

# LEGAL PROTECTION ON INDUSTRIAL PRODUCT DESIGN WOOD CARVED OF SMALL AND MEDIUM ENTERPRISES (SMEs) FURNITURE IN JEPARA DISTRICT

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## Abstract

*This study aims to identify the legal protection of industrial design products of wood carving in the Small and Medium Enterprises of furniture in Jepara, analyze the weaknesses in the protection of the law, as well as efforts to formulate a law protection of industrial designs carved wooden products. This research was conducted by using sociological juridical approach. The data collection was done with the literature study and field. Data analysis was conducted by using qualitative descriptive analysis. The results showed that Legal protection products of industrial design carved wood in Small and Medium Enterprises furniture Jepara is still very weak because it is still based on short term consideration, yet the protection of industrial designs, as well as registration of Intellectual Property Rights either brand, Copyright and Patents. Ironically the products that have been entered in the various countries of the world are vacancies/without attached trademark, weaknesses in the legal protection. Local governments have not provided support optimally, the lack of understanding of IPR, product was not yet in registration of IPRs, bureaucracy and the problem costs IPR registration, Still-oriented on short-term needs, limited as tailor, the carve has not been certified and occur piracy designs and workers, safeguards law including increased the understanding and importance of IPR protection, socialization, provide financial aid as well as assistance IPR registration, and provide a good market, sustainable long-term oriented, especially to meet the Asian economic community, the productivity of a more creative, innovative and quality and high legal awareness, and love domestic products.*

**Keywords:** *Industrial Product Design, Legal Protection, Small And Medium Enterprises*

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## INTRODUCTION

Globalization is a structural and cultural construction that ensures the operation of the integration of capital markets, goods and services throughout the world. (Nanang Indra Kurniawan, 2008:29). Globalization is defined as economic relationships within a single economic world order (to economic relations within a single world economy). (William Twining, 2009:20).

Indonesia has ratified, Trade Related Intellectual Property Rights\_ Including Counterfeit Of Goods (TRIP's) Agreement, Annex 1C of the World Trade Organization (WTO) in 1994, which strictly provides that all member shall abide by and implement universal standards Trade Related Intellectual Property Rights Including Counterfeit of Goods, hereinafter abbreviated as TRIP's in full compliance in protecting IPR. (Insan Budi M: 2000, Ermansyah Djaja: 2009).

IPR includes Copyright and Industrial Property Rights (industrial property rights) covers patent; brand, industrial design (industrial design), integrated circuit layout (integrated circuit layout design), trade

secret, the protection of plant varieties. This right contains global moral rights and economic rights (Insan Budi Maulana: 2000).

Indonesia as a developing country needs to promote industrial sector by improving competitiveness. One of competitiveness is to utilize the role of industrial design that is part of the Intellectual Property Rights. Cultural diversity combined with efforts to participate in the globalization of trade by also giving IPR protection to Industrial Design products will accelerate the development of national industry (Law No.31/2000).

History has recorded, Jepara as the old town in Java, since the existence of the Queen Shima, Queen Kalinyamat, RadenAjengKartini, it has earned the nickname of Jepara(The World Carving Center), which is identical to the woodcarving. It has been evolving into the industry, especially the furniture industry, which has been able to meet the needs of domestic market, national and international markets. (Wikipedia Jepara: 2014).

Studies from Sandee, et al. (2000), Berry and Levys (1994), and Schiller and Martin-Schiller (1997) showed that with the support from visitors (tourists) foreigners, businessmen furniture in Jeparaare able to improve the quality of their products so thatthey can grow the export quality. The number of companies involved in this industry reached 4.104 companies, involving 54.400 workers (BPS Jepara: 2015). The wood carving products have entered the international market (Europe, America, Korea, Malaysia and China, etc.).

The importance of IPR protection in enhancing competitiveness in global trade—the era where trade has exceeded the boundaries of a country—thenthe law of a country may change due to the pressure of economic interests (Richard C. Breden: 1993, RidwanKhaerandy: 2006). In addition, it also design to meet the ASEAN Economic Community 2015 (a) a single market and production base, (b) economic region is very competitive, (c) region of equitable economic development, and (d) the area that is integrated into the global economy).

## RESEARCH METHODS

This research was conducted by using sociological juridical approach. The sampling technique used proportional random sampling. The data collection was done by studyingthe literature and field study. Data analysis was conducted by using qualitative descriptive analysis.

