Problems of Enforcing Intellectual Property Laws in Indonesia

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A. Background

Although intellectual property law had been a relatively quiet and neglected area within the Indonesian legal order in the decades following Indonesian independence in 1945, that situation changed abruptly towards early of 1990s. There was at that time a sudden interest in the protection of intellectual property rights in Indonesia and a corresponding flurry of political and legislative activity.\(^1\) Since that time, intellectual property law has become the fastest growing field of law in Indonesia and the Indonesian government has launched massive legislative reforms in the area.\(^2\)

The government introduced the *Copyright Act* in 1987 to amend the *Copyright Act* 1982. A *Patent Act* followed in 1991 and in 1993 a new *Trademark Act* replaced the old *Trademark Act* 1961. These developments were accompanied by a large number of government regulations, ministerial decrees, and other administrative decrees to support the implementation of the new intellectual property laws. Around this time, the Indonesian government also made bilateral agreements for the protection of copyright with several Western countries, including the US, the EU countries, Australia, and the UK.\(^3\)

These developments culminated in the ratification of the Trade Related Aspects of Intellectual Property Rights (TRIPs) Agreement, as part of the Agreement Establishing the World Trade Organisation by the Indonesian government in 1994.\(^4\) As a result of the TRIPs Agreement, the Indonesian government once again reformed the country’s intellectual property laws by amending the existing statutes, the *Copyright Act*, *Trademark Act*, and *Patent Act* with the *Copyright Act No. 19/2002*, *Trademark Act No. 15/2001*, and *Patent Act No. 14/2001*. Moreover, to comply with the TRIPs Agreement, the Indonesian government also enacted new intellectual property laws, namely, the *Industrial Design Act No. 31/2000*, *Layout-Designs of Integrated Circuits Act No. 32/2000*, *Trade Secret Act No. 30/2000*, and *Protection of Plant Varieties Act No. 29/2000*. The Indonesian government also ratified several international conventions on intellectual property law, among others, the Berne Convention, WIPO Copyright Treaty, Patent Cooperation Treaty, and Trademark Law Treaty. All were done in 1997 following the ratification of the TRIPS Agreement.

Despite these rigorous and extensive legislative reforms in the field of intellectual property law, however, it has become clear that intellectual property laws remain very difficult to enforce in Indonesia and protection of intellectual property rights is still weak. Ignorance of these rights and their legal status is still very widespread. Indonesia remained on the United States “Priority Watch List” until November 2006 when the US Trade Representative upgraded Indonesia to “Watch List”.\(^5\) Piracy of literary and artistic works is still rampant and trademark counterfeiting is still widespread. Rental shops that rent pirated films and computer rentals that use infringed software, can be found everywhere in Indonesia.

There are several factors that contribute to the difficulties of enforcing intellectual property laws in Indonesia, among others:

1. The origins of the existing intellectual property regime in Indonesia does not lie and has never been developed in Indonesia, but rather in Western countries that have different economic interests and cultural norms from those of Indonesia.
2. The intellectual property laws are incompatible with Adat (an extensive system of Indonesian customary norms) that does not recognise ownership in intellectual works or inventions. Adat is still strongly held by most Indonesians.

3. The weak legal enforcement in the field of intellectual property law.

4. The laws are not appropriate to the stage of economic and technological development in Indonesia.

B. Analysis

The following section of this paper gives some brief analysis of each of those factors mentioned above.

1. The origin of Indonesian intellectual property laws/regime does not come from Indonesia’s interests.

The origin of the intellectual property regime in Indonesia is not from Indonesia, but from more economically developed and industrialised Western countries - originally the Dutch colonial government, and more recently, the United States and European Union.

Intellectual property laws were brought for the first time into the Indonesian archipelago by the Dutch colonial government in 1844 when they occupied the archipelago that they called the Netherlands East Indies. In spite of this, the laws were not known to or enforced against most native Indonesians. This was because of the law segregation policy imposed by the Dutch colonial government. Pursuant to the Constitution of the Netherlands East Indies (Regerings Reglement of 1920 and Indische Staatsregeling of 1926), the civil law applicable to Indonesian natives was Adat that did not recognise intellectual property rights. Therefore, the Patent Act 1911, Copyright Act 1912, and Trademark Act 1913 of the Netherlands East Indies were not enforced to native Indonesians.

