

# Questioning the Management of Intellectual Property in Universities in Indonesia

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**Abstract**— The aim of this article is to analyze how intellectual property management in University This research uses normological normative, which implies that legal studies are related to various policy products, or legislation, but the product is not understood to be limited to formal texts that are binding but more than that. The results showed that University as an educational institution has a lot of intellectual property in the process of tri dharma of higher education that needs to manage it well, because intellectual property has economic value that can be an added value for creators, inventors, as well as designers and institutions of higher education itself. Legal aspects in the regulation, up to now there is no specific regulation related to intellectual property management in tertiary institutions, which is partially scattered in several laws and regulations. The overall management includes planning, organizing, implementing, monitoring and evaluating.

**Keywords**—Management, Intellectual Property, University

## I. INTRODUCTION

Preamble of the Constitution of the Republic of Indonesia (NRI Constitution 1945) has clearly specify one of the objectives of our country is "the intellectual life of the nation". In the author's view that the goal was initiated by the founding fathers not without cause, but looked at how important the intellect and intelligence of the human resources of the Indonesian people to be able to compete with other countries. Efforts to realize these goals are through education, a great country will place education as its first priority, because education is a measure of the progress of a country, because of the educational process will produce human resources who have ideas, ideas, thoughts, innovation, and creativity from various fields of science and technology so education needs to get serious attention from the government.

Indonesia as a large nation has higher number of universities (PT) in terms of relative quantity (statistically the number of PTs both public and private 3246)[1], whereas in terms of the quality of universities in Indonesia it is relatively sufficient to have a small number (ranking of PTs that are included in the World Class University still 9 PT)[2]. The tertiary institutions in their activities carry out the *tridharma* of higher education, namely education, research, and community service. The three pillars of *tridharma* are the basis of all activities that will produce various kinds of intellectual property. Intellectual property can be interpreted as a result of human thought if by optimizing the role of

intellect that has economic value. Intellectual property, if managed properly, can increase the competitiveness of PT, in addition because intellectual property also has economic value, it can be an income for PTs and creators, designers, and / or inventors. This is in line with Higher Education Long Term Strategy (HELTS) in which universities in Indonesia apply a new paradigm to improve the competitiveness of the nation based on its competence.

Regarding intellectual property management identified in the annual report of the Ministry of Research, Technology and Higher Education only Patents and Copyrights. In 2017 patents in Indonesia 2,395 registered and 2,954 patents registered in 2018, for copyright in 2018 there were 966 copyrights. What about other types of IP? How to optimize IP in PT?

## II. RESEARCH METHODS

This study uses normologies, which means that legal studies are related to various policy products, or legislation, but the product is not understood only as a formal binding text, but also seen that rules are a source of power and can function as a means of oppression, rules have dimensions of morality, ethics, politics, economics. This research will also try to use a transgressive approach which contains that this research is not focused on mono-disciplinary studies or linear studies in its research, but also tries to use economics in this case the basic theories relating to the management of intellectual property management.[3]

## III. RESULT AND DISCUSSION

Article 31 paragraph (3) of the 1945 Constitution of the Republic of Indonesia states that "the Government is endeavoring and organizing a national education system, which enhances faith and piety and noble character in the context of developing the intellectual life of the nation, which is regulated by law". The national education system based on the gap consists of basic education, secondary education and higher education. Higher education is a continuation of secondary education which organizes diploma, bachelor, master, specialist and also doctoral programs. Higher education can be carried out by universities, institutes, academies, high schools, or polytechnics. The preamble of Law Number 12 of 2012 concerning Higher Education (Law on PT) letter c states that to improve the competitiveness of the nation in facing

globalization in all fields, higher education is needed that is able to develop science and technology and produce intellectuals, scientists, and / or professionals who are cultured and creative, tolerant, democratic, tough in character, and brave in defending the truth for the benefit of the nation.

PT as an institution in implementing *Tridharma* of higher education is relatively attached to quite a lot of aspects of intellectual property in it. intellectual property is wealth arising out of human intellectual abilities. The works arising or born from human intellectual abilities can be works in the fields of technology, science, art and literature. These works were born or produced by ability human intellectuals through the outpouring of time, energy, thought, creativity, taste and work. This is what distinguishes intellectual property with other types of wealth that can also be owned by humans but not produced by human intellect. Intellectual Property Rights are exclusive rights granted by the state to creators, inventors, designers, and creators relating to their intellectual creations or works.[4]

IPR protection will give exclusive rights to the inventor and / or owner of intellectual property to provide legal certainty regarding ownership of intellectual property[5]. Benefits that can be obtained from the protection of intellectual property rights include[6]:

1. Protection of good intellectual property will affect the perspective of foreign investors. The presence of foreign investors as a gateway for technology transfer, job creation and improvement of the quality of life of the people.
2. Protection of intellectual property, especially on inventions or original Indonesian products, in addition to providing income for inventors or owners of intellectual property, for example through a license, a joint venture can also improve the country's economy.
3. Encourage the emergence of creativity and innovation.
4. Prevent other parties from taking advantage of the findings and / or products that we have so as to minimize losses due to reputation hitches (passing off), forgery, plagiarism, piracy and other adverse activities.
5. Increase the productivity and competitiveness of Indonesian products.

Intellectual property that has economic value should be properly managed, so that it provides returns for creators, inventors, designers, as well as for the PT institutions themselves. Legal aspects in the regulation, up to now there is no specific regulation related to intellectual property management in tertiary institutions, which is partially scattered in several laws and regulations.

