

BIBLIOGRAPHY

Laws/Regulation

Agreement on Trade-Related Aspects of Intellectual Property Rights

General Agreement on Tariffs and Trade (GATT) (Marrakesh Uruguay Round Agreement, 15 April 1994 into force 1 January 1995).

Republik Indonesia, Undang-Undang Dasar Republik Indonesia dan Perubahannya
Republik Indonesia, Undang-Undang No. 11 tahun 2020 tentang Cipta Kerja,
Lembaran Negara No.245 tahun 2020, Tambahan Lembaran Negara No.6573.

Republik Indonesia, Undang-Undang No.13 tahun 2016 tentang Paten, Lembaran
Negara No.176 tahun 2016, Tambahan Lembaran Negara No.5922.

Indonesia Judicial Decision

Constitutional Court Decision No. 91/PUU-XVIII/2020 dated 25 November 2021

Book

Colston, C. (1999). *Principles of intellectual property law*. Routledge.

Garner, B. A. G. (2009.) *Black's Law Dictionary—Ninth Edition*, West, St. Paul,
MN.

Hettinger, E. C. (1989). Justifying intellectual property. *Philosophy & Public Affairs*,
31-52.

Juliansyah Noor, S. E. (2016). *Metodologi Penelitian: Skripsi, Tesis, Disertasi &
Karya Ilmiah*. Prenada Media.

Kardoyo, H., Handoyo, S., Triyono, B., & Laksani, C. S. (2011). *Kebijakan Paten
dalam mendorong aktivitas inovasi di Indonesia*.

Kunisawa, V. (2015). THE FRAMEWORK OF TRIPS. In *The TRIPS Agreement
Implementation in Brazil: Patents in the Pharmaceutical Area* (pp. 23-86).
Baden-Baden, Germany: Nomos Verlagsgesellschaft mbH. Retrieved 09 July
2021, from <http://www.jstor.org.ezproxy.ugm.ac.id/stable/j.ctv941vp4.7>

Law, A. (2008). An analysis of the TRIPS Agreement. In *Patents and Public Health*:

Legalizing the Policy Thoughts in the Doha TRIPS Declaration of 14 November 2001 (pp. 42-155). Baden-Baden: Nomos Verlagsgesellschaft mbH. Retrieved 09 July 2021, from <http://www.jstor.org.ezproxy.ugm.ac.id/stable/j.ctv941vg7.7>

Moore, A. D. (2017). Intellectual property and information control: philosophic foundations and contemporary issues. Routledge.

Muhammad, A. (2004). *Hukum dan penelitian hukum*. Citra Aditya Bakti. Bandung.

Mustafa, ME (2016). The principles of proceedings in Indonesia's enforcement of patent law are linked to the TRIPs-WTO. Alumni.

Journal Article

Adolf, H. (2001). Trade-Related Aspects Of Intellectual Property Rights And Developing Countries. *The developing economies*, 39(1).

Anggono, B. D., & Firdaus, F. R. (2020). Omnibus Law in Indonesia: A Comparison to the United States and Ireland. *Lentera Hukum*, 7.

Aplin, T., Aplin, T. F., & Davis, J. (2013). Intellectual property law: text, cases, and materials. Oxford University Press.

Asshiddiqie, J. (2011, November). *Gagasan negara hukum Indonesia*. In *Makalah Disampaikan dalam Forum Dialog Perencanaan Pembangunan Hukum Nasional yang Diselenggarakan oleh Badan Pembinaan Hukum Nasional Kementerian Hukum dan*.

Attaran, A., & Champ, P. (2002) Patent Rights And Local Working Under The WTO TRIPS Agreement: An Analysis Of The US-Brazil Patent Dispute' 27. *Yale Journal of International Law*.