Only after Indonesia got its independence in 1945, were most Indonesians introduced to intellectual property. This happened, because of a transitional provision in the Indonesian new constitution. To avoid a vacuum of law in Indonesia after its independence, the Sukarno government added Article II of the Transitional Provisions into the Indonesian Constitution 1945 which provided that “all existing state institutions and regulations remained effective, as long as the new ones had not yet been provided under this Constitution.” With this constitutional provision, the Indonesian government adopted all Dutch Acts, including Dutch intellectual property Acts, into the Indonesia’s legal system and imposed them to all Indonesians.

Efforts to develop an indigenous legal system which was based on Adat and Indonesian values finally, always failed, because of both the continuing struggles against the Dutch, and frequent political as well as economic crises in Indonesia. For practical purposes and to avoid the legal complexity of Adat laws which were not codified and unified, the Indonesian government kept enforced all Dutch laws for all Indonesians, with the exception of marriage and family law. It meant that the Dutch intellectual property laws were kept enforced to Indonesians, something that never happened during the Dutch colonial rule in the Netherlands East Indies.

Because most Indonesians still hold to Adat norms that do not recognize private-sector, individual ownership in intellectual works or inventions, intellectual property laws became a neglected field of law and did not have any practical
importance in Indonesia. The only exception to this situation was in the area of trademark law, where the government gave special attention to it by enacting Indonesia’s own Trademark Act in 1961. There was an understanding and acceptance of the nature and function of trademarks among most native Indonesians. For them, trademark law was not exclusively related to the protection of intellectual property rights, but rather to the protection of the public as consumers, from being injured by counterfeit goods. This law was deemed fit with the communal culture of Adat norms.

This situation continued to the beginning of 1990s under Indonesia’s second president, Mr. Suharto, when the US government started facing a problem of increasing trade deficit against Asian countries, including Indonesia. Along with the governments of European countries, they became concerned with the fact that the newly industrializing countries in Asia, were capable of producing high-quality imitations and pirated products. In September 1986, the US-based Intellectual Property Alliance, filed a petition against Indonesia with the USTR (the United States Trade Representative) under Section 301 of the Trade Act of 1974, as amended, 19 U.S.C. 2411. They demanded that, in retaliation for violation of American patents and copyrights, the US government end its Generalised System of Preferences (GSP) privilege for Indonesia. In the next year, the European Economic Community accepted a similar petition from the Geneva-based International Federation of Phonogram and Videogram Producers (IFPI) against the violation of intellectual property rights on foreign sound recordings.

Based on the Intellectual Property Alliance’s petition, the US government threatened to remove the Indonesia’s GSP privilege if there was no improvement in the field of intellectual property law. Facing this economic threat, the Suharto government made an extensive reform of intellectual property laws by enacting consecutively the Copyright Act in 1987, Patent Act in 1991, and new Trademark Act in 1993.

Having regard to the limited research and development capabilities in Indonesia, very few indigenous inventions, patent and trademark holders, the Suharto government’s interest in intellectual property laws during early 1990s was largely due to economic pressure from Western countries, rather than a genuine interest in intellectual property protection.

Therefore, the enforcement of intellectual property laws in Indonesia was hampered by the ignorance among most of Indonesians, as the concept of intellectual property rights was not supported by Adat norms and the laws were not derived from Indonesia’s interests, but the interests of Western industrialized countries.

As a result of ratifying the WTO Agreements, that also covers the TRIPs Agreement, the Indonesian government once again reformed the country’s intellectual property laws in early 2000s by amending the existing statutes, the Copyright Act, Trademark Act, and Patent Act, and by enacting new legislation on industrial designs, integrated circuits, trade secret, plant variety protection, and by ratifying several international conventions for the protection of intellectual property rights.

