

ABSTRAK

KESADARAN HUKUM PEMILIK DESAIN PAKAIAN TENTANG PERLUNYA PERLINDUNGAN TERHADAP KARYA INTELEKTUAL

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Adanya kerancuan tentang desain industri dan terhambatnya pendaftaran merek serta pendaftaran hak cipta menyebabkan pemilik desain enggan mendaftarkan hasil karyanya. Lokus yang tidak melakukan pendaftaran desain terjadi di Kota Bandar Lampung. Sebagai pengusaha industri pakaian yang bergerak di bidang desain grafis, hal ini kurang disadari akan kebutuhan suatu bentuk perlindungan hukum. Hal tersebut menarik untuk dikaji, yaitu bagaimana bentuk perlindungan hukum dan tingkat kesadaran hukum tentang perlunya perlindungan terhadap karya intelektual; serta faktor-faktor yang mempengaruhi tingkat kesadaran hukum tersebut. Metode penelitian yang digunakan adalah hukum penelitian hukum yuridis normatif dan yuridis empiris.

Hasil penelitian menunjukkan bahwa 1) Bentuk perlindungan hukum terhadap karya intelektual terdiri dari upaya preventif dan upaya represif, 2) Tingkat kesadaran hukum pemilik merek dan pemilik desain memiliki: a) tahap pengetahuan perlindungan hukum merek sedang dan tahap pengetahuan perlindungan hukum hasil desain grafis sangat rendah; b) tahap pemahaman perlindungan merek yakni tahap sedang atau cukup, dan tahap pemahaman hukum perlindungan hasil desain grafis yakni di tahap sangat rendah; c) tahap sikap hukum pemilik merek menyetujui adanya aturan-aturan hukum tentang merek, dan tahap sikap hukum pemilik desain pakaian adalah kurang setuju; d) pola perilaku industri pakaian, yaitu merek Oraql&Co ditolak, merek Toidiholic sudah terdaftar, merek Flambojan ditolak, dan merek Flamboys masih dalam tahap persetujuan. 3) Faktor-faktor yang mempengaruhi tingkat kesadaran hukum berupa faktor internal dan faktor eksternal.

Disarankan agar 1) Sikap konsultan HKI terhadap pemilik merek dan pemilik desain seharusnya memberikan edukasi yang jelas sehingga mereka paham apa yang dibutuhkan, 2) KemenkumHAM sebaiknya mengkaji ulang sistem pendaftaran yang rumit menjadi lebih mudah dan terjangkau bagi masyarakat.

Kata Kunci: Perlindungan Hukum, Kesadaran Hukum, Merek, Desain.

ABSTRACT

LEGAL AWARENESS OF CLOTHING DESIGNER ABOUT THE NEED FOR PROTECTION OF INTELLECTUAL WORKS

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There is a rising confusion about design industry and the lack of information about both brand registration and copy right registration which cause designers feel unwilling to legally reserve their intellectual property. The case has been happening in the particular city Bandar Lampung. As clothing manufacturers in the service of graphic designs, they are unaware of the legal protection. This is what this thesis all about, devoted to study the case regarding how to understand both the forms of legal protection and the level of legal awareness regarding the significance of the reservation of the intellectual property right. In spite of that, this present theses tries to elaborate further about some contributing factors of the fluctuation of the level of such legal awareness. The method which is employed in this research is juridical normative and empirical juridical research law.

This present thesis comes to some research conclusions. First, the legal protection of intellectual property right is divided into two forms: preventive and repressive. Second, the level of legal awareness of brand owners and designers shows: a) there are two levels of fashion designers' understanding of legal awareness, namely average and below average; b) the level of understanding on legal reservation of brand right shows average level while the level of legal understanding of graphic design's reservation of right shows below-average level; c) the level of legal standing of brand owners shows an agreement on the existence of law of brand right reservation while the level of legal standing of designers shows otherwise; d) the business behavior of Oraql&Co and Flambojan is not suitable to the requirement, hence rejected, that of Toidiholic is accepted whereas that of Flamboys is still in the process of agreement. Third, some factors, both external and internal, which contribute to the level of legal awareness.

It is recommended that first, HKI consultants are supposed to be more educative to brand owners and designers in terms of exposing them to clear understanding on the significance of the reservation of right and how to implement it as they need. Second, KemenkumHAM is suggested to reexamine the system of registration which is seemingly so complicated in order to make it simpler, accessible to their awareness and affordable.

Keywords: Legal Awareness, Legal Protection, Brand, Design.