Besen, S. M., & Raskind, L. J. (1991). An Introduction to the Law and Economics of Intellectual Property. *The Journal of Economic Perspectives*, 5(1), 3–27.
<http://www.jstor.org/stable/1942699>

CHANDRA, R. (2009). Intellectual Property Rights: Excluding Other Rights of Other People. *Economic and Political Weekly*, 44(31), 86–93.
<http://www.jstor.org/stable/25663395>

- Dainow, J. (1966). The Civil Law and the Common Law: Some Points of Comparison. *The American Journal of Comparative Law*, 15(3), <https://doi.org/10.2307/838275>.
- Darusman, Y. M. (2016). Kedudukan Serta Perlindungan Hukum Bagi Pemegang Hak Paten dalam Kerangka Hukum Nasional Indonesia dan Hukum Internasional. *Yustisia Jurnal Hukum*, 5(1).
- Dinwoodie, G. B., & Dreyfuss, R. C. (2006). Diversifying without Discriminating: Complying with the Mandates of the TRIPS Agreement. *Mich. Telecomm. & Tech. L. Rev.*, 13.
- Fitriantica, A. (2019). Harmonization of Indonesian Legislation through the Omnibus Law Concept. *Echo of Justice*, 6 (3).
- Heller, M. A. (1998). The tragedy of the anticommons: property in the transition from Marx to markets. *Harvard law review*.
- Hoekman, B., Michalopoulos, C., & Winter, L. A. (2004). Special and differential treatment of developing countries in the WTO: Moving forward after Cancun. *World Economy*, 27(4).
- Krutz, G. S. (2000). Getting around Gridlock: The Effect of Omnibus Utilization on Legislative Productivity. *Legislative Studies Quarterly*, 25(4), 533–549. <https://doi.org/10.2307/440433>
- Kurnisar Kurnisar. (2022). *PANCASILA SUMBER DARI SEGALA SUMBER HUKUM DI INDONESIA*. Media Komunikasi FPIPS, 10(2). <https://doi.org/10.23887/mkfis.v10i2.467>
- Lee, C. L. (2013). The Legality of Local Patent Working Requirements under the TRIPS Agreement. *NTUT Journal of Intellectual Property Law and Management*, 2(1).
- Marzuki, P. M. (1999). *Luasnya Perlindungan Paten*. *Jurnal Hukum IUS QUIA IUSTUM*, 6(12).
- Bently, L., & Sherman, B. (2014). *Intellectual property law*. Oxford University Press, USA.
- Long, P. O. (1991). Invention, Authorship, “Intellectual Property,” and the Origin of Patents: Notes toward a Conceptual History. *Technology and Culture*, 32(4). <https://doi.org/10.2307/3106154>

- Marsoof, A. (2018). Local Working of Patents: The Perspective of Developing Countries. In *Multi-dimensional Approaches Towards New Technology* (pp. 315-337). Springer, Singapore.
- Masnun, M. A., & Roszana, D. (2019). Persoalan Pengaturan Kewajiban Pemegang Paten untuk Membuat Produk atau Menggunakan Proses di Indonesia. *Jurnal Hukum Ius Quia Iustum*, 26(2).
- Mayasari, I. (2020). Regulatory Reform Policy Through the Implementation of Omnibus Law in Indonesia. *Journal of Rechts Vinding: National Law Development Media*, 9 (1).
- Mercurrio, B., & Tyagi, M. (2010). Treaty interpretation in WTO dispute settlement: The outstanding question of the legality of local working requirements. *Minn. J. Int'l L.*, 19.
- Nasrullah, N. (2019). Protection Of Patent Rights (Comparative Studies in Japan and Indonesia. *Journal of Private and Commercial Law*, 3(2).
- Nuechterlein, D. E. (1976). National Interests and Foreign Policy: A Conceptual Framework for Analysis and Decision-Making. *British Journal of International Studies*, 2(3), 246–266. <http://www.jstor.org/stable/20096778>
- Philosophical Values of Pancasila on the Intellectual Property Rights Regulation in Indonesia. (2021). *Journal of Law, Policy, and Globalization*. <https://doi.org/10.7176/jlpg/113-04>
- Ratna, H. (2019). *CITA HUKUM PANCASILA SEBAGAI LANDASAN FILOSOFIS POLITIK HUKUM HAK KEKAYAAN INTELEKTUAL. KEADILAN PROGRESIF*, 10(1).
- Romero, T. (2020). Articles 7 and 8 as the basis for interpretation of the TRIPS Agreement. *South Centre Policy Brief*.
- Saha, C. N., & Bhattacharya, S. (2011). Intellectual property rights: An overview and implications in pharmaceutical industry. *Journal of advanced pharmaceutical technology & research*, 2(2).
- Serrano, O., & Burri, M. (2019). TRIPS Implementation in Developing Countries: Likely Scenarios to 2025. *The Shifting Landscape of Global Trade Governance*, edited by Manfred Elsig, Michael Hahn and Gabriele Spilker (Cambridge University Press, 2019).