Despite Indonesia’s accession to the TRIPs Agreement, the intellectual property laws remain very difficult to enforce in Indonesia and protection of intellectual property rights is always weak. This reality can be linked to the fact that the ratification of the TRIPs Agreement was never genuinely intended by the Indonesian government to provide better intellectual property protection. Rather, it was intended as a bargaining chip for Indonesia (and also other developing countries) during the Uruguay Round negotiations, to obtain more liberated markets in developed countries.
for Indonesia’s textiles, apparel, and agricultural products.\textsuperscript{15} The accession to the TRIPs Agreement was also a bargained-for protection from unilateral trade sanctions by the US and other powerful Western industrialised countries.\textsuperscript{16}

Besides that, Indonesia’s accession to the TRIPs Agreement occurred after Indonesia was hard hit by the severe political and economic crisis that stroke Asia in 1997. Until now, Indonesia has not yet recovered from the economic crisis that impoverish most Indonesians. Therefore, the new intellectual property regime laid down by the TRIPs Agreement becomes incompatible with economic, cultural and social conditions in Indonesia and are not in the interests of the majority of Indonesian people.

In conclusion, the failure of the implementation of intellectual property laws in Indonesia can be attributed to the fact that the origins of the existing intellectual property regime in Indonesia does not lie and has never been developed in Indonesia, but rather in Western countries that have different economic interests and cultural norms from those of Indonesia. With the ongoing economic and social crisis in Indonesia, the laws are also incompatible with the present economic, cultural and social conditions in Indonesia and are not in the interests of the majority of Indonesian people.

2. The intellectual property laws are incompatible with Adat norms.

Historically and culturally, most Indonesians still hold to Adat norms that do not recognise private-sector, individual ownership in intellectual works or inventions. This factor contributes to the denial of rationales for protection of intellectual property rights, acknowledged in many Western countries. Although Adat recognises individual possession of material goods, it does not allow individual rights of possession to override principles of the public interest and the social function of goods. In Adat norms, the focus of law protection is not on individuals, but on communities\textsuperscript{17}. This helps explain why, before Dutch colonisation, the concept of a monopoly over intellectual works was unknown in Indonesian society, as intellectual works were important not only for individual owners, but also for the communities to which they belonged.

Many artistic and literary works had been created by Indonesians long before it was discovered by European traders in the sixteenth century. The Indonesian archipelago already developed a diverse and rich amalgam of religions and cultures. It had cities, temples, irrigation systems, orchestras, shipping, art and literature. In fact, the Indonesian archipelago was not at all “underdeveloped” if compared to Europe of that time.\textsuperscript{18} In apparent contradiction to the tenets of the incentive theory currently used to justify intellectual property rights, creativity flourished in Indonesian archipelago even though there was no intellectual property protection. Indonesian artists and authors created many artistic and literary works without try to retain their works as their own private properties. Traditionally, artists and authors did not put their names or signatures on their works. Other people could freely use the artists’ and authors’ works and the works were part of the public domain. Because of this practice, Indonesia became famous for its folklore that included dances, songs, stories, sculptures, batik, architecture and paintings. Even though Indonesian society could freely use the works, it did not mean that there was a lack of respect for or recognition of the works and their creators. For example, Balinese traditionally know that certain artistic works belong to certain artists, painters, sculptors, or dancers, even without the
artists’ signature sealed on their works. All Indonesian people recognise that “Negarakertagama” (Guidelines to Govern A Country) was written by Empu Tantular (a Javanese spiritual leader). Indonesian teachers keep telling their students of who are the authors of Indonesian famous works. Because of cosmic and communal culture, Indonesian artists and authors would be happy if their works became part of the public domain and benefited other people.

Like in many other third world countries, societies in Indonesia were not organized around individuals or the nuclear family as such, but around a clan or other extended family unit, beyond the nuclear family. Therefore, the forms and definitions of “ownership” were crafted in different conceptions from those in Western legal structure. For them, ownership of intangible goods as well as other goods meant the right to be recognised as “owner”, not the right to exclude other members of the society from the use of the goods. “Ownership” for these nations was rather a form of stewardship. This situation also happened in Indonesia, where most Indonesian artists, because of their strong communal sense, were not assertive enough to claim copyright for their works.

