

Increasing Understanding of the Urgency of Trade Secrets for Business to Gen Z at SMAN 1 Semarang

Peningkatan Pemahaman Urgensi Rahasia Dagang bagi Pelaku Usaha Pada Gen Z di SMAN 1 Semarang

Irawaty^{ID}

Universitas Negeri Semarang, Semarang, Indonesia
irawaty@mail.unnes.ac.id

Rini Fidiyani^{ID}

Universitas Negeri Semarang, Semarang, Indonesia
fidiyani.rini@mail.unnes.ac.id

Eko Mukminto^{ID}

Universitas Negeri Semarang, Semarang, Indonesia
ekomukminto@mail.unnes.ac.id

Widhiyanto^{ID}

Universitas Negeri Semarang, Semarang, Indonesia
pakwidhi_english@mail.unnes.ac.id

Holy Latifah Hanum^{ID}

Universitas Negeri Semarang, Semarang, Indonesia
holylatifah@mail.unnes.ac.id

Abstract

Trade secrets are one of Intellectual Property forms that is considered most valuable in business. However, result of research shows that trade secrets are not as famous as patents, copyrights, and trademarks. In Indonesia, trade secrets Act has been established by the government since 2000. Following the fact that trade secrets are still not commonly understood by societies, thus it is important to educate societies about trade secrets. This community service selected to educate gen Z in SMAN 1 Semarang since knowledge to trade secrets should be understood as early as possible. Nevertheless, it is worth to note that there are some reasons to conduct the community service in the school, two of them are SMAN 1 Semarang is one



of the best high schools in the city and some students have achieved some prestigious awards in research. The methods in carrying the community service were by delivering important points on trade secrets, discussion session, and post-test. Based on the post-test answers, almost all students understood the urgency of trade secrets for business and stated that the event was useful.

KEYWORDS *Trade secrets, entrepreneurs, youngsters*

Introduction

Anyone needs capital, whether capital in the form of tangible objects and/or intangible objects, when starting a business. Approaching the 21st century, it was stated that capital that has more economic value is intangible objects in the form of intellectual property. Therefore, the roots of efforts to protect intellectual property that began in the 19th century were increasingly strengthened through GATT/TRIPS and the formation of the WTO in 1994¹. On the World Intellectual Property Organization (WIPO) website, it is stated that trade secrets are information that is not known to the public and is kept secret. Apart from that, trade secrets are also stated as intangible objects whose ownership can be transferred through buying and selling or can also be licensed². One of the toughest challenges for trade secret owners is keeping their confidential information from being stolen by other parties. Elsa Benia³ believes that when trade secrets are licensed, the possibility of the information being leaked is quite large and unfortunately the Indonesian government has not responded to this condition through

¹ World Trade Organization. Uruguay: WTO; 1994. Uruguay Round Agreement: General Agreement on Tariffs and Trade 1994; (n.d). Dapat diakses melalui: https://www.wto.org/english/docs_e/legal_e/06-gatt_e.htm

² World Intellectual Property Organization. Jenewa: WIPO (n.d). What is a Trade Secret? (n.d). dapat diakses melalui: <https://www.wipo.int/trademarks/en/>

³ Elsa Benia (2022). Analisis Perlindungan Hukum Rahasia Dagang pada Perjanjian Waralaba berdasarkan Undang-Undang Nomor 30 Tahun 2000 tentang Rahasia Dagang, Padjajaran Law Review. Dapat diakses melalui <https://jurnal.fh.unpad.ac.id/index.php/plr/article/view/1017/541>

appropriate legislation. Colin Jennings and Marisa Darden⁴ state that companies that have trade secrets must have prepared a reliable strategy and team to observe unusual activities after suspicions arise that another party has stolen their company's trade secrets. However, trade secret owners must also be careful when recruiting employees to work for their company. Prospective employees must sign a statement that they will maintain the confidentiality of trade secrets owned by the company.⁵

The form of intellectual property that is declared as initial capital owned by increasingly large companies is intellectual property in the form of business information that the owner keeps secret from the public. Trade secrets are stated to be the form of protection most sought after by large businessmen⁶. In fact, trade secret protection, according to its characteristics, must be kept secret from the start by anyone who has unique information that can provide economic benefits. Therefore, this protection is relevant for use by even micro businesses⁷. In Indonesia, protection of confidential information is stipulated in the Criminal Code⁸. However, since the enactment of Law Number 30 of 2000 concerning Trade Secrets (hereinafter UURD), the protection of information that can have economic value and is kept secret by its owner through appropriate steps has received a more specific legal umbrella⁹. The scope of this information is very broad because it includes all information, both technological and non-

