

Providing Benefits Of Protection Intellectual Property Of Products In UMKM Traditional Jamu

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Abstrak

UMKM Jamu is engaged in the health sector by producing traditional herbal medicine which is believed to be effective in preventing the growth of cancer cells and various other diseases. This UMKM is located in Wonorejo Village, Lumajang Regency and from the beginning, marketing was only done in the area around Lumajang. Over time, UMKM managers must think about product protection. Therefore, this assistance is carried out with the aim of being able to provide understanding to the UMKM Jamu Ibuk producers related to Intellectual Property and its benefits for UMKM. In its activities, it was explained that product protection would increase originality, so of course it would increase sales. In addition, product protection will prevent producers from various parties who want to make plagiarism from Jamu Ibuk.

Keywords: UMKM, Intellectual Property

INTRODUCTION

Intellectual property is the result of thoughts in the form of ideas or ideas that are manifested or expressed in the form of inventions, written works of literary and artistic knowledge, designs, certain symbols / signs, layout creations of semiconductor components or varieties of breeding results. The expression will become a legal product and will be attached to an Intellectual Property Right if it is processed through the applicable procedures and regulations. This is a form of protection of intellectual property itself. In general, there are several intellectual property regimes, among others; copyrights, patents, industrial designs, brands, geographic indications, trade secrets and DTLST.

Following is a brief description for each Intellectual Property Rights regime; 1. Copyright is the exclusive right of an author that arises automatically based on the principle of declaration after a work has been manifested in a tangible form without reducing restrictions in accordance with the provisions of laws and regulations. 2. A patent is an inventor's exclusive right to an invention in the field of technology for a certain period of time to carry out his own operation or to give approval to another party to implement the invention. 3. Mark is a sign that can be displayed graphically in the form of an image, logo, name, word, letter, number, color arrangement, in the form of 2 (two) dimensions and / or 3 (three) dimensions, sound, hologram, or a combination of 2 (two) or more elements are used to distinguish goods and / or services produced by legal persons or entities in trading activities of goods and / or services. 4. Industrial design is a creation concerning the shape, configuration or composition of lines or colors, or lines and colors, or a combination thereof in three or two-dimensional forms which give an aesthetic impression and can be realized in three-dimensional or two-dimensional patterns and can be used for produce a product, goods, industrial commodity or handicraft. 5. Geographical Indication is a sign indicating the area

of origin of a good and / or product which due to geographic environmental factors including natural, human or a combination of these two factors gives certain reputation, quality and characteristics to the goods and / or services of the product. 6. Trade Secret is information that is not known to the public in the technology and / or business sector, has economic value because it is useful in business activities and is kept secret by the owner of the Trade Secret. 7. DTLST is a creation in the form of a three-dimensional layout design of various elements, at least one of these elements is an active element, as well as part or all of the interconnections in an integrated circuit and the three-dimensional layout is intended to prepare for the manufacture of an integrated circuit from this understanding it is known that there are several intellectual property regimes that can be used by Jamu Ibuk UMKM, one of which is a patent.

As is well known, the herbal and traditional medicine industry this year is estimated to grow 10% with a turnover of IDR 17 trillion. This is the same as said by Charles Saerang, Chairman of the Board of Trustees of the GP Jamu. "The national herbal and traditional medicine industry is increasing by an average of 5% per year. In 2017, it will generate a turnover of around Rp. 15 trillion," said Charles Saerang, Chairman of the GP Jamu Advisory Board, Monday (20/8). Overall, he continued, the national drug industry was able to absorb a workforce of 15 million people. About 3 million people are absorbed in the herbal medicine industry which functions as medicine. Meanwhile, around 12 million people are absorbed in the food, beverage, cosmetic, spa and aromatherapy herbal industry. The development of traditional herbal medicine requires UMKM Jamu Ibuk to protect their intellectual property in the form of a formula from the traditional herbal medicine itself.

Jamu is the term for traditional medicine from Indonesia which has recently been popular with herbs for a month. Jamu is made with natural Indonesian ingredients which are part of plants such as rhizomes (roots), leaves, bark and fruit. Over time, people prefer something herbal along with the widespread use of chemical drugs that are harmful to health. Therefore, it requires legal protection of herbal formulas so as to minimize various harmful activities such as plagiarism. The current condition, UMKM herbal medicine mothers do not understand the importance of protecting intellectual property. Therefore, this activity is needed so that understanding regarding the protection of Intellectual Property will develop so that it will maintain the continuity of the production process of Jamu Ibuk.