In Adat, rights in intellectual property are not known, as intellectual property is something intangible, not concrete. Adat will only recognise tangible, visible works that have been produced by an individual. Only on a material work (per se), can its creators claim ownership and can trade the work. But the creator cannot trade his or her intellectual property, because it is not real, not concrete. Adat gave a form of intellectual property monopoly protection to a work only to preserve the religious value or the noble nature of the work. For example, sculptures made by members of the Asmat tribe in West Papua, or batik design of Parang Rusak that could be worn only by members of Javanese royal family.

In Indonesian Adat society, knowledge was regarded as public property, because it related to the public benefit and interest. Considerable knowledge about medicine, traditional herbs and cultivation technologies was passed from generation to generation in Indonesia. Knowledge was an intangible good and therefore, according to Adat that based its norms on real and visible juridical construction, there was no ownership in knowledge. As was the case in many other countries, both historically and even in the modern era, knowledge in Indonesia was regarded as the common heritage of mankind that should be freely available to all. The more it is used, the more, on one way of looking at it, valuable knowledge is. As part of the cosmic and communal culture, Adat society did not rely on intellectual property protection to foster innovation. Instead, they relied on rapid dissemination of knowledge to the society.

Adat itself has been so well established that it has survived successive waves of imported religious and social beliefs -Hinduism, Buddhism, Islam and 350 years of Dutch colonialism- and remains today a power in Indonesian culture and a unifying factor for Indonesians. The survival of Adat for such a long period of time is partly attributable to the fact that Adat is not immutable, but willing to adopt new ideas as long as those ideas are consonant with the pre-existing complex of beliefs and norms.

In summary, given the strong and pervasive influence of Adat on Indonesians, and that system’s lack of recognition to a modern intellectual property system of rights, the enforcement of intellectual property laws among Indonesians becomes a very difficult and problematic task for the government.

3. The weak legal enforcement in the field of intellectual property laws.
Historically, since the Indonesian independence, law development had never been the main priority for the Indonesian government. Political stability and economic development were the main priorities for the government, while law reform was conducted only to support economic development and political stability and also to comply with the demand made by international communities, for example, the reform of investment laws, intellectual property laws, company laws, stock market laws, parliament laws, general election law, and press law. Without real democracy, which was eliminated by the policy of political stability, law enforcement became the main problem in Indonesia. Although the government had conducted law reform, at the same time they ignored the legal system to run their own policy and political interests.

This situation has somewhat changed since the fall of Suharto government that ruled Indonesia for 32 years in 1998. With the new euphoria of democracy, Indonesians expect a stronger enforcement of law. Nevertheless, although there has been some improvement, the law enforcement is still ineffective in Indonesia because of frequent intervention in legal system made by politicians who are still affiliated to the Suharto government. The present Indonesian government seriously enforces the law mostly in cases that attract national or international concern, such as, human right violation, corruption, and deforestation.

In the field of intellectual property laws, the legal enforcement remains very weak. Because of the economic crisis that is still continuing in Indonesia, the government does not have significant human or financial resources to either improve or enforce its intellectual property laws. Indonesian legal authorities mostly ignore the presence of shops or street vendors that trade pirated works, fake products or infringed software. The crack-down against piracy, counterfeiting and other violation of intellectual property rights is carried out only after there is pressure from foreign governments or foreign intellectual property owners, most often after Indonesia is named by the USTR in their priority watch list countries that could lead to trade sanction against Indonesia. The Indonesian courts generally also do not support the enforcement of intellectual property laws. They often set free the sellers of counterfeited or pirated goods and impose criminal sentence only to the counterfeiters. In the case of copyright piracy, the courts mostly hand down probationary sentence to copyright counterfeiters, with only very few cases of judges deliver less than a year prison sentence. While in the case of trademark counterfeit, the sentences delivered by Indonesian courts to the counterfeiters are normally slightly higher, up to four year prison sentence. The Indonesian courts normally consider trademark counterfeit to be more serious crime than copyright piracy because it harms public as consumers, while copyright piracy only injures individual copyright owners.