## DISCUSSION

### *The legal protection in industrial design products wood carving of the Small and Medium Enterprises furniture in Jepara.*

The idea of the protection of Intellectual Property Rights (IPR) is not limited to just a country, but also need the protection cross country (International). In accordance with the principles of IPR that is exclusive, then the legal protection in the field of design is doing the same. It prohibits other parties to perform or do other actions related to take economic benefits and a design without any permission from the rights holder.Industrial design is part of the industrial property rights in accordance with the provisions of Article 1 (2) revision of the Paris Convention Stockhloim 1967 and its amandement dated September 28, 1979, namely:

*The protection of industrial property has as its object patent, utility models, industrial design trade mark, service marks, trade names. Indication of source or appellation of origin, and the repression of unfair competition*

Relates with industry design product, Jeparahad many MSMEs (Micro, Small and Medium Enterprises), which has been engaged in all areas of the business unit. In the development of SME, it is able to absorb a lot of manpower; it is extremely beneficial as employment, especially people of Jepara. Some of the developing business unit in Jepara are based on the types of businesses including

for SMEs (Small and Medium Industries) with business furniture which now has more than 70.000 workers (seventy thousand), who are scattered in more than 5000 ( five thousand) SMEs.

The comparison of business and the workers in SMEs in Jepara is illustrated in Table 1 below.

**Table 1. Business Unit And Labor In Small And Medium Industries (Ikm/Sme)**

Banyaknya Unit Usaha (unit) dan Tenaga Kerja (orang) Dirinci Menurut Jenis Industri Kecil Menengah (IKM) Tahun 2013 <i>Number of Business Unit (unit) and Manpower (people) According to The Type of Small and Middle Industry 2013</i>		
JENIS INDUSTRI KECIL MENENGAH (IKM)	Unit Usaha <i>Business Unit</i>	Tenaga Kerja <i>Man- power</i>
<i>The Type of Small and Middle Industry</i>		
01. Furniture Kayu / Furniture of Wood	5.312	70.412
02. Kerajinan Rotan / Craft of Rattan	615	3.391
03. Tenun Ikat / Weave	517	7.918
04. Monel / Monel	582	1.220
05. Gerabah / Pottery	57	221
06. Genteng / Tile	812	4.393
07. Rokok Kretek / Cigarettes	13	389
08. Kerajinan Kayu / Craft of Wood	871	5.714
09. Makanan / Foods	2.405	11.362
10. Konveksi / Convection	1.587	8.976
11. Bordir / Embroidery	311	1.068
12. Mainan Anak / Toy	181	1.279
<b>Tahun / Year - 2013</b>	<b>13.263</b>	<b>117.243</b>

The rapid development of SMEs industrial products design has been able to meet domestic market needs and is able to enter the world market. Jepara has been exporting products in all around the world. The development of the SME business gives a big beneficial to the State and Local Government in general—by absorbing a large number of workers and an increasing foreign exchange. The list of destination countries with export value as illustrated in Table 2 below.

