

Acceleration of acquisition of copyright

by Rodiyah Rodiyah

Submission date: 24-Jun-2023 05:46AM (UTC+0700)

Submission ID: 2121611042

File name: ACCELERATION.pdf (239.29K)

Word count: 8306

Character count: 45922

ACCELERATION OF ACQUISITION OF COPYRIGHT THROUGH VILLAGE-OWNED ENTERPRISES (BUMDES) IN INDONESIA (STUDY IN KEDUNGKELOR VILLAGE, WARUREJA, TEGAL REGENCY, CENTRAL JAVA)

Waspiah & Rodiyah

ABSTRACT

Copyright as one form of Intellectual Property Rights is one of the important things in today's modern development. Increasing the number of copyrights in various sectors, especially industry and trade, has a significant impact on economic growth, especially the economy driven by micro-businesses. On an international scale, copyright ownership is one of the things that are profitable and regulated in detail in various international regulations. Meanwhile, with rapid economic and trade growth, the level of ownership of copyright in Indonesia is still not significant, especially for micro-businesses. This research focuses on the acceleration model in obtaining copyright through village-owned enterprises (Badan Usaha Milik Desa, BUMDes). The case in this study was only limited to Kedungkelor Village, Wanureja Subdistrict, Tegal Regency, Central Java, Indonesia. This research shows that the mandate of Law Number 6 of 2014 regarding the allocation of 10% of the National Budget for Villages has not been optimally implemented. Optimizing the acceleration of the acquisition of copyright through BUMDes can be done in various approaches, including mapping potential villages and involving various organizations or institutions in the village.

Key words: Model; Copyright; Acceleration; Village-Owned Enterprises (BUMDes)

INTRODUCTION

Villages have an important role in national development, including national economic development. Based on theoretical studies of the village economy, there are interesting things in it, that villages have a very strong and deeply rooted condition of social capital. One form of social capital in question can be described through the diversity of social ties and strong social solidarity possessed by rural communities as an important support for government, development, and community activities.

But the condition of social capital owned by rural communities is still inversely proportional to the condition of village economic capital, where the social capital of the village community consists of social bonding, social bridges (social bridging and social linking), the third social bonding the village community is parochial or the most shallow social capital, and is unable to facilitate economic development, in order to create a socially motivated village in the context of local democracy (Susilo & Komara, 2016).

The reality of Law Number 6 of 2014 concerning Village (hereinafter called as Indonesian Village Act) states that rural development aims to improve the quality of human life and poverty alleviation through the provision of basic needs, construction of facilities and infrastructure, development of local economic potential, and sustainable use of natural and environmental resources, promoting togetherness, family and mutual cooperation to realize social justice (Program Desa Lestari, 2016).

Based on the reality above, the birth of a Village-Owned Enterprise or abbreviated as BUMDes is an embodiment of the mandate of Indonesian Village Act on Article 87 which states that BUMDes are formed on the basis of family spirit and mutual cooperation to utilize all economic potential, economic institutions, and natural resource potential and human resources in order to improve the welfare of rural communities. So that the existence of BUMDes in the midst of rural communities can run a business in the field of economy and public services which in their activities are not only profit-oriented, but are oriented to support the improvement of the welfare of the village community.

Furthermore, BUMDes as village economic institutions that are legal and have an important role in improving the economic endeavors of rural communities, need to be supported by the government as the basis for the development of small-scale industries or MSMEs. Researcher at the SMERU Social Economic Research Institute, Akhmad Fadli explained that village law requires each village to have BUMDes, where the concept of a retail store business can be made possible as an implementation of the BUMDes unit form. So that the central government's commitment to the villages is needed to form a networked marketing group through BUMDes. If the government does not prepare a market network, then domestic products will find it difficult to compete with other products in the ASEAN region (Susanto, 2016).

However, the problem not only is the issue of marketing village products, but the competitiveness of the village products itself is one of which is manifested in the form of copyright ownership. Copyright is important for village business units or small and medium enterprises (SMEs). Small and Medium Sized Enterprises (SMEs) face numerous challenges related to managing copyright. These challenges are due to characteristics such as size (SMEs range from 1 to 250 employees), availability of resources (including those other than human resources) and market position. But SMEs are important to the creative economy in Indonesia and other countries, making up the bulk of firms in the overall creative sector.

Even though there are many in the village with a lot of intellectual property potential, only they have not been protected by the law, in the future they still do not understand what the BUMDes must do to make use of it. This is what should be the potential for BUMDes to utilize the benefits for the welfare of the village community. This is in line with the definition of BUMDes itself, are

village business institutions managed by the community and village government in an effort to strengthen the village economy and be formed based on the needs and potential of the village. BUMDes according to Law Number 32 of 2004 concerning Local Government (hereinafter called as Indonesian Local Government Act) are established, among others, in the context of increasing Village Original Income (Pendapatan Asli Desa, PADesa). Furthermore, as one of the economic institutions operating in rural areas, BUMDes must have differences with economic institutions in general. This is intended so that the existence and performance of BUMDes can contribute significantly to improving the welfare of the villagers. Besides that, so as not to develop a capitalistic business system in the countryside that can lead to disruption of the values of social life.