The weak legal enforcement of intellectual property laws can also be contributed to the legislative culture in Indonesia in which the Indonesian government often leaves important areas in laws, including intellectual property laws, open to further regulation by way of administrative provisions, such as, Presidential Decrees, Government Regulations, Decrees of the Ministry of Law and Human Rights and Circular Letters. The failure to issue these implementing regulations led to the delays and even suspension of investigation by the law enforcement authorities.

The other constrain is a lack of appreciation among law enforcement authorities of the value of intellectual property rights. For example, in his Circular Letter No. Pol. STR/ 706/ VII/2005, the Head of Police of the Republic of Indonesia
did not list violation of intellectual property rights as the priority case to be investigated, unlike the cases of terrorism, gambling, drug trafficking, corruption, smuggling, thug, illegal logging, illegal fishing, illegal mining. Indonesian police normally considers violation of intellectual property rights does not have serious negative impact to the society. 45

Economic factor also plays a role in difficulties of enforcing the intellectual property laws. The prolonged economic crisis in Indonesia has increased incidence of piracy and counterfeit. 46 Indonesian consumers with diminished buying power prefer to buy cheaper pirated or fake products, irrespective of the inferior quality. More people also engage in the trade of pirated and fake goods, because as they claim, it is the only job they can do to support their families. 47 Others say that selling pirated and fake goods are better than stealing. 48

The law enforcement authorities had learned a bitter lesson in May 2000, when the police raided street vendors at Glodok shopping area in West Jakarta to confiscate illegal VCDs. Unexpectedly, the raid created severe rioting, burning and looting in Glodok area, that reminded people of the mass unrest in Jakarta that brought down President Suharto in May 1998. Those street vendors supported by thousand of people fought the police, as they did not want to lose their job as vendors of pirated VCDs because it was the only job they could find during the severe economic crisis. 49

The police admitted that the enforcement of intellectual property laws against them must be in line with the poor economic conditions suffered by those small vendors. They understand that those people sell pirated and fake goods as well as rent pirated products mostly to survive the economic hardship that hits Indonesia. The police avoid shutting and cracking-down their business to prevent them shifting to other types of more serious crimes, such as, stealing, robbery, gambling, drug dealing. 50

The lack of financial resources provided by the Indonesian government for the law enforcement authority is also another factor that makes the enforcement of the laws ineffective. In some cases, police have to stop their investigation on counterfeiter suspects because they prefer to save their budget to investigate more serious criminals. Indonesian courts also sometimes cannot continue their trial against counterfeiter suspects because of lack of budget to bring expert witnesses to the courts. 51

The other constraint to enforce intellectual property laws in Indonesia is a lack of qualified law enforcement officials who fully understand intellectual property laws. For example, many police, judges and prosecutors do not know the concept of rental right in copyright law. 52 Only very few of them also know the concept of breeder’s right in plant variety protection law. The courts in Magetan, Kediri and Nganjuk did not apply the Plant Variety Protection Act No. 29/2000 to cases that involved the use of a plant variety by small farmers in those cities. Instead, the courts applied Consumer Protection Act and Plant Cultivation Act. 53

In summary, even though there has been some improvement in law reform and enforcement in Indonesia, but in the field of intellectual property laws, the law enforcement remains weak and ineffective. The law enforcement authority in Indonesia does not give priority on the protection of intellectual property rights. Most of them regard the violation of intellectual property rights does not have serious negative impact to the society, and therefore hardly ever take serious action against it. Economic factor also plays a role in difficulties of enforcing the intellectual property laws. Law enforcement authorities, especially police, realize that people trade pirated and counterfeit goods to survive the economic hardship that hit Indonesia and shutting their business could lead to worse situation, such as, forcing them to shift to
4. The laws are not appropriate to the stage of economic and technological development in Indonesia.