**Table 2. List Destination of Country and Export Value Jepara district**

DAFTAR NEGARA TUJUAN DAN NILAI EKSPOR					
KABUPATEN JEPARA TAHUN 2014					
No	Negara Tujuan	Nilai Ekspor (USD)	No	Negara Tujuan	Nilai Ekspor (USD)
1	UNITED STATES OF AMERICA	15.704.577,80	56	SIERRA LEONE	100.162,00
2	BRIGIUM	12.135.759,72	57	AUSTRIA	98.875,82
3	REPUBLIC OF KOREA	10.125.115,21	58	ROMANIA	97.161,53
4	UNITED KINGDOM	9.715.775,84	59	MOROCCO	92.088,47
5	AUSTRALIA	9.678.386,41	60	MEXICO	90.987,78
6	NETHERLANDS	9.475.000,97	61	QATAR	90.846,44
7	GERMANY	6.200.035,46	62	MOZAMBIQUE	89.165,32
8	FRANCE	6.061.226,82	63	GUADELOUPE	88.070,00
9	CHINA	5.507.562,56	64	GUYANA	87.747,50
10	SPAIN	4.747.770,05	65	EGYPT	86.174,18
11	TAIWAN	3.837.150,98	66	MARTINIQUE	84.828,10
12	JAPAN	3.061.171,78	67	PANAMA	84.825,21
13	SWEDEN	2.749.765,69	68	CHILE	71.281,68
14	ITALY	2.421.547,50	69	UZBEKISTAN	70.324,73
15	TAIWAN, REPUBLIC OF CHINA	2.221.080,22	70	LEBANON	61.013,05
16	CANADA	1.970.488,55	71	SEYCHELLES	57.545,04
17	RUSSIAN FEDERATION	1.735.405,60	72	CYPRUS	57.205,00
18	THAILAND	1.417.986,99	73	TRINIDAD AND TOBAGO	54.907,00
19	INDIA	1.342.295,06	74	GUATEMALA	54.180,71
20	TURKPY	1.092.327,64	75	JORDAN	53.704,00
21	UNITED ARAB EMIRATES	1.085.756,39	76	OMAN	52.634,51
22	SOUTH AFRICA	1.042.980,72	77	SRI LANKA	51.953,38
23	IRTLAND	957.551,53	78	HUNGARY	51.405,78
24	LATVIA	808.508,95	79	ANGOLA	49.437,54
25	DENMARK	691.982,83	80	ISRAEL	49.333,18
26	NEW ZEALAND	673.282,38	81	MALTA	46.142,23
27	MAIDIVS	654.310,70	82	NAMIRIA	41.113,74
28	GREECE	614.153,39	83	SAINT LUCIA	37.144,36
29	UKRAINE	510.315,00	84	BULGARIA	36.371,08
30	SINGAPOIL	490.038,52	85	CROATIA	35.049,96
31	LITHUANIA	429.633,50	86	PHILIPPINES	30.705,52
32	MALAYSIA	371.457,06	87	AZERBAIJAN	24.540,00
33	SLOVENIA	335.317,50	88	SLOVAKIA	22.125,00
34	BRAZIL	318.405,42	89	SUDAN	21.506,00
35	NEW CALEDONIA	258.020,56	90	LIBERIA	21.728,00
36	KUWAIT	256.350,87	91	COOK ISLANDS	21.583,00
37	SWITZERLAND	249.578,36	92	MARSHIAN	21.159,29
38	FINLAND	247.401,75	93	BARBADOS	20.315,00
39	POLAND	215.232,72	94	CAYMAN ISLANDS	18.749,09
40	SAUDI ARABIA	196.780,58	95	VIRGIN ISLANDS, U.S.	17.776,71
41	HONG KONG	196.411,71	96	DOMINICAN REPUBLIC	17.224,00
42	NETHERLANDS ANTILLES	132.841,00	97	PAPUA NEW GUINEA	17.003,00
43	NORWAY	178.430,75	98	BRUNEI DARUSSALAM	15.424,01
44	PUERTO RICO	158.304,00	99	URUGUAY	13.225,00

45	ARGENTINA	165.021,00	100	FRENCH POLYNESIA	13.157,07
46	BLUNION	160.244,00	101	GUYANA	12.757,52
47	PORTUGAL	155.142,58	102	COSTA RICA	12.510,55
48	BELARUS	151.475,00	103	JAMAICA	12.095,00
49	MONGOLIA	150.595,97	104	GEORGIA	11.475,00
50	CZECH REPUBLIC	143.332,00	105	WALLIS AND FUTUNA	11.255,00
51	IRAQ	117.405,00	106	COLOMBIA	11.055,00
52	PERU	130.923,78	107	TUNISIA	10.000,00
53	MAURITIUS	122.454,15	108	BANGLADESH	9.009,00
54	BAHRAIN	105.905,60	109	SENEGAL	9.623,00
55	NIGERIA	102.469,00	110	SAINT VINCENT AND THE GRENADINES	8.899,00

Source: Disperindag:2015

Various types of SME business unit, including carved wood products have entered to International markets with at least 110 destination countries. Unfortunately, these products still vacancies without trademarks label, Industrial designs/or other IPR field. It means so far carved wood products furniture from Jepara have not been registered in IPR yet, so it is automatically the products has not obtain IPR protection. (Department of Law and Human Rights, legal director at the Government of Jepara, Industry and Trade and the Department of Cooperatives and SMEs): 2016).