- Sinaga, N. A. (2020). Pentingnya perlindungan Hukum Kekayaan Intelektual bagi Pembangunan Ekonomi Indonesia. *Jurnal Hukum Sasana*, 6(2).
- Singh, D. R. (2008). *Law Relating to Intellectual Property: A Complete Comprehensive Material on Intellectual Property Covering Acts, Rules, Conventions, Treaties, Agreements, Digest of Cases, and Much More*. Universal Law Publishing Company.
- Sitorus, W. (2014). Kepentingan Umum dalam Perlindungan Paten. *Yuridika*, 29(1).
- Solovy, E. M., & Krishnamurthy, P. S. (2017). TRIPS Agreement Flexibilities and Their Limitations: A Response to the UN Secretary-Generals's High Level Panel Report on Access to Medicines. *Geo. Wash. Int'l L. Rev.*, 50.
- Wijesinghe, P. (2018). Conflict Between Private Rights and Public Interest in Intellectual Property Rights Law. Available at SSRN 3160532.
- Wilson, H. (1916). The Relation of Government to Foreign Investment. *The Annals of the American Academy of Political and Social Science*, 68. <http://www.jstor.org/stable/1013100>
- Yu, P. K. (2011). ARE DEVELOPING COUNTRIES PLAYING A BETTER TRIPS GAME? *UCLA Journal of International Law and Foreign Affairs*, 16(2), 311–343. <http://www.jstor.org/stable/45302249>

Online References

- Asmara, C. “*Butuh Omnibus Law, Jokowi: Ri Hyper Regulasi, obesitas!*” *CNBC Indonesia*. February 19, 2021, from <https://www.cnbcindonesia.com/news/20200128105150-4-133275/butuh-omnibus-law-jokowi-ri-hyper-regulasi-obesitas>
- Bayu Galih. (2021, November 26). *Alasan 4 Hakim MK Dissenting Opinion dalam Putusan Uji Fomil UU Cipta Kerja... Halaman all - Kompas.com*. KOMPAS.com; Kompas.com. <https://nasional.kompas.com/read/2021/11/26/09571651/alasan-4-hakim-mk-dissenting-opinion-dalam-putusan-uji-fomil-uu-cipta-kerja?page=all>
- CNN Indonesia. (2021, November 25). *4 Hakim MK Beda Pendapat soal Gugatan UU Cipta Kerja. Nasional; cnnindonesia.com*. <https://www.cnnindonesia.com/nasional/20211125184430-12-726161/4-hakim-mk-beda-pendapat-soal-gugatan-uu-cipta-kerja>

