action that is very possible for competitors. In addition, the law also guarantees that the government will protect you from other parties who try to market products with service brands that can confuse consumers.

#### 3. Lack of Increasing School Asset Value.

Branding is one of the biggest assets of

a school. Even when there are no parents or guardians of students who are not interested in entering their children into the school, because of branding. Branding can be a savior that invites guardians to entrust their children to the school. Branding value will be valuable if your school service brand is officially registered with the Directorate General of Intellectual Property. Because without government recognition, the service brand you use can be used by any party so that the selling value is completely worthless and even misused.

#### *4. Closing School Opportunities for the Education Sector Franchise.*

Because it has exclusive value for the use of service brands, schools that are already registered can develop their business into a franchise business that is currently mushrooming. Only with service brand capital, you can add sources of income through this business model. With the skyrocketing type of franchise business in recent years, this will obviously benefit you from all sides, especially financially.

#### *5. Lack of School Image and Consumer Trust (Student's parents / guardians).*

In the absence of clear copyright, brand and patent status, any business you do in marketing services will be in vain. This is very likely to lead to a decrease in the image of the school, especially if the copy-printed school products on the market have low quality that does not meet your production standards. Service brands that have been registered will help the community sort between quality services or not.

Educators and education personnel who have registered their work will have a positive impact and benefit from the existence of IPR legal protection for educators and education personnel, as follows:

1. Guaranteed legal certainty as a copyright holder or as a patent holder or service brand, which means that it is guaranteed and has received protection from the state;
2. Adding personal quality in person and recognition from the government of

the work;

3. The work has a name in the community;
4. Can expand their work outside the region or abroad (Devega, 2018: 7);
5. Can provide motivation for educators and education staff to be more innovative in their work, so that it is more useful and effective.

The social impact for people who have not registered their work, of course, has not received brand legal protection and patents by not having the confidence to develop the business or work. The social impact for people who have not registered their work results is anxious that there will be works in the name of what identity they have (Devega, 2018: 1). In addition, the positive impact of registering intellectual property rights by educators and education personnel will get economic rights. Economic rights are the right to benefit from intellectual property. This right is in the form of a sum of money gained due to the use of one's own intellectual property rights, or because of use by other parties based on licenses (Sofyarto, 2018: 159)

#### **Efforts Made by the Regional Government in Increasing Awareness of Legal Intellectual Property Education and Education Personnel in Karawang Regency**

The effort to protect Intellectual Property Rights is time to be a concern, interest and concern of all parties to create conducive conditions (Taliwongso, 2014: 147). Based on Law Number 23 of 2014 concerning the Regional Government, it was stated that the regions were given the authority to regulate their own households in the bond of the Unitary State of the Republic of Indonesia. In the implementation of regional autonomy, the principles of implementation include authority in all fields of government, taking into account economic capacity, regional potential, area size and regional diversity (Juraidah, 2015: 1145-1157).

The government has done various ways to protect Intellectual Property Rights such as training, seminars and socialization and or implementation, but awareness to carry out protection has not been effective. Lots of Indonesian property rights are used without

registering because people still think that the existing wealth is only used for them, and outsiders can use it or have it if needed (Alfons, 2017: 302)

The efforts made by the regional government in increasing legal awareness of educational intellectual property rights and education personnel in Karawang Regency have not been seen as efforts that specifically provide periodic socialization and specifically but only in general and incidentally, namely through the formation and activities of MGMP, MKKS and PGRI about the workshop on Legal Protection of Educator Professionals.

There are a number of things that can be done to protect intellectual property in Indonesia. First, legislation needs to be established that fits the needs of the local community. Second, documentation of Indonesian intellectual property must be carried out. Third, the active role and commitment of stakeholders to protect Indonesia's intellectual property. Fourth, improvements in institutions. Fifth, build a legal culture for the community (Nugroho, 1974: 174-175).

The central government in this case the Directorate General of Intellectual Property (DJKI) has ceaselessly made various efforts, whether it is in the form of preventive or repressive measures, to reduce the level of violations of IPR, especially Copyright. These efforts, which include:

1. In terms of Intellectual Work Registration; The registration system for Patent, Trademark, Industrial Design and Layout Design of Integrated Circuits is constitutive, meaning that registration is required for the Directorate General of Intellectual Property Rights to obtain legal protection.
2. In terms of socialization; Various layers of society such as businesses, artists, legal counsel, universities, government officials themselves have participated in seminars and training on IPR. Socialization is carried out throughout Indonesia by working with other parties with varied participants. The IPR socialization program is intended to foster responsiveness to signs of

change and awareness of the influence of IPRs on daily life.

