

INTISARI

VALUASI HAK PATEN SEBAGAI OBJEK JAMINAN DI INDONESIA DITINJAU DARI PERATURAN PEMERINTAH NOMOR 24 TAHUN 2022 TENTANG EKONOMI KREATIF DAN PERBANDINGANNYA DENGAN KOREA SELATAN

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Penelitian ini bertujuan untuk menganalisis pengaturan dan valuasi hak paten sebagai objek jaminan di Indonesia dan perbandingan dengan Korea Selatan. Penelitian ini akan menganalisis bagaimana pengaturan hak paten sebagai objek jaminan di Indonesia ditinjau dari Peraturan Pemerintah Nomor 24 Tahun 2022 tentang Ekonomi Kreatif dan pengaturan di Korea Selatan; apa yang dapat menjadi pembelajaran dari hasil komparasi valuasi hak paten sebagai objek jaminan di Indonesia ditinjau dari Peraturan Pemerintah Nomor 24 Tahun 2022 tentang Ekonomi Kreatif dan pengaturan di Korea Selatan.

Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan perundang-undangan dan komparatif. Penelitian normatif dilakukan dengan mengkaji data kepustakaan yang didukung dengan hasil wawancara narasumber yang relevan. Data yang ada dianalisis menggunakan metode kualitatif dan disajikan secara deskriptif-analitis.

Hasil penelitian dan pembahasan penelitian ini menunjukkan paten sebagai objek jaminan di Indonesia diatur dalam UU Paten dan pelaksanaannya tunduk pada PP Ekraf. Pengikatan paten sebagai objek jaminan dapat dilakukan dengan jaminan fidusia, kontrak kerja surat perintah kerja, dan/atau hak tagih. di Kedudukan paten sebagai objek jaminan di Korea Selatan terakomodir dalam *Korea Civil Act, Movable Assets and Receivables Act* dan peraturan di bidang paten yaitu *Patent Act*. Pengikatan paten sebagai objek jaminan dalam *Patent Act* dilakukan melalui jaminan objek gadai dengan pengalihan dengan *yangdo-dambo*. Pembelajaran dari hasil komparasi valuasi hak paten sebagai objek jaminan di Indonesia dan Korea Selatan, diperlukan pembenahan dalam aspek standar valuasi, lembaga penilai, intervensi pemerintah dalam pemberian dana, pembentukan lembaga akuisisi apabila KI yang dijadikan jaminan mengalami kredit macet dan penyediaan pasar sekunder KI, serta pembenahan terhadap akses data dan sistem pencatatan pembiayaan berbasis KI. Pengaturan regulasi yang komprehensif baik mengenai teknis valuasi, keberadaan lembaga penilai dan akuisisi, intervensi pemerintah dalam pendanaan dan ketersediaan akses data dan sistem pencatatan KI yang baik dapat mendorong HKI diterima sebagai jaminan oleh lembaga keuangan.

Kata Kunci: Valuasi, Hak Paten, Jaminan, Pembiayaan berbasis KI.

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ABSTRACT

THE VALUATION OF PATENT RIGHTS AS A COLLATERAL OBJECT IN INDONESIA IS REVIEWED FROM GOVERNMENT REGULATION NUMBER 24 OF 2022 CONCERNING THE CREATIVE ECONOMY AND ITS COMPARISON WITH SOUTH KOREA

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This research aims to analyze the regulation and assessment of patent rights as collateral objects in Indonesia and compare it with South Korea. This research will analyze how patent rights are regulated as collateral objects in Indonesia in terms of Government Regulation Number 24 of 2022 concerning the Creative Economy and regulation in South Korea; What can be learned from the comparison of the results of the assessment of patent rights for collateral objects in Indonesia in terms of Government Regulation Number 24 of 2022 concerning the Creative Economy and regulation in South Korea.

This research uses normative legal research methods with statutory and comparative approaches. Normative research was carried out by reviewing literature data which was supported by the results of interviews with related sources. The existing data was analyzed using qualitative methods and presented descriptively-analytically.

The results of the research and discussion of this research show that patents as collateral objects in Indonesia are regulated in the Patent Law and their implementation is subject to Government Regulation on Creative Economy. Patent binding as a collateral object can be carried out with a fiduciary guarantee, work contract, work order, and/or claim rights. Meanwhile in South Korea, the position of patents as collateral objects is accommodated in the Korean Civil Law, the Movable Property and Receivables Law as well as regulations in the field of Patents, namely the Patent Law. The binding of a Patent as a collateral object in the Patent Law is carried out by pledging the object as collateral by way of transfer to the yangdo-dambo. Learning from the comparison of the assessment of patent rights as collateral objects in Indonesia and South Korea, improvements are needed in aspects of assessment standards, assessment institutions, government intervention in providing funds, the establishment of acquisition institutions if IP is used as collateral experience. bad credit and providing a secondary market for IP, as well as improving data access and IP-based financing recording systems. Comprehensive regulatory arrangements regarding appraisal techniques, the existence of appraisal and acquisition institutions, government intervention in funding and the availability of data access as well as a good IPR recording system can encourage IPR to be accepted as collateral by financial institutions.

Keywords: Valuation, Patent Rights, Guarantees, IP-based Financing.

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