- CNN Indonesia. (2021, December). Ahli soal Putusan MK: UU Cipta Kerja Harus Batal Demi Hukum. Nasional; cnnindonesia.com.
<https://www.cnnindonesia.com/nasional/20211201210849-32-728721/ahli-soal-putusan-mk-uu-cipta-kerja-harus-batal-demi-hukum>
- Krisiandi. (2021, December 2). Tanggapi Putusan MK soal UU Cipta Kerja, Mahfud: Inkonstitusional Kok Tetap Berlaku? KOMPAS.com; Kompas.com.
<https://nasional.kompas.com/read/2021/12/02/16264591/tanggapi-putusan-mk-soal-uu-cipta-kerja-mahfud-inkonstitusional-kok-tetap>
- M-30. “Menelusuri Asal-Usul Konsep Omnibus Law.” Hukumonline. January 6, 2020 from
www.hukumonline.com/berita/baca/lt5e2c1e4de971a/menelusuri-asal-usul-konsep-omnibus-law/.
- Grant, C., Morgan, P., & Siddiqi, T. (2020, 23 November). “Three things investors need to know about InIndonesia'sew Omnibus Law.” Lexology. February 25, 2021, from
<https://www.lexology.com/library/detail.aspx?g=c6626343-89fa-442d-9ffb-98e16f3f99a5#:~:text=In%20early%20October%2C%20Indonesia's%20parliam,ent,has%20now%20come%20into%20effect.>
- Krisiandi. (2021, December 2). Tanggapi Putusan MK soal UU Cipta Kerja, Mahfud: Inkonstitusional Kok Tetap Berlaku? KOMPAS.com; Kompas.com.
<https://nasional.kompas.com/read/2021/12/02/16264591/tanggapi-putusan-mk-soal-uu-cipta-kerja-mahfud-inkonstitusional-kok-tetap>
- Mahkamah Konstitusi Republik Indonesia. (2021). MK: Inkonstitusional Bersyarat, UU Cipta Kerja Harus Diperbaiki dalam Jangka Waktu Dua Tahun | Mahkamah Konstitusi Republik Indonesia. Mkri.id.
<https://www.mkri.id/index.php?page=web.Berita&id=17816>
- Michalopoulos, C. (2003). Special and differential Treatment of developing Countries in TRIPS. Quaker United Nations Office (QUNO).
- Moral Rights. (2020). Iii / legal information institute.
https://www.law.cornell.edu/wex/moral_rights
- Nurhanisah, Yuli. (2021) “Menelusuri Fakta Omnibus Law: Indonesia Baik.” *Indonesiabaik*, from indonesiabaik.id/infografis/menelusuri-fakta-omnibus-law
- Omnibus Bill Definition*. (2021). Duhaime.org. <https://www.duhaime.org/Legal->

Dictionary/Term/OmnibusBill

Patents. (2021). Wipo.int. <https://www.wipo.int/patents/en/>

Saidin, OK. (2020, September 22). Penghapusan Pasal 20 UU Paten dalam RUU Cipta Kerja Hukumonline.com. Hukumonline.com; Hukumonline.
<https://www.hukumonline.com/berita/baca/lt5f6956066f1f0/penghapusan-pasal-20-uu-paten-dalam-ruu-cipta-kerja>.

Sardjono, A. (n.d.). (2021) local working patent - IGJ. Indonesia for Global Justice. from <https://igj.or.id/wp-content/uploads/2020/10/Local-Working-Patent-vs-RUU-Cipta-Kerja.pdf>

Sovia Hasanah, S.H. (2018, April 12). Perbedaan Das Sollen dengan Das Sein - Hukumonline.com. Hukumonline.com; Hukumonline.
<https://www.hukumonline.com/klinik/detail/ulasan/lt5acd738a592ef/perbedaan-idas-sollen-i-dengan-idas-sein-i/>

The Jakarta Post. (n.d.). (2021) “Indonesia still deserves special treatment in global trade:Economists.”TheJakarta Post. from
<https://www.thejakartapost.com/news/2020/03/02/indonesia-still-deserves-special-treatment-in-global-trade-economists.html>.

Understanding. (2005).
https://www.wipo.int/edocs/pubdocs/en/wipo_pub_909_2016.pdf

Understanding Industrial Property Understanding Industrial Property. (2005).
https://www.wipo.int/edocs/pubdocs/en/wipo_pub_895_2016.pdf

What is Intellectual Property (IP)? (2021). Wipo.int. <https://www.wipo.int/about-ip/en/>

WTO ANALYTICAL INDEX TRIPS Agreement – Article 27 (Jurisprudence). (2021, June). Retrieved September 22, 2021.

WTO | intellectual property - overview of TRIPS Agreement. (2021). Wto.org.
https://www.wto.org/english/tratop_e/trips_e/intel2_e.htm

WTO | intellectual property - overview of TRIPS Agreement. (2021). Wto.org.
https://www.wto.org/english/tratop_e/trips_e/intel2_e.htm#patent

WTO / intellectual property (TRIPS) - what are intellectual property rights? (2021).

Wto.org. https://www.wto.org/english/tratop_e/trips_e/intel1_e.htm