Figure 1. Jamu Ibuk Products

The problem experienced by Jamu Ibuk UMKM in this case is regarding the protection of formulas from traditional herbal medicine products. In this case, it is necessary to protect the intellectual property related to the herbal medicine produced by UMKM. Patents are an option in the protection of the Jamu Ibuk formula. However, in practice, the producers do not have sufficient knowledge regarding intellectual property protection. Therefore, this assistance is carried out with an external objective in the form of understanding the producer related to intellectual property and then the producer will know the procedure for registering the intellectual property.

Based on the problems described in the previous chapter, the solution will focus on providing producers with the benefits of intellectual property for the products produced. The expected output from this activity is an understanding of producers regarding intellectual property protection. This activity will focus on understanding the benefits of intellectual property protection which in turn is expected that these UMKM can produce patents for the products they produce.

IMPLEMENTATION METHODS

The following is the flow of community service activities carried out at UMKM Jamu Ibuk Wonorejo, Lumajang Regency. The description of the flow above is as follows: 1. The preparation stage is the stage with the aim of preparing the activities in order to achieve the goals that have been previously made. The systematic of this stage is given in Table 3.1 where all the stages are interrelated and end with the preparation of proposals or proposals for activities. 2. The implementation stage is the core stage of this community service activity. At this stage, it contains the delivery of material that is relevant to the target of the activity in order to solve the problems raised. 3. The reporting stage is the final stage of this activity where activity reports are compiled which can then be used or utilized by others.

RESULTS AND DISCUSSION

Small Micro and Medium Enterprises (hereinafter referred to as UMKM) is an industry that is growing very fast and large in Indonesia. The UMKM industry is one of the economic pillars that drives the economy in Indonesia. This is supported by the facts obtained in a study from the ministry of industry where the UMKM sector contributed 60.34% to the gross domestic product in Indonesia in 2016. Another fact obtained is that the UMKM sector in the same period absorbed 97.22% of labor. work in Indonesia (Incubator, 2018). Even so, the UMKM sector in Indonesia is still very synonymous with various traditional businesses. In 2018, the results of the recording of the Creative Economy Agency found that 96% of UMKM were not yet incorporated or have a legal umbrella (Susanty, 2018). This means, whether in the form of a business or in the form of a legal entity, the majority of UMKM business actors do not focus on legal protection or business development but on a simple business pattern and profit without any future development plans.

Today, the issue of Intellectual Property Rights is in the spotlight and is a material for study that has received attention from various parties, both national and international. Intellectual Property Rights or abbreviated as "IPR" are rights arising from the thinking of the human brain that produces a product or process that is useful to humans. In general, it can be said that the objects regulated in IPR are works that arise or are born due to human intellectual abilities. Therefore, some argue that these rights are classified into intangible or intangible goods. The analogy is if these ideas come out of the human mind and incarnate in a creation of literature, science, etc., then they become tangible objects and can become a source of profit (Samsudin, 2016).

The classification of these rights into material property law is because these rights have the characteristics of material rights and can be owned absolutely (absolute rights). The main characteristic is that these rights can be sold, licensed, inherited and others like other material rights. In essence, ownership of these rights can be transferred based on legitimate reasons justified by laws and regulations. This is where IPR is characterized as private rights. A person is free to apply for or register his intellectual work or not. The exclusive rights granted by the State to individual IPR actors (inventors, creators, designers and so on) are meant as an appreciation for their work (creativity) and so that others are stimulated to further develop them, so that with the IPR system the interests of the community are determined. through market mechanisms. In addition, the IPR system also requires the establishment of a good documentation system for all forms of human creativity so that the possibility of producing the same technology or other works of work can be avoided / prevented. With the

support of good documentation, it is hoped that the community can make maximum use of it for their daily needs or develop it further to provide even higher added value.