This business entity has actually been mandated in L Indonesian Local Government Act (even by the previous law, Law 22 of 1999) and Government Regulation (PP) No. 71 of 2005 concerning Villages. In Indonesian Local Government Act, Article 213 paragraph (1) it is stated that "Villages can establish village-owned business entities according to village needs and potential". It was also stated that the purpose of establishing BUMDes was among others in the context of increasing PADesa. Saragi (2004) stated in his book that there are 5 objectives for establishing BUMDes, namely (a) Capacity building for village finance, (b) Development of community businesses in the context of poverty alleviation, (c) Encouraging the growth of community businesses (d) Social security providers (e) Service providers for the village community.

BUMDes are a pillar of economic activities in villages that function as social institutions and commercial institutions. BUMDes as a social institution favors the interests of the community through its contribution in the provision of social services. Whereas as a commercial institution it aims to seek profits through offering local resources (goods and services) to the market. In carrying out its business the principle of efficiency and effectiveness must always be emphasized. BUMDes as a legal entity, are formed based on the prevailing laws and regulations, and are in accordance with the agreements built in the village community. Thus, the form of BUMDes can vary in each village in Indonesia. This variety of forms is in accordance with local characteristics, potential, and resources possessed by each village. Further regulation of BUMDes is regulated through Regional Regulations (Perda).

As stipulated in Indonesian Local Government Act, that each Village Government can establish a BUMDes. However, it is important to realize that BUMDes were established on the initiative of the community based on the potential that can be developed using local resources and market demand. While the task and role of the Government is to disseminate and raise awareness to the village community through the provincial government and/or the district government about the importance of BUMDes to improve the welfare of the community. Through the village government the community is motivated, made aware and prepared to build their own lives. The government facilitates in the form of education and training and other fulfillment that can facilitate the establishment of BUMDes. Furthermore, the operational mechanism is fully handed over to the village community. For this reason, the village community needs to be prepared in advance so that they can accept new ideas about economic institutions that have two functions, namely social and commercial. By sticking to the characteristics of the village and values that are alive and respected. So the preparation that is considered most appropriate is centered on socialization, education, and training for parties interested in improving the living standards of rural communities (Village Government, BPD, community leaders/tribal leaders, institutional leaders in the countryside), and it is expected that the existence of BUMDes can encourage the dynamics of economic life in the countryside. The role of the village government is to build relationships with the community to realize the fulfillment of minimum service standards, as part of a more empowered village development community.

PROBLEMS

It is undeniable that SMEs today have a very important role in the economy of Indonesian society, even when the economic crisis that hit Indonesia around 1997, SMEs continued to survive and became one of the businesses that recovered most quickly from the economic crisis compared to large-scale businesses which were much worse at that time. This explanation was also proven by the Government of Indonesia by forming a special forum for SMEs under the Ministry of Cooperatives and SMEs of the Republic of Indonesia. Empirical data shows that the MSME sector also makes a very significant contribution to the Indonesian economy by overcoming the problem of unemployment and labor. This is of course directly proportional to the government's efforts in alleviating community poverty, a means of leveling the economy of the small people and providing foreign exchange income for the country by carrying out export activities because actually SMEs are in the real sector business line (Sukananda, 2018).

Based on this and the background described earlier, the main problems in this paper include four important things, namely, *first*, how to optimize the BUMDes to increase the welfare of the village, *second*, how the accelerating model of the copyright acquisition through BUMDes, *third*, how was the problems and challenges faced on implementing that model, and *fourth*, how was the relationship between BUMDes optimization and social welfare in the context of social justice.

RESEARCH METHOD

A. Research Paradigm

The paradigm used in the research is Constructivism (Legal Constructivism) in the context and the substance of policy formation substance (Salim, 2016). The constructivist paradigm is a criticism of positivistic social science. Constructivism can be traced from Weber's thinking which is a characteristic that human behavior is fundamentally different from natural behavior. Humans act as agents in acting to reduce social realities. The way of construction is carried out to understand or give meaning to their own behavior (Salim, 2016).

According to this paradigm, which states that social reality ontologically has various forms is a mental construction, based on social experience, is local and specific and depends on the person who does it. The social reality observed by a person cannot be generalized to everyone who is usually done by positivists. The epistemology between observations and objects in this flow is a single entity, subjective and is the result of a combination of interactions between objects and subjects. So this research looks at the efforts of BUMDes and village officials in encouraging the acceleration of copyright processing for village businesses that has the potential to increase the economic value of the village.

B. Research Type

Research conducted in the category of socio-legal legal types. This means that the enactment of the law must be in accordance with the higher rules, or the establishment of methods that have been determined at the same time to find out how the law is implemented in the law enforcement process. This study will examine the legal norms of establishing village government management policies. Sociologically, it will review the accelerated model of copyright processing through BUMDes for village businesses in Kedungkelor Village, Wanureja, Tegal Regency, and Central Java, Indonesia.