In its development as a carving city, Jepara has gained an extraordinary achievement with a certificate of Geographical Indication Products Jepara-Carved Furniture (JIPMUJ) IG.00.2007.000005 ID G 000000003. Geographical Indication is an IPR Protection of the provisions of the Act brands. IG is included as communal IPR protection category. Based on the definition of Geographical Indication definition as mentioned in Article 22 Paragraph (1) the TRIPS agreement, which is already contain elements that became characteristic of Geographical Indications, namely (Wahyu Sasongko:2012:104-105); 1). Elements of identification to identify; 2). Elements in the territory of the State; 3). The element of quality, reputation or other characteristic, 4). Elements of ownership.

In TRIPS does not mention who the owner or right holder, but only refer interested parties (interested parties) who should be given protection. (Article 22 Paragraph (1), and Article 22, Paragraph (3), Article 23 Paragraph (1) and Paragraph (2) the TRIPS Agreement). IG is different from IPR regimes in general, as mentioned below: a. The subject of rights, the IG does not mention the subject of rights as an owner, as the creator/designer/or Inventor. So that the IG does not recognize the individual/private ownership. b. IG only gives the right to use (right to use), it is given to the producers or groups of people who produce the goods. c. Communal rights

Communal ownership is not about the use and utilization to each member, but they can not have it. While the collective ownership can also mean the individual ownership which is expanded quantitatively by adding the number of participants more than one person. Individual ownership expanded found in individual possession (corporation) and collective marks.

According Rangneker, IG can be categorized as communal rights or public right which includes: producer associations, public entities, local or regional governments. They are considered appropriate to apply for GI registration because they are actually interested parties on the quality, reputation and sustainability of production of goods IG. (Dwijen Rangneker.)

Actions or deeds deliberately violate the rights of the holder of the design/creator/inventor or licensee, are qualified as an unlawful act and the offender may be required to pay compensation or cessation of all acts deemed detrimental to the rights holder and the license.

Claimant compensation does not eliminate the right of States to conduct such a criminal as long as complained by the parties to a complaint are violated because. A civil claim can be resolved through litigation and settlement arbitrate or alternative chosen by the parties. Basically, there are forms of the following offenses (Sudrajat, Sudjana, Rika Ratna

Permata:2010:118-121); a.) Intentionally and without the right to perform an act in the form of making, using, selling, importing, exporting, and or distribute the products by industrial design rights without the consent of the rights holder or its licensors. Such actions are punishable by a maximum imprisonment of four years and a fine of Rp 300.000.000, - (three hundred million rupiah) b.) Deliberately violate the moral rights of the designer, namely by deliberately removing the designer right to have his name included in the certificate of the design industry, the public register of industrial design, design official news industry, an obligation of confidentiality request until the announcement of the application concerned. These acts are punishable by imprisonment for a period of 1 (one) year or a fine of Rp 45,000,000, - (forty five million rupiah)

In accordance with the criminal procedure law (Law No. 8 of 1981), the criminal acts in the field of industrial design was carried out by the State police officials, State and certain civil servants in specific department which concern on industrial design rights.

Civilian investigators should report from the start until the completion of the investigation, then go to the public prosecutor for further processing. According to article 107 Criminal Procedure Code, the investigation has been completed, the investigators present the results of an investigation to the public prosecutor by the police officer investigators.

So far the SME furniture Jeparanever found any sue to other parties who use the design/or mimic the products design of wood carvers in the production or distributed to the national territory/domestic as well as to several destination countries in the world, because the SMEs has not been registering the industrial design/or HKI. However, the foreigner had registered the copyright "catalog book" Number 028 070 on 14 June 2004 by the name Christopher Guy Harrison, which contains product design on several product original works of local communities Jepara which is our heritage. (Didier Endro S Celcius: 2011)

### ***What are the weaknesses that arise in the legal protection of the Small and Medium Enterprises furniture in Jepara.***

Werner Menskistated that the development of a global society contains diversityof legal systems within the community both from positive law, religion/ethnics/morality and people's habits. Each legal system influences each other, so it is pluralistic (Sri Mulyani:2014:218). Likewise, the law enforcement of IPR, law does not merely mean the implementation of legislation, even though in reality in Indonesia is this tendency (Soerjono Soekanto:2004:7).