Up to this article, arrangements related to the management of PT KI have been relatively relatively summarized and scattered in various laws and regulations. First, the National Science and Technology Law does not specifically regulate the management of IP in PT. Some important points in the regulation of the National Science and Technology *Sisnas* Law relating to IC, namely: 1. R & D results must be published and disseminated. 2. The

government stipulates mandatory delivery and compulsory storage of all primary data and research output, for a minimum of 20 years, through a nationally integrated science and technology information system. 3. To carry out research and development and produce integrated inventions and innovations, a national research and innovation agency (BRIN) is formed. 4. The perpetual R&D and funding fund for inventions and innovations is formed by the government to finance R&D and development.

Secondly, the Higher Education Law, has not yet regulated general or specific matters related to the management of IP in the *Triharma* of PT. Third, PP Transfer of Technology also has not specifically regulated relating to the management of IP in general, but rather only on the Patent aspect. Fourth, the arrangements at each PT level are still relatively diverse and have different standards. Based on the results of the author's research in 2015 that several State Universities in East Java and Central Java DIY are still very inferior, to the conclusion that awareness of the importance of managing IP in PT is not yet a top priority, even though IP is an asset that will always be present in the *tridharma* process PT and which certainly has economic value.

If in carrying out the activities of *tridharma*, the academicians are oriented to the IPR system, the opportunity to protect the intellectual property generated through the IPR system will be even greater. In addition, the chance that there is a similarity between the intellectual property generated and the intellectual property / IPR that already exists is also getting smaller. This has the implication that if the intellectual property is later implemented, there will be less or no opportunity to commit an infringement. Furthermore, if the opportunity the resulting wealth is indeed worth protecting and then getting protection through the IPR system, then the intellectual property will have a higher selling point or competitiveness. Furthermore, it is expected that when it has been utilized, in the sense of being commercialized, it will bring greater results and benefits to the tertiary institution, so that the next *tridharma* activities will be of higher quality to produce higher quality intellectual property as well.[7]

TABLE 1 IDENTIFICATION OF *TRIDHARMA* OUTCOMES ASSOCIATED WITH INTELLECTUAL PROPERTY

Strategic Products of PT	Type IPR
Education / Teaching	
1. Module / Diklat /guide practicum 2. Books / textbooks 3. Software 4. Models / simulations 5. Policy / plan patterns / Strategies	Copyright
Research	
1. Equipment prototypes 2. Increased value added products 3. Utilization of waste technologies 4. Development of processing resources natural	Patents, Copyrights Trade Secrets, Trademarks, Variety Plant Protection, Industrial Design

5. Drugs and food traditional products are environmentally friendly	
Services	
1. Free counseling and services 2. Props to the community 3. Models / simulations 4. Business tips for entrepreneurs small and medium-sized 5. Development of media communication 6. Development of technology appropriate	Copyright, Patents, Industrial Designs, Trade Secrets

However based on the 2017 *Kemenristekdikti* annual report then up to currently only copyright and patents only. Though attached to other aspects of intellectual property if properly observed. Intellectual property management at PT should not rule out IP outside patent and copyright.

KI management needs to be done well by using a management science approach. Management is the act of thinking about and achieving desired results through group efforts consisting of the act of utilizing human talents and human resources. In short, people have stated that management actions are acts of planning and implementing.[8] Management is the science and art of regulating the process of utilizing human resources and other resources effectively and efficiently to achieve a goal. Management is a process of working together to achieve common goals. Broadly speaking, it can be understood that all management activities cannot be separated from the process of planning, organizing, implementing, monitoring and evaluating.

Planning, planning is one important thing that needs to be made for every effort in order to achieve a goal, in this case related to how the management of IP in a university must have a careful planning, both in terms of human resources, systems, finance and targets that are will be achieved within a certain time period for the acquisition and protection of IP.

Organizing, Placement of the organizing function after the planning function is logical because the organizing act bridges the planning activities with their implementation. PT must have a special team with clear division of tasks and functions that will manage all IPs. Such as the nomenclature of the KI centre or KI management who has full responsibility for managing the KI owned by the PT concerned. The special team should also have an Assignment Letter / Decree issued by the leadership of the PT, so it has a strategic position.

Implementation, careful planning, supported by organizing, it is time for the implementation of how intellectual property is managed properly protected. The implementation includes all PT *tridharma*, both teaching, research and service dharma whether all needs to be protected through registration or sufficiently recorded / inventory, including opportunities that can be commercialized.

Supervision, as one of the functions of management, supervision is the last action taken to see the implementation of planning. Supervision (controlling) is the process of observation or monitoring of the implementation of organizational activities to ensure that all work being carried out goes according to a predetermined plan. Supervision is expected to deviate from various things so that the objectives can be achieved. The important thing is supervision of IPR assets that have been commercialized, whether the revenue sharing is appropriate or not

Evaluation, the final stage in the management process is in the form of an evaluation of the results of supervision, so that it will carry out a follow-up plan for the intellectual property management system that has been implemented in the PT.

#### IV. CONCLUSION

University as an educational institution has a lot of intellectual property in the process of *tridharma* of higher education that needs to manage it well, because intellectual property has economic value that can be an added value for creators, inventors, as well as designers and institutions of higher education itself. Legal aspects in the regulation, up to now there is no specific regulation related to intellectual property management in tertiary institutions, which is partially scattered in several laws and regulations. The overall management includes planning, organizing, implementing, monitoring and evaluating..

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