3. In the case of Coordination / Cooperation with relevant agencies; DJKI coordinates intensively with law enforcement officials, such as: Police, Prosecutors, Judiciary, Customs, and other related agencies to be more coordinated in handling law enforcement in IPR baking. DJKI also has staff of Civil Servant Investigators (PPNS) who coordinate with the police in the context of law enforcement.
4. In terms of law enforcement; The Directorate General of Information Technology has carried out gradual law enforcement activities in the Jabotabek area, among others by giving a warning letter to all mall managers not to provide sales facilities for these pirated products. Besides being delivered directly, the warning letter was also sent electronically (direct mailing). Law Enforcement Cooperation in the Copyright field has also been well established between the Directorate General of Intellectual Property Rights and the Directorate General of Customs and Excise. The Directorate General of Intellectual Property Rights in its legal services to the public often gives expert information to police investigators.
5. In the case of legislation; In addition to adjusting legislation in the field of IPR in accordance with international norms in TRIPs and ratifying 6 (six) treaty, the other obligation is to enact implementing regulations of the Law in the field of IPR (Abdul Ban Azed, 2000: 34).

Efforts that can be made to increase legal awareness of the public and government so that the enforcement of the principles of the rule of law can work well, namely:

- a. Conducting legal counseling to the community as a whole and continuously.
- b. Reforming the law.
- c. Legal processes must not be based on political motivation.
- d. Upholding human rights and not.

e. Make improvements in order to strengthen government institutions that present law enforcement agencies that truly serve the truth, justice and certainty of discriminatory laws (Hermawan, 2014: 52).

The role of the Karawang regency government in increasing legal awareness of intellectual property rights can be done by conducting intra-curricular activities only in the PPKn learning and Guidance and Counseling which include material to obey the law, especially in intellectual property law, and extracurricular activities such as socializing the importance of protection property rights law, assistance in making registration of copyright and related rights registration and registration of other types of intellectual property rights to educators and education personnel held by the school in collaboration with the University and the Directorate General of Intellectual Property Rights.

Efforts can be made by the local government of Karawang Regency, namely; first, conducting socialization or counseling on the importance of intellectual property rights; secondly, establish cooperation with IPR Clinics; third, holding assistance in the management of IPR certificate issuance, in this case the Brand and patent certificates; fourth, conduct an examination of patents that have been registered; and fifth, the provision of consultation and information relating to the management of IPR.

The efforts made by the Karawang regency government in this case the new Education, Youth and Sports Service conducted socialization through counseling, and it was only just information on how to obtain rights, not until the technical preparation of rights registration applications. Counseling conducted by the Department of Youth and Sports Education will be in vain without any active role from the Principal, Educators and Education Personnel, considering IPR protection, especially brands and patents will only be obtained through the initiative of the Principal to register the trademark or patent on the products they produce.

Factors that cause lack of legal aware-

ness of Educators and Education Personnel towards IPR, First, with regard to implementation of legal protection for IPR, especially Department of Youth and Sports Education, only have a role to conduct socialization or counseling on legal protection for the teaching profession yet to provide specific counseling on the importance of intellectual property rights and giving consultation and information relating to the management of Intellectual Property. The absence of a special institution or unit in the Department of Youth and Sports Education that handles and has the authority to carry out the IPR registration process, because registration of IPR can only be done at the Directorate General of Intellectual Property Rights of the Ministry of Law and Human Rights in Jakarta. Meanwhile, in Karawang Regency there are no IPR consultants and the existing human resources are still relatively unaware of the technicalities of IPR registration. Second, the factors that tend to hinder the legal protection of IPR Educators and education personnel in Karawang Regency are the factors of law enforcement officers and facilities, facilities, considering that the available resources are still relatively unaware of the technicalities of IPR registration. In addition, community and cultural factors also inhibit IPR protection. There is no comprehensive information material, especially regarding the technical preparation of IPR registration applications, resulting in relatively less public knowledge. Paternalistic culture is also a factor that tends to inhibit the protection of IPR, because people tend to still feel happy when their work / products are copied by other parties.

#### 4. Conclusion

Based on the previous chapter description, the researcher can conclude as follows:

1. Factors that cause a lack of awareness of educators and education staff in Karawang Regency to register intellectual property rights, namely the lack of understanding of educators and education staff about the legal rules of intellectual property rights; Most educators and education personnel do not know what intellectual property law



- is; Award for intellectual property law and compliance with legal regulations.
2. The impact of not registering the intellectual property rights is educators and education staff in Karawang Regency not getting economic value. If intellectual property rights adhere to the principle of first to file, the educator and education staff will not get legal protection. In addition, the impact of IPR not registered can hamper the progress of science and technology, and hinder schools or institutions from competing nationally and the reputation of schools, and can hamper socio-cultural progress.
  3. Efforts by local governments to increase legal awareness of educational intellectual property rights and education personnel in Karawang Regency have not been seen as efforts that specifically provide periodic socialization and specifically but only in general and incidentally, namely through MGMP activities on activities workshop on Legal Protection for Educator Professionals.

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