⁴ Colin Jennings dan Marisa Darden (2022). Series: How to Respond to the Threat of Trade Secrets Loss. Dapat diakses melalui <https://www.globalinvestigations.blog/uncategorized/series-how-to-respond-to-the-threat-of-trade-secret-loss/>

⁵ Jessica Kirana Budi (2021). Trade Secret Case Comparative (Case Study: Decision No. 332 K/Pid.Sus/2013 (Indonesia) With Decision CIV. No. 3:13-CV-00098-AA (United States), Indonesian Private Law Review

⁶ Baron Armah-Kwantreng (2023). Trade Secrets: Coming of Age on A Global Stage. Dapat diakses melalui <https://www.worldpreview.com/article/trade-secrets-coming-of-age-on-a-global-stage>

⁷ Zulfi Chairri, dkk (2021). Protecting Micro, Small, and Medium Enterprise Products through Trade Secrets as the Intellectual Property in Indonesia. Dapat diakses melalui doi: <http://dx.doi.org/10.4108/eai.29-6-2021.2312665>

⁸ [Pemerintah Republik Indonesia. Kitab Undang-Undang Hukum Pidana](#)

⁹ Pemerintah Republik Indonesia. Undang-Undang Nomor 30 Tahun 2000 tentang Rahasia Dagang

technological, even for medicines¹⁰. In Law Number 5 of 1999 concerning Prohibition of Monopolistic Practices and Unfair Business Competition, trade secrets along with other intellectual property are given exceptions in terms of monopolistic exploitation¹¹ [11]. Some examples of large companies that have trade secrets are KFC¹² and Coca Cola¹³.

UURD has existed for almost a quarter of a century in Indonesia, but people in Indonesia still don't really understand the protection of trade secrets and its urgency for entrepreneurs. One of the urgencies of protecting trade secrets is when the trade secret holder licenses his business, including trade secrets, to other parties¹⁴. Velliana Tanaya¹⁵ found that one of the business owners who entered into a franchise agreement did not include a clause regarding the protection of its trade secrets. This has the potential to be very detrimental to their business. Bella Katrinasari and Hernawan Hadi¹⁶ found that Komala restaurant had suffered losses due to not including the trade secret protection it had in its franchise agreement with its partners. In fact, the Indonesian government has regulated intellectual property licensing agreements, including trade secrets, through

¹⁰ Pemerintah Republik Indonesia. Undang-Undang Nomor 30 Tahun 2000 tentang Rahasia Dagang

¹¹ Pemerintah Republik Indonesia. Undang-Undang Nomor 50 Tahun 1999 Larangan Praktek Monopoli dan Persaingan Usaha Tidak Sehat

¹² Liam Stack (2016). Is This the Top-Secret KFC Recipe? Dapat diakses melalui <https://www.nytimes.com/2016/08/26/dining/is-this-the-top-secret-kfc-recipe.html>

¹³ The Coca-Cola Company (n.d). Coca-Cola's Formula Is at the World of Coca Cola: The Secret's Out. Dapat diakses melalui <https://www.coca-colacompany.com/company/history/coca-cola-formula-is-at-the-world-of-coca-cola>

¹⁴ Riandhani Septian Chandrika. Perlindungan Hukum Perjanjian Lisensi Rahasia Dagang Di Indonesia. Jurnal Hukum Bisnis Bonum Commune. Februari 2019. Volume 2 Nomor 1. 11-22

Asry Rismawaty. *Non-Disclosure Agreement* Sebagai Perlindungan Hak Kekayaan Intelektual Dalam Perjanjian Kerjasama. Aktualita. Juni 2019. Vol 2 Nomor 1. 339-353

¹⁵ Velliana Tanaya, et.al. Perlindungan Hukum Rahasia Dagang Dalam Perjanjian *Franchise Cocoyo*, Refleksi Hukum. April 2021. Vol 5 No 2. 237-254. Available at <https://ejournal.uksw.edu/refleksihukum/article/view/4006/1786>

¹⁶ Bella Katrinasari dan Hernawan Hadi. Tinjauan Hukum Terhadap Wanprestasi Royalty Rahasia Dagang Dalam Perjanjian Waralaba. Privat Law. Januari-Juni 2017. Vol V No. 1, 85-94

Government Regulation Number 36 of 2018 concerning the Recording of Intellectual Property License Agreements¹⁷.