Many small business owners are reluctant to seek justice through the courts when their rights are violated, because the cost of IPR cases in court. Furthermore, the owners think that the IPR is less beneficial in term of money, time, and energy. In addition IPR relevant to their business can not be applied effectively to protect their business interests. These imitation activities have existed since the Dutch era, if a motive or design batik sold in the market, the other traders will emulate and produce similar fabrics with or without modification, as well as giving labels of van Zuylen signature—the famous batik in the Dutch era, which has functions as the brand, it also being imitated in the past..." (V. Selvie Sinanga:2014:76-77)

In the development of the business community or craftsmen in Jepara, to obtain legal protection of the industrial design carved wood products are weaknesses caused by several things, they are:a.) Mindset/paradigm. Each of the SMEs oriented to meet the moment needs which means that they prefer to produce the goods were directly sold, so they can get their capitaland profit soon.b.)Tailor, The SME Jepara tends to think short term, they practice a lot to be "tailor" on industrial design carved wood products they made, produced and distributed. This activities are the order from foreign parties by giving an example of a catalog of furniture types of foreign brands, where the SMEs were asked to look for 12 (twelve) points of difference from the existing product description with reference to the design drawings are already getting the IPR protection.On the other hand the SMEs were asked to design and reproduce the product, which then the products are labeled with foreign label as the foreigners want.c.) Piracy/or copy the products. Sculpture or carving wood products industry designs an art or a product that has been since the Dutch colonial era—handeddown from their ancestors.

Thus, sculpture or carving wood products industrial design is considered to be the common property or can be referred to as community property. Just like art batik in producing batik, people's behavior in imitate a pattern or motif produced by creator/designer/inventor and the product is in high demand by the public is considered normal or familiar, even batik artisans or entrepreneurs assume that this does not violate the Law on Intellectual Property Rights. Furthermore, the creator feels proud when a design or motive she produced are imitated by others (Henry SoelistyoBudi :2000:4) In Bali someone who imitates an art of sculpture that has been copyrighted precisely is considered as a student by the owner/creator, because he felt proud. His creations have been imitated, and the problem of sustenance that everything comes from God Almighty/creator universe. (Anis M:2011)The view of our society in general is different from the views of the Copyright Act. People still consider copyright as common property (*rescommunis*), while Law see the Copyright Acts as private property (*res nullius*). This difference in view is one of causes violations of intellectual property rights in the community. As individuals belonging, the other person can not imitate the creation except by asking for prior permission from the author.(Anis Mashdurohaturun:2011:54, Gatot Supramono;2010:150. Anis M, dalam artikel :2015:67).d.) Labor piracy e.) Carvers Piracy, The values of communalism, Spiritualism and inclusivism as a collective consciousness and norm are core values of Indonesia. (Anis M: 2015: 87). The exclusive rights of IPR protection are the weakness in the legal protection of IPRs on products industrial design carved wood furniture SMEs in Jepara regency.

### ***Efforts on the legal protection of industrial design products wood carving of the Small and Medium Enterprises furniture in Jepara.***

Exclusive rights to the IPR holder given by the state to individuals (inventors, creators, designers, etc.) are aimed to get people aroused intellectual work, because the recipient could receive IPR royalties. Exclusivism is one of the mechanisms for providing stimulus. Conceptually status 'stimulator' is perfected and validated so that the exclusive rights were converted into the conception and became a commercial asset. Furthermore, the nature of IPR starting personal rights in turn is closely linked to the macro aspect or the public. (Zen Umar Purba: 2000, Adi Sulistyono: 2009).

Industrial design is a creation of shape, configuration or composition of lines or colors, or lines and colors, or in combination in the form of three-dimensional or two-dimensional gives aesthetic impression and can be realized in a pattern of three-dimensional or two-dimensional and can be used to generate a products, goods, industrial commodity or handicraft. Creations are protected by the Act is shaped design of three or two-dimensional (and configuration), giving aesthetic impression and can be used to produce goods, industrial commodity and crafts. To assess a creation has aesthetic impression or not is of course not an easy task because it is subjective, both from the standpoint of the examiner nor the owner of the design. Therefore, it is needed to achieve legal certainty in the determination of these conditions. (Law 31/2000).

Property right is humane, nature inherent in each individual that can not be eliminated, because the soul has become a necessity in life. Al-Qur'an look at the property with a realistic view. Declared treasure it as a way of life and a love of wealth as human nature. "*Wealth and children are the jewelry of world life. But deeds are eternal again pious is better with your Lord for reward and better to be hope,*" (QS. Al-kahfi: 46). "*And indeed he (man) was very curmudgeonly love for treasure,*" (QS. Al-Adiyat: 8).

*Hubb al-mal* means love treasure. In this verse it is explained that the love of wealth is human nature.