There are several theories of intellectual property rights protection such as reward theory, recovery theory, incentive theory, and risk theory. According to the reward theory (appreciation), the creator or inventor who produces a creation or invention must be protected and must be rewarded for the results of his efforts to produce an invention or creation. Then according to the theory of recovery, the creator or inventor who produces a creation or invention by spending energy, time and money must be given the opportunity to recover what he has spent. Furthermore, according to the incentive theory, it states that in order to attract interest, effort and funds for the implementation and development of creative inventions, and to produce something new, an incentive is needed so that it can spur research activities to occur again. Meanwhile, according to the theory of risk (risk) states that intellectual property is a work that contains risk, so it is reasonable to provide protection for activities that contain such risk. From the aforementioned theories, it can be understood that the philosophical basis of IPR protection is strongly influenced by the schools of natural law which emphasize the human factor and the use of reason. Based on this idea, Intellectual Property Rights (IPR) are recognized as the result of work creations using human intellectual abilities. Thus, the person who produces it gets the right of ownership naturally (natural acquisition). In the Roman legal system the method of obtaining such rights is based on the principle of "suum cuique tribuere", which guarantees that the object obtained belongs to the person. Then at the highest level of the ownership relationship, the law goes further and guarantees for every exclusive possession and enjoyment of the created objects with the help of the state. As a modern legal system, according to H.L.A. Hart regarding the concept of law, 1 the IPR system is also a logical system because it is an embodiment of human will in relation to the demands of a common life. In this situation the IPR system is a positive legal system which in operationalization and mission has four supports, namely: 1. there is an aspect of an order; 2. contains aspects of obligations inherent in the legal norms it enforces; 3. The existence of certain aspects of sanctions that are forcing; 4. has a sovereign aspect in its existence.

Based on the explanation above, this activity is carried out with the aim of making Jamu Ibuk UMKM better understand the importance of protecting their Intellectual Property. Actually, there are several intellectual property regimes that can be utilized by Jamu Ibuk UMKM, for example, trademarks, patents, copyrights and trade secrets. • Mark is a "sign" in the form of images, names, words, letters, numbers, color arrangements or a combination of these elements which has distinctive power and is used in trading activities of goods and services; • Patents are exclusive rights granted by the State to inventors for the results of their inventions in the field of technology, who for a certain period of time carry out their own inventions or give their consent to other parties to implement them; • Copyright is the exclusive right of an author that arises automatically based on the declarative principle after a work is manifested in a tangible form without reducing restrictions in accordance with the provisions of laws and regulations. • Trade secret is information that is not known to the public in the technology and / or business sector, has economic value because it is useful in business activities, and is kept confidential by the owner of trade secrets, which includes production methods, processing methods, sales methods, or other information in technology and / or business fields that have economic value and are not known to the general public.

The four intellectual property rights above are very important for the development of the UMKM Jamu Ibuk industry. As in research (Asti Wulan Adaninggar *, 2016) where it is concluded that the protection of UMKM products can be done by registering their IPRs to maintain the level of originality of these UMKM products in facing ASEAN free competition. Meanwhile, efforts to protect UMKM products can be through the role of the government, the role of non-government, the role of the institution and the role of the UMKM itself. Therefore, socialization is an important step to improve the quality of human

resources, because HR is one of the important factors that support the sustainability of UMKM.

The initial activity in this community service is a pre-survey activity, with the following activity stages; (a) Determining problems to be resolved, (b) Determining activity objectives, (c) Determining activity objectives, and (d) Formulating activity proposals. Activity (a) is carried out by formulating the UMKM Jamu Ibuk problem by conducting interviews followed by a case study. The problem arises when there are many other manufacturers with traditional herbal medicine products that have started to emerge since Jamu Ibuk was marketed online. This concern is reasonable because manufacturers do not legally protect their products. So it does not rule out that the Jamu Ibuk product will be copied by other manufacturers. Based on these problems, activity (b) is carried out by formulating the objectives of this community service activity. The initial goal is the producers' understanding of the importance of protection of Intellectual Property as well as the benefits if IPR is obtained by UMKM. After the goals and objectives are clear, an activity proposal is made which is then used as a description of the activities for the producer and the campus.

Implementation activities are carried out in steps, among others; (a) Preparing activity materials to be given, (b) Determining solutions to the specified problems, (c) Determining activity outputs, and (d) Implementing community service activities. The material was prepared in accordance with the goals and objectives of this activity. In addition, solutions are given related to problems experienced by UMKM Jamu Ibuk. This activity was attended by the producers of Jamu Ibuk which then held a discussion session so that the goals and objectives were achieved in this activity. The last series in this community service is the reporting of the results of all activities.

CONCLUSION

This activity concluded that the protection of UMKM products could be carried out by registering their IPR to maintain the level of originality of these UMKM products in facing ASEAN free competition. This of course aims to increase the marketing activities of traditional herbal medicine products produced by Jamu Ibuk UMKM. Based on the above conclusions, as a continuation of this activity, it is necessary to provide assistance regarding the registration of Intellectual Property Rights.

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