In the Indonesian context, trade secret owners are often pushed into a corner because they are considered bad because they do not want to share information about things that make their business successful. One example that often happens to culinary entrepreneurs is that when they don't answer questions about cake recipes or the food they sell, they are often labeled as people who don't want to share. In fact, what these entrepreneurs do is one way that is protected by law as an effort to protect their intellectual property, namely trade secrets. Therefore, education is needed to help Indonesian entrepreneurs protect the capital they have and must maintain. Trade secrets are intellectual property that receives legal protection as long as information that is economical and not known to the general public, especially to parties working in the same field, is still kept secret. The party who has trade secrets must take reasonable steps to protect confidential information. In Indonesia, regulations regarding trade secrets are stated in Law Number 30 of 2000 concerning Trade Secrets.

Nationally, high school students are a generation that has received exposure to financial literacy. They belong to a generation that has been prepared to be independent because one of the skills that learners in the 21st century must have entrepreneurial ability¹⁸. In fact, based on data from the Central Statistics Agency, 39% of the owners of companies owned by the nation's children are high school graduates¹⁹. Based on this data, it is

¹⁷ Faulinda Ely Nastiti dan Aghni Rizqi Ni'mal 'Abdu (2020). Kesiapan Pendidikan Indonesia Menghadapi Era Society 5.0. Edcomtech, hal. 61-66

¹⁸ Deanne Reynolds (2021). Using Entrepreneurship Education to Empower Students with 21st Century Skills, can be accessed via <https://www.proquest.com/openview/c9bf81ec239c2c4e06cdf75ac30b9e6d/1?cbl=18750&diss=y&pq-origsite=gscholar&parentSessionId=tgwN7uIcRz6OORFV%2Fpf09q4hsyUtM%2FyJZT25zh9lx6A%3D>

¹⁹ Vika Azkiya Dihni. Persentase Pengusaha/Penangguna Jawab Usaha Perdagangan Menurut Tingkat Pendidikan Terakhir (2020). 17 Februari 2022. Available at <https://databoks.katadata.co.id/datapublish/2022/02/17/pengusaha-di-indonesia-paling-banyak-lulusan-sma>

important to equip high school students with valuable company assets which are currently increasingly important, namely trade secrets.

The selection of SMA 1 Semarang students to participate in this community service activity is because the school has a vision "To produce people who are superior in faith and piety as well as science and technology, independent, environmentally conscious, cultured and with global competence in line with national education goals." From this vision, it was reduced to 6 (six) missions and 6 (six) school goals. The mission and objectives contain things that aim to provide provisions so that students have good knowledge and understanding of science so that they can be independent and can keep up with current developments. Apart from that, SMAN 1 students often take part in scientific work competitions and win these competitions. Scientific work based on research can possibly be developed and the results, if not yet known to the public in general and people involved in the research field, can be protected through trade secrets. Therefore, it is important to provide education regarding one of the important assets of entrepreneurs in the current global era.

Based on the problems stated above, it is urgent to increase understanding regarding the urgency of protecting trade secrets among the public. In this activity the target is high school students. The consideration for choosing high school students is because they are in the stage of preparing for the world they will enter. Providing them with an understanding of the urgency of protecting trade secrets can provide two things, namely respecting entrepreneurs' trade secrets and protecting information that has the potential/already provides economic benefits that they already have/will have.

Methods

The community service activities which were conducted at SMAN 1 Semarang on 24 July 2023, took the form of education regarding trade

secret material and its urgency for entrepreneurs. This material was delivered by the leader of the service community team. In addition, a video from a practitioner was also shown, it was from a businesswoman who has trade secrets. The businesswoman owns her own trademark named *Dapur Hijau* (Green Kitchen). In the video, she explained her experience in building her business. The focus of the materials is regarding the understanding and the urgency of trade secrets for the business.

After the presentation of the material, a quiz was held regarding trade secrets. Participants who can answer the questions asked are given rewards. The technological devices used in this activity are laptops, projector, and internet networks.