Property rights are mandated, the true owner is the property of Allah alone. Human rights for the use of things in the world are in its position as the caliph and the mandate of God. "*Allah was the one all that is in the heavens and the earth ...*" (QS. Al-Baqarah: 284). "*Believe in Allah and His Messenger and spend in a portion of your wealth which Allah has made you master it*" (QS. Al-Hadid: 7).

Malcolm D Evans (2007), recognition of the right to naturally attach on the works of human creativity born from intellect, kindness and high intellectual ability, can not be removed from the

sacrifice of the maximum time, energy and effort of the individual concerned. The existence of the provisions of Article 27 of the Universal Declaration of Human Rights, further strengthening, and serve as the foundation for the existence of natural rights inherent to each individual who successfully gave birth to a work of intellectual creativity. In detail Article 27, Universal Declaration of Human Rights (1948) states:1.) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits;2.) Everyone has the right to the protection of the moral and material interests the resulting from any scientific, literary or artistic production of which he is the author.

Henry R. Cheeseman (2003) suggested Intellectual Property Rights have value to both business and individuals. Intellectual Property Rights, such as patents, copyrights, trademarks, trade secrets, trade name, domain name and are very valuable business assets. Federal and state laws protect intellectual property rights from misappropriation and infringement.

Maskus (2000) describes as intellectual property information that has economic value when put into the market place. Economists have long described intellectual the strong link between the property and the economic performance of a country, particularly in this k-economy and innovation era. There has been a significant shift in terms of the competitive edge of a country from production-based to knowledge based services (Maskus:200: Ida MadiehaAzmi 2014:2).

To further Facilitate searches for patent information relating to so-called ESTs to help identify existing and emerging green technologies and potential partners for further R & D and commercial exploitation, WIPO has set up a company is specialized patent classification known as the international patent classification green inventory. Countries like the United Kingdom, Australia, Korea, Japan, United States, Canada, Brazil, China and Malaysia have been fast tracking Also the patent examination of 'green technologies, in order to Accelerate the deployment of Reviews These technologies. (Ida Madieha Abdul:2014:9-10)

Djumhana stated the concept of the protection of Intellectual Property Rights under the Roman system, it is a result of the creation of jobs by means of intellectual ability, it generates personal gain ownership of natural rights. In Roman law system known principle of *cui SuumQuetribune* which ensures that objects obtained through the ability intellectual belongs to that person (Eni Sri Imaniyati:2002:126-130). Principles of Intellectual Property Rights are:Principles of Justice, Principles of Economics, Principle of Culture, and Social Principles.

Max Weber, explained that if the law was about to be enabled in facilitating economic life, then it must be created law, which has several characteristics, namely predictability, Stability, fairness, education and special abilities of the lawyers (Thomas N.Frank:1989:206). Meanwhile, according to SatjiptoRahardjo citing Nyhart, explained that there are six science concepts for the development law affecting economic life, such as (Satjipto Rahardjo:146-147):Predictability, Ability procedural, Codification than goals, Factors counterweight, Factors accommodation, and The definition and clarity on status.

According to the scholars there were 10 out of 15 Islamic economic principles related to HMI: 1.) Human beings are creatures of the mandate of God for the prosperity of earth life, was given a position as caliph (deputy) who shall carry out his instructions. 2.) The earth and the sky and its contents were created to serve the interests of human life, and submit to him to fulfill the mandate of God. 3.) A person must work to meet his needs.4.) The real work produce something (productive). 5.) Islam determines a wide range of halal and haram work. Halal works are seen as legitimate. 6.) The results of human labor is recognized as him. 7.) Property rights obligation on the man responsibility earmarked for the benefit of society.The social function of property rights. 8.) Cooperation humanity that is helping in the effort to meet the needs upheld. 9.) The value of justice in humanitarian cooperation is enforced. 10.) The intervention of the state is justified in order to control the economic activities towards the achievement of the objectives, the realization of social justice.

Ahmad Syauqi (Ahmad Dunya Syauqi:1994. Neni Sri Imaniyati:2002:136-137)Dunnya, there are five Methods resource utilization in the economy islam: Resources are pleasant and gift of God, Resources are submit for humans, Hard work is the reality of human nature, Restrictions and clarity of targets, and The best utilization.