In the case of *Patent Act* No. 14/2001 and *Layout-Designs of Integrated Circuits Act* No. 32/2000, it is clear that the contents of those Acts are not appropriate to the stage of economic and technological development in Indonesia. Therefore, who benefit from those Acts are foreign intellectual property owners who mostly come from countries that already have advanced economic and technological stage of development.

The data from the office of Directorate General of Intellectual Property shows that 91.43% of standard patent applications in Indonesia are lodged by foreigners. Meanwhile, there are only three integrated circuit layout applications since the *Layout-Designs of Integrated Circuits Act* was enforced in 2000, and none of them so far has been granted the protection right as there is still lack of implementing regulations to process the registration of those three applications.

It is admitted that in the beginning, there was opposition to the drafting of the *Layout-Designs of Integrated Circuits Act* because some government officials in the Ministry of Law and Human Rights argued that with the present technological development in Indonesia, the Act was regarded useless for Indonesians. The similar argument was also uttered during the drafting of the first Indonesian *Patent Act* 1989. Mr. Aberson Marle Sihalolo, a member of the Indonesian Parliament, and Mr. Kayatmo, the Head Deputy of the Indonesian Academy of Sciences (LIPI), both admitted that the Patent Act was not needed in Indonesia for the purpose of encouraging innovation, but rather was needed to attract foreign investors who wanted protection for their works. So far, it is hard to see the real benefit of having patent protection in Indonesia, except to attract foreign investors and avoid trade sanctions from Western countries, the US particularly. The patent protection that had been granted to many multinational companies in Indonesia was intended to persuade them to transfer their technologies to their Indonesian counterparts. However, the multinational companies only transferred kinds of low level technologies that were also commonly exploited in other developing countries. These kinds of technologies only required imitative capability to work in order to produce simple and low-technology products, such as, radios, watches, textiles, cosmetics, foodstuffs. The technologies transferred to Indonesia and other developing countries also tended to be significantly older than the technologies transferred to industrialised countries.

The fact that the laws are considered useless for Indonesian interests can contribute to the difficulties of enforcing the laws in Indonesia.

C. Conclusion

The goal of the TRIPs Agreement and the extensive reform of intellectual property laws to improve the protection of intellectual property rights in Indonesia so far has failed to be achieved. This failure is caused by the combination of several factors, namely:
1. The origins of the existing intellectual property regime in Indonesia do not lie and has never been developed in Indonesia, but rather in Western countries that have different economic interests and cultural norms from those of Indonesia.

2. The intellectual property laws are incompatible with Adat (an extensive system of Indonesian customary norms) that does not recognise ownership in intellectual works or inventions. Adat is still strongly held by most Indonesians.

3. The weak legal enforcement in the field of intellectual property law.

4. The laws are not appropriate to the stage of economic and technological development in Indonesia.

The failure of the implementation of intellectual property laws, backed by the TRIPs Agreement in Indonesia gives a lesson that there has been a mismatch between 1) the developed countries’ idea of the value and concept of intellectual property rights, 2) the Indonesian government’s political interest in reforming intellectual property laws, and 3) the reality in the cultural, economic, and technological development among Indonesian people that cause them to ignore the existence of intellectual property laws.

Antons, Christoph, Intellectual Property Law Reform in Indonesia, Paper presented at “Indonesian Law: The First 50 Years” a Conference held at the Asian Law Centre, the University of Melbourne, 28 September 1995, at 1

For comparison, the Indonesian government almost never puts any effort to reform other important laws, such as: the Civil Code (Burgerlijk Wetboek voor Indonezie 1847), the Criminal Code (Wetboek van Strafrecht 1915), and the Civil Procedure Code (Het Herziene Indonesisch Reglement 1848, 1941) that were already enforced since the Dutch colonial rule.