After the activity was complete, participants were asked to fill out a questionnaire to determine their understanding of the material provided and the benefits of the activities that have been carried out. The participants filled out a questionnaire via *google form*.

Results and Discussion

As stated in the implementation method section, after the activity was complete the participants were asked to fill out a questionnaire. The questionnaire consists of 9 questions divided into 3 dimensions. The questionnaire is closed (closed-ended questions). The first dimension consists of 3 questions to find out how to map the characteristics of the participants, namely how many of the participants own businesses, are researchers and have innovations, and have trade secrets. Meanwhile, the second dimension is to determine participants' understanding of trade secrets. There are 4 answer choices provided for each question item. Furthermore, the third dimension consists of two questions which aim to determine the benefits of the service activities that have been carried out.

The answers provided for each question item in dimensions one and three consist of two choices, namely yes and no.

The questionnaire aimed to evaluate the results of the community service activity, whether it could reach the intended goals or not. After 38 respondents filled out the Google form and obtained results that tended to be the same in the third dimension, the questionnaire was closed since the data has provided more than minimum number of respondents, which is 30²⁰ Based on the questionnaire that has been submitted, the following can be stated:

A. The First Dimension

There are three questions asked in the google form. The first question asked whether he/her is an entrepreneur. There were 34 students answered no and 4 students chose the option yes. The results are shown by the pie chart below.



Figure 1. the first question of the first dimension

The second question asked whether he/she is a researcher and has innovation. The results showed that there are 15 students that they are researcher and has innovation. The results are shown by the pie chart below.

²⁰ Mumtaz Ali Memon, et.al (2020). Sample Size for Survey Research: Review and Recommendations, can be accessed via https://jasemjournal.com/wp-content/uploads/2020/08/Memon-et-al_JASEM_Editorial_V4_Iss2_June2020.pdf

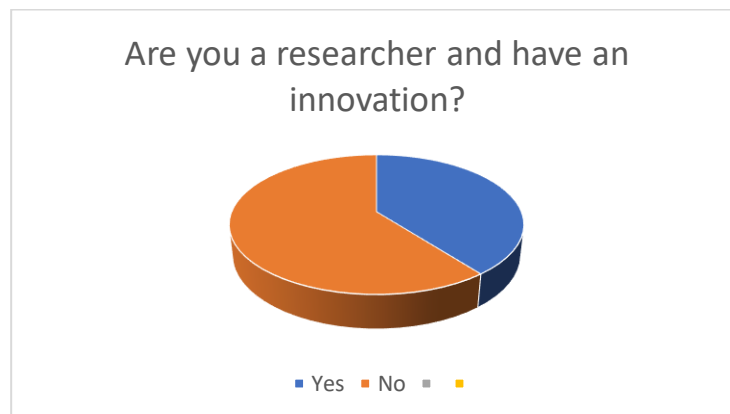


Figure 2. the second question of the first dimension

The last question in this section asked whether he/she has business information that is kept confidential. Results show that 8 of them answered that 8 of them have business information that is kept confidential. The results are shown by the pie chart below.



Figure 3. the third question of the first dimension

An interesting finding from the participants' answers was that there was 1 participant who answered yes to all questions in dimension 1. This means that the participant is an entrepreneur who is also a researcher who has innovations and has trade secrets. Furthermore, there are two participants who are researchers who own innovations and trade secrets.

B. The Second Dimension

In this second dimension there are four questions and each of which has four answer choices.

The first question asked the opinion of each student regarding levels of importance of trade secrets as capitals for entrepreneur in this globalization era. The results are shown by the pie chart below.



Figure 4. the first question of the second dimension

Based on the above responses, it can be stated that no one thinks that trade secrets are not important—not even only common capital for business today.

The second question is about how frequently the students hear the terminology of trade secrets in the period of a year until the community service event. The results are shown by the pie chart below.

