



PELINDUNGAN HUKUM HAK KEKAYAAN INTELEKTUAL DALAM MENCEGAH PEREDARAN TAS PALSU MEREK TERKENAL

INTISARI

Erika Khoirun Nisa¹ dan Irna Nurhayati²

Penelitian Hukum ini bertujuan untuk memberikan pemahaman tentang bagaimana undang-undang di Indonesia mengatur merek dagang terkenal yang diimitasi dan diperjualbelikan secara ilegal melalui *platform online* seperti Instagram, Shopee, dan Tokopedia, sehingga apabila konsumen dan pemilik merek asli mengalami kerugian, pengaturan hukum Hak Kekayaan Intelektual sangat penting untuk melindungi pihak yang bersangkutan.

Penelitian ini bersifat deskriptif, artinya untuk memberikan gambaran yang jelas terkait masalah yang dibahas dalam penelitian. Penelitian ini merupakan penelitian normatif yang menggunakan penelitian kepustakaan dan didukung dengan pendapat Narasumber dan Responden. Peraturan perundang-undangan, buku, jurnal, penelitian, dan literatur lain digunakan untuk melakukan penelitian kepustakaan. Selanjutnya, data yang diperoleh, dianalisis secara kualitatif, disusun, diteliti, dan dipelajari secara menyeluruh.

Hasil dari penelitian ini menunjukkan bahwa DJKI dan Pemerintah telah melakukan upaya pencegahan relatif keras terkait dengan peredaran produk palsu atau ilegal, seperti kegiatan yang berfokus pada preventif (sosialisasi) dan represif (koordinasi) hukum dalam rangka penanggulangan pelanggaran. Selain itu, juga bekerja sama dengan lembaga pemerintahan lainnya untuk menangani penyebaran produk palsu di *e-commerce* dengan membuat perjanjian MoU dan Investigasi Keamanan Nasional (HSI) dalam meningkatkan kapasitas penegak hukum di Indonesia yang bekerjasama dengan Amerika Serikat. Kemudian, pelindungan konsumen terkait dengan tas palsu merek terkenal belum cukup optimal dalam memenuhi kebutuhan masing-masing pihak, hubungan antara konsumen dan pelaku usaha harus seimbang. Sebelum pelanggaran terjadi, pelaku usaha dapat memilih untuk melakukan upaya internal atau eksternal. UUPK telah mengatur tentang pelindungan konsumen, dan DJKI telah mendukung seluruh inisiatif yang dilakukan oleh pemangku kepentingan Kekayaan Intelektual termasuk kampanye MIAP. Namun, dengan masih maraknya pelaku usaha yang menjual produk palsu di *platform e-commerce*, diperlukan peran DJKI dan Pemerintah untuk memungkinkan masyarakat agar terus dididik, terutama melalui media sosial. Selain itu, pemerintah perlu menekankan dan menetapkan peraturan khusus mengenai jual beli di *platform e-commerce* yang berfungsi untuk melindungi konsumen dan pemilik merek asli dari penjualan barang bermerek palsu melalui media sosial yang tentunya juga didukung dengan kesadaran masyarakat di Indonesia.

Kata Kunci: Pelindungan Konsumen, Jual Beli *Online*, Merek terkenal

¹ Mahasiswa Departemen Hukum Bisnis, Program Sarjana, Fakultas Hukum, Universitas Gadjah Mada, Angkatan 2020, Sleman, Daerah Istimewa Yogyakarta.

² Dosen Departemen Hukum Bisnis di Fakultas Hukum Universitas Gadjah Mada, Jl Sosio Yustisia No. 1 Bulaksumur, Sleman, Daerah Istimewa Yogyakarta.



LEGAL PROTECTION OF INTELLECTUAL PROPERTY RIGHTS IN PREVENTING THE CIRCULATION OF FAKE BAGS FROM FAMOUS BRANDS

ABSTRACT

Erika Khoirun Nisa¹ and Irna Nurhayati²

This legal research aims to provide an understanding of how Indonesian law regulates well-known trademarks that are imitated and bought and sold illegally through online platforms such as Instagram, Shopee, Tiktok, and Tokopedia, so that if consumers and original brand owners experience losses, the legal regulation of rights Intellectual Property is very important to protect the parties concerned.

This research is descriptive, meaning it provides a clear picture of the problems discussed in the research. This research is normative research that uses library research and is supported by the opinions of informants and respondents. Legislative regulations, books, journals, research and other literature are used to conduct library research. Next, the data obtained is analyzed qualitatively, compiled, researched and studied thoroughly.

The results The results of this research show that the DJKI and the Government have made relatively tough prevention efforts related to the circulation of counterfeit or illegal products, such as activities that focus on preventive (socialization) and repressive (coordination) laws in the context of dealing with violations. Apart from that, it is also working with other government agencies to deal with the spread of counterfeit products in e-commerce by making MoU agreements and National Security Investigations (HSI) to increase the capacity of law enforcement in Indonesia in collaboration with the United States. Then, consumer protection related to fake bags from well-known brands is not optimal enough to meet the needs of each party, the relationship between consumers and business actors must be balanced. Before a violation occurs, business actors can choose to take internal or external measures. UUPK has regulated consumer protection, and DJKI has supported all initiatives carried out by Intellectual Property stakeholders including the MIAP campaign. However, with the proliferation of business actors selling fake products on e-commerce platforms, the role of DJKI and the Government is needed to enable the public to continue to be educated, especially through social media. Apart from that, the government needs to emphasize and establish special regulations regarding buying and selling on e-commerce platforms which function to protect consumers and original brand owners from selling fake branded goods via social media which of course is also supported by public awareness in Indonesia.

Keywords: Consumer Protection, Online Buying and Selling, Famous brands

¹ Undergraduate Law Student, Department of Business Law, Undergraduate Program, Faculty of Law, Gadjah Mada University, Sleman, Special Region of Yogyakarta.

² Lecturer at the Department of Business Law, Faculty of Law, Gadjah Mada University. Jl. Socio Justice No. 1, Bulaksumur, Sleman, Yogyakarta Special Region.