The award for the creators, inventors and protection for holders of Intellectual Property, by basing the word of Allah is Al-Qur'an Surat Alzalzalah paragraphs 7 and 8, as well as Surah Al -Qur'an AN-Nisaparagraphs 29. Falsehood activities are: Deceptive, imitate, steal, plow, do not keep their promises or violating the oath.

The government's efforts in IPR enforcement; 1. Completion the Law including institutions, management systems, enforcement mechanisms and problems settlement. 2. Preparing law enforcement people through a crash program, in the form of training incentives. 3. Improving legal awareness through seminars and training of IPR.

With the dissemination through the mass media, both print and electronic media on the protection of IPR to the entire community with the aim to improve the legal awareness of community members, as long as people do not understand about the copyright / IPR then there would still be breaches of copyright / IPRs in the future and the longer it will be more difficult to overcome (AdyaParamita Prabadari:2013:171).

Barda Nawawi Arief, explained that the increasing quality of human resources (HR) law enforcement will create a clean and dignified, honest and moral, not corrupt and can be trusted to uphold the values of truth and justice, improving the quality of education and create law enforcement Al-Amin (trustworthy) for 'understanding not only the law but also ethical / moral. Upholding the authority of the law is confidence in the community (Barda Nawawi Arief:2008:23. Ridwan:2012:93).

Efforts on the legal protection of industrial design products of wood carved furniture of the Small and Medium Enterprises in the District Jepara are: Improving the understanding and importance of IPR protection, Socializing, Providing financial aid as well as assistance IPR registration, and Providing a good market, Shifting the SME of the short-term into long-term. It is long-term sustainable oriented, particularly in welcoming the Asian economic community (AEC), More creative, innovative and quality and, High legal awareness, and love domestic products.

With the legal protection of the creation and innovation of industrial society, the rising social welfare, which is one of the ideal of law as well as a destination country as mentioned in the preamble of the 1945 Constitution on line IV. This represents the rights for all citizens. Advances in science and technology should be able to support the success of the business community towards the development of national industry independent, powerful and advanced, which is marked by the release of industrial design carved wood products are marketed freely, both in the domestic, national and international trade. (M Ali Mansyur: 2007).

Pancasila became a guiding star or *leitstern*, containing the substance and the pillars are legal culture. Pancasila as the ideal law hierarchical, meaning that in effect the law as a rule of behavior is rooted in the idea of community, a sense, initiative, creativity and minds of the public. The ultimate goal of Pancasila is based on the worldview reflected direction of the country and the basic values that are formally included in the preamble of the Constitution the Republic of Indonesia in 1945. (Anthon F. Susanto: 2010:294-295. B. Arief Sidharta:2010:85: Sunaryo:2013: 535-536).

## CONCLUSION

Legal protection products industrial design carved wood Small and Medium Enterprises (SMEs) furniture in Jepara is still very weak, because it is still based on immediate needs/short-term. Yet the protection of the rights of Industrial Designs and the registration of intellectual property rights in the form of brand, Copyright and patents. However, the products already entered in the various countries of the world, they are vacancies/without attached trademarks. The weaknesses in the legal protection are, local governments do not provide optimal support, lack of understanding of Intellectual Property Rights (IPR), product was not yet the registration of IPRs, bureaucracy convoluted and issue costs IPR registration, Still-oriented short-term demand, limited as a tailor, the carve has not been certified and piracy designs and workers. The efforts on laws are including increased understanding and importance of IPR protection, dissemination, provide financial aid as well as assistance IPR registration, and giving good market, long-term sustainable oriented particularly welcome the Asian economic

community (AEC), the productivity of more creative, innovative and quality and high legal awareness, and love domestic products.

## RECOMMENDATION

Suggestions that provide researchers associated with the Legal Protection of Industrial Design in Wood Carving Products Small and Medium Enterprises (SMEs) Furniture in Jepara are as follows: a.) Need to increase the understanding and dissemination of sustainable IPR to the SMEs about the importance of the protection of industrial design products globally in order to ensure legal certainty and improving the economy. b.) Need for local government policy in providing facilities and assisting the SMEs in registering industrial designs carved wooden products, brands, Geographical Indications, Patent and Copyright as well as its market. c.) Need for cooperation with national certification agencies in providing certificates carvers, wood, workers and designers. d.) Need for local government optimal support to the SMEs in producing industrial design carved wood full of creativity, innovative and novelty as well as obtain IPR protection in facing the Asian economic community (AEC).

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