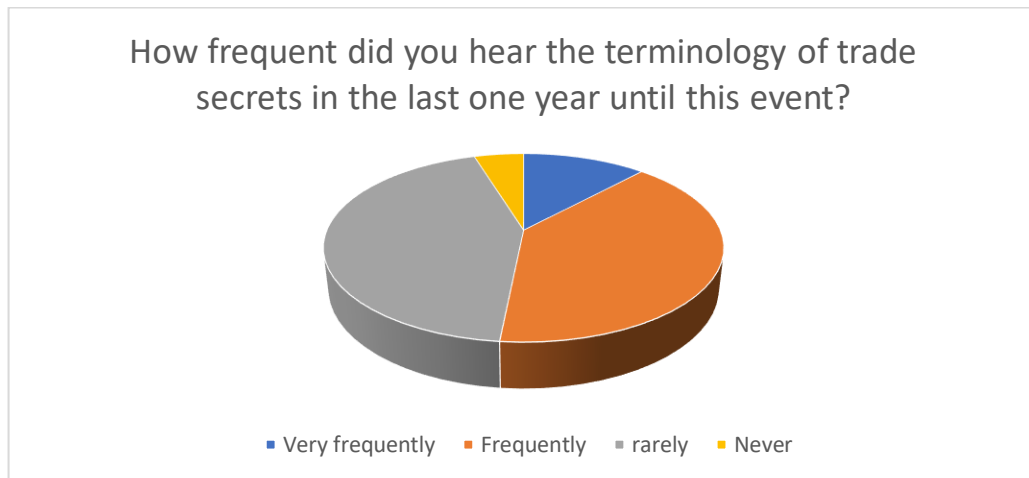


Figure 5. the second question of the second dimension

Very frequently refers to >20 times (3 students), frequently refers to 10-19 times (10 students), rarely refers to 1-9 times (11 students), and 14 students answered that they never heard the terminology of trade secrets in the last one year.

The third question aimed to know students’ opinion on the level of the importance of trade secrets compared to the other IPs. The other IPs referred to patent, copyright, and trademarks. The results are shown by the pie chart below.

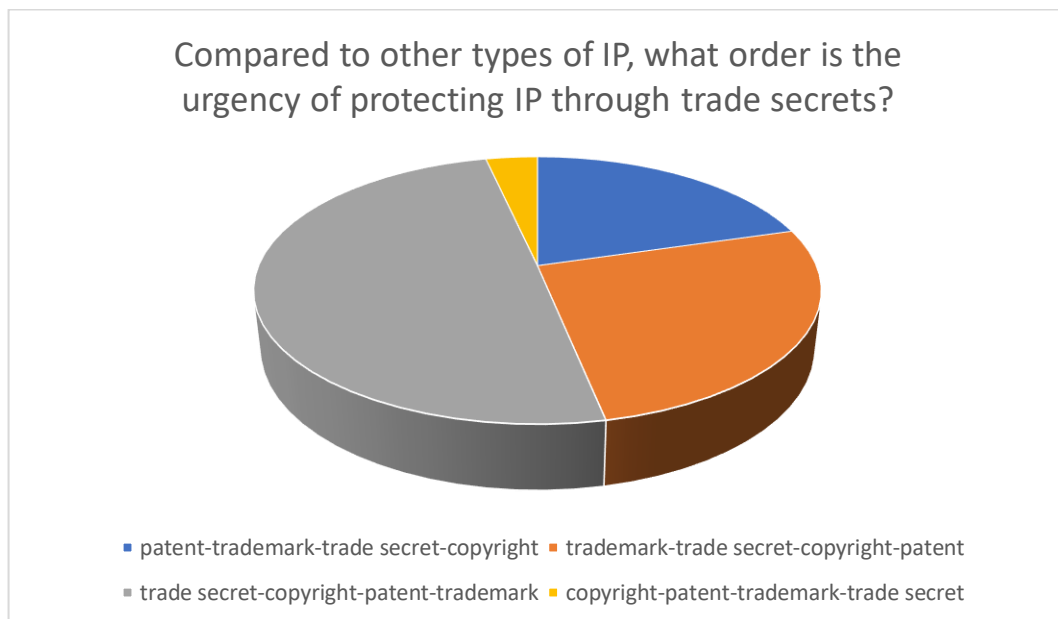


Figure 6. the third question of the second dimension

Based on responses, 17 students answered trade secrets as the first place compared to other IPs.

The last question aims to know whether the students understand what trade secrets are. Thus, this question asked students to choose which option is the most correct one concerning the definition of trade secrets. The results are shown by the pie chart below.