3 See the Presidential Decree No. 17/1988 to ratify the agreement between Indonesia and the EC on copyright protection in sound recording; Presidential Decree No. 25/1989 to ratify the agreement between the US and Indonesia on copyright protection in books, sound recording, films, computer software and other creative works; Presidential Decree No. 38/1993 to ratify the agreement between Indonesia and Australia on copyright protection; 1993 agreement on copyright protection between Indonesia and the United Kingdom.

4 See the Act No. 7/1994


6 Based on the Constitution of the colony, according to first article 109 Regerings Reglement of 1920, and later article 163 Indische Staatsregeling of 1926, citizens in the Netherlands East Indies were divided into three legal groups with different civil laws for each group: Indonesian natives, Europeans, and Foreign Orientals (that included Chinese, Indians or Arabs living in the Netherlands East Indies). Article 131 Indische Staatsregeling confirmed that Adat together with native religious rules remained the civil law applicable to Indonesian natives. For Europeans, the civil law applicable to them was the Dutch law. Foreign Orientals were partially subjected to the Dutch Civil and Commercial Acts

7 Characteristically, Adat is not codified and not unified in Indonesian archipelago

8 Antons, Christoph, “Indonesian Intellectual Property Law in Context” in Taylor, Veronica (ed), Asian Laws through Australian Eyes (Sydney: LBC Information Services 1997) at 403

9 The exception was Book I of the Dutch Civil Code, as this Book governed marriage and family law which were mostly unacceptable for native Indonesians who had different belief from Dutch.


Gingerich, Duane J. and Hadiputranto, Sri Indrastuti, “Indonesia Amends its Copyright Law” (November 1987) East Asian Executive Reports at 7-8


11 Lepp, Alan W, above n10 at 30


Antons, Christoph, above n1 at 84

14 With the Act No. 7/1994


17 Soepomo, Bab-bab tentang Hukum Adat [Chapters of Adat Law] (Jakarta: Pradnya Paramita, 2nd ed, 1977) at 756


20 Kesowo, Bambang, The WTO Business Summit Indonesia Inc & Era WTO, Ketentuan-keketentuan GATT yang Berkaitan dengan Hak Milik Intelektual (TRIPs) [The WTO Business Summit Indonesia Inc & the WTO Era, the GATT Rules that Relates to the TRIPs] (Jakarta: Ministry of Trade, 1994) at 9


Embassy of the United States of America, Jakarta, Indonesia, “2005 USTR National Trade Estimate Report
Poor Enforcement Subject of Panel Discussion” (February 27, 1992)

“Seniman Bersatu Melawan Pembajak” [Artists United against Piracy], Embassy of the United States of America, Jakarta, Indonesia, Politicians of Golkar, the ruling party during the Suharto’s regime, still dominate both the present Indonesian parliament and ruling coalition government.

The Indonesian government until now is still employing Adat to settle conflicts among Indonesian diverse ethnics that can threat the unity of Indonesia

The Suharto government named their strategy of development as “Trilogi Pembangunan” (Trilogy of Development) which consisted of even distribution, development, and political stability.

The Indonesian Society for Transparancy, “Keppres-Keppres Sarat dengan KKN” [Presidential Decrees Full with Corruption, Collusion, and Nepotism (KKN)] (October 1998) 1 Media Transparansi

Politicians of Golkar, the ruling party during the Suharto’s regime, still dominate both the present Indonesian parliament and ruling coalition government.


Gingerich, Duane, “Department of Justice to Increase Assistant Investigators of Copyright Cases” (16 May 2007)


51 Yenny Eta Widyanti, above n43 at 54

52 Yenny Eta Widyanti, above n43 at 61, 65

53 Yenny Eta Widyanti, above n43 at 61, 65


56 See the statistic information available in the Directorate General’s site, http://www.dgip.go.id

57 The information obtained from the interview with a staff at the Directorate General of Intellectual Property Rights, Indonesia, February 2008

58 “Ditinjau dari Segi Inovasi, UU Hak Paten Belum Perlu” [From the Innovation Side, the Patent Act is not Necessary] KOMPAS (23 June 1989) at 6


Source: http://www.lonelyplanet.com/maps/asia/indonesia/