Figure 7. the fourth question of the second dimension

Based on the participants' answers to the questions in the second dimension above, it can be stated that almost all participants think that trade secrets are very important business capital in the current era of globalization. For the second question, although there is not much difference in the number of participants who often, rarely, and never hear trade secret terminology in the past year, the largest number of participants are still those who have never. Furthermore, based on the participants' answers to the third question, it can be stated that most participants think that trade secrets rank first as IP that is urgent to protect. In the last question, it is shown that the number of participants who understand the

definition of trade secret is greater than the number of participants who do not understand the definition of trade secret.

C. Third Dimension

There are two questions asked to students. This dimension aimed to get information whether this community service event could achieve its goals or not.

The first question asked students regarding the benefit of joining this community service event. The results are shown by the pie chart below.

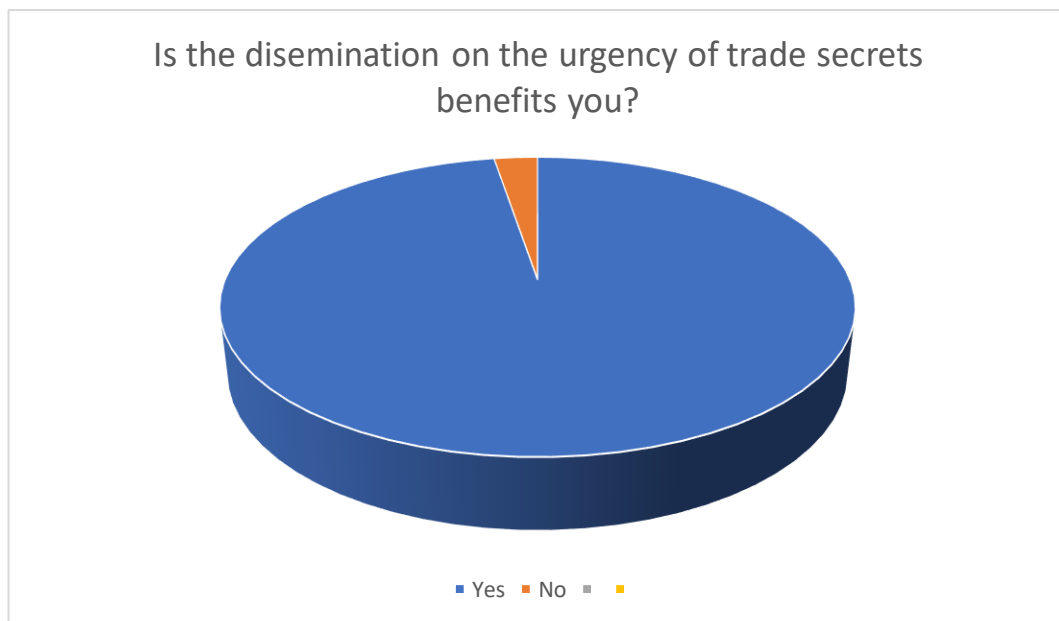


Figure 8. the first question of the third dimension

From responses from the students, almost all of them answered that the event beneficial for them.

The last question asked whether the student understood trade secrets after this community service event. The results are shown by the pie chart below.



Figure 9. the second question of the third dimension

Based on the participants' answers to the third-dimension questions, it shows that almost all participants thought that the dissemination activities carried out provided benefits for the participants. Furthermore, based on the answers to the second point, it shows that almost all participants answered they understand the meaning of trade secrets.

Conclusion

The students who were attending the service community service consist of students at level 10, 11, and 12. They were chosen by the school. The students showed an interest in the topic which was delivered. It can be stated that the education reached its goals since the data gathered from the questionnaire showed positive responses. Among other responses are the number of students who understand what trade secrets mean, the urgency of trade secrets for entrepreneurs, and students who believe that the activity was beneficial for them are quite high.

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DECLARATION OF CONFLICTING INTERESTS

There is no conflict of interest in the publication of this article.

FUNDING INFORMATION

This article is one of outputs of community service for lecturers which is funded by Universitas Negeri Semarang.

ACKNOWLEDGMENT

The authors thank to the Universitas Negeri Semarang that has fully funded this community service. Thanks also given to the headmaster, teachers, and students who have been very helpful and cooperated that the community service held successfully.

HISTORY OF ARTICLE

Submitted : September 1, 2023
 Revised : October 10, 2023
 Accepted : October 29, 2023
 Published : November 27, 2023