C. Research Approach

This study uses a hermeneutic approach to qualitative socio-legal research. Research with this approach will see the rule of law as the basis for policy formation by looking at the legal chronology of its formation process. Hermeneutically, it analyzes the content and context of policy material. Qualitatively it will interpret the meaning of the articles in the policy especially on Indonesian Village Act and Indonesian Local Government Act, so that the sociologically, philosophically and juridically correct meanings will be obtained.

D. Research Location

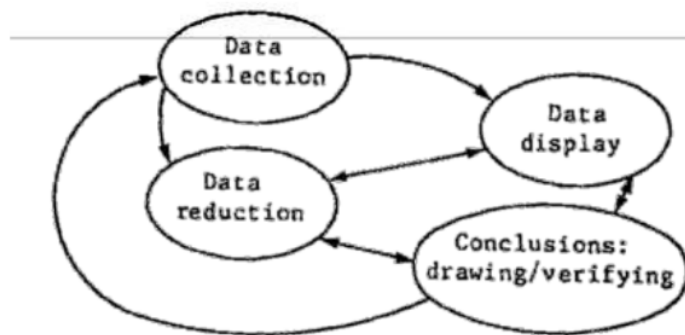
This research conducted in Kedungkelor Village, Warureja Subdistrict, Tegal Regency, which empirically found many potential copyrights that were useful for the establishment and ongoing BUMDes.

E. Data Collection & Analysis Method

The research data was obtained by conducting interviews, observation, interpretation of documents and material and personal experience. In accordance with the constructivism paradigm and the hermeneutic approach, observers take the position as facilitators using participatory principles. In-depth interviews were conducted with open questions but did not rule out the possibility that they would be closed especially with informants who had a lot of information.

1. Data Interpretation
Data interpretation is an attempt to interpret what has been learned from field data that has been collected and analyzed.
2. Data Evaluation and Validity
Evaluation criteria to test the quality of a study include: a) plausibility (logical), b) credibility (trustworthy), c) relevance (relevance or suitability), d) urgency (urgency or importance). The collected data were tested for validity using Triangulation techniques (Berg, 1998: 4; Patton, 1989: 108-109; Miles and Huberman, 1992: 434; Brannen, 1997: 20). The triangulation of methods and resource persons was carried out by conducting a checking strategy through the technique of collecting participatory observation data and in-depth interviews on one side and on the other hand conducting focus group discussions.
3. Data Analysis
The study uses a qualitative approach analysis, interactive analysis models (Huberman and Mills, 1994) as at Figure 1 below:

Figure 1 Components of data analysis: interactive model



RESULT AND DISCUSSION

A. Optimization of BUMDes on Increasing Village Welfare on Kedungkelor Vilaage

1. General Overview of Kedungkelor Village

Tegal Regency, is one of the districts in Central Java Province. The capital is Slawi, about 14 km south of Tegal City. Tegal Regency is crossed by the main pantura line, and Tegal is also the main intersection from the north coast to the south of Central Java, such as Purwokerto, Kebumen, and Yogyakarta. Tegal is also crossed by the northern crossroad. While the Southern Cross, through some areas of Tegal Regency, namely in Prupuk, Margasari District. The Tegal-Slawi-Prupuk railway is still functioning, but not for passenger trains. Tegal Regency consists of 18 sub-districts, which are further divided into a number of villages and sub-districts. The central government is in Slawi District. Slawi used to be a sub-district town, which was later developed as the district capital which was previously located in Tegal City.

This research was conducted in Kedungkelor Village, Warureja District, Tegal Regency. Kedungkelor village has an area of 795 hectares with a boundary to the west of Java, east of Lawangrejo Village, south of Banjarturi Village, west of Demangharjo Village. The total population of 6,704 consists of 1,822 families. Most of the residents of the village of Kedungkelor are Muslim, namely 6,694 people, while 10 people are Protestant Christians. The average Kedungkelor community completes their education until high school.

The community of Kedungkelor has an average income from fishermen, farmers, employees, entrepreneurs and housewives. Kedungkelor village consists of large and small shamanism that extends from north to south which are connected by quite extensive fields, namely: Dukuh Panjatan, Dukuh Kedung Sambi, and Dukuh Bojongkelor. Kedungkelor Village has the authority to manage the government in the village both in growth, economic development, socio-culture and development based on local performance, therefore the administration of the village of Kedungkelor is organized by the village government, divided into 13 village officials who function according to their functions and positions, with the arrangement of village apparatus as follows:

Table 1 Structure of Village Appratus on Kedungkelor

No	Task	Name	Level Education
1	Headman	Adi Wartono	Senior High School
2	Village Secretary	Muh Yani	Senior High School
3	Section Chief of Government	Wachudin	Junior High School
4	Section Chief of Development	Taryani	Senior High School
5	Section Chief of Prosperity	Haris	Senior High School
6	Section Chief of Peace and Security	Tatang	Senior High School
7	Section Chief of Economy	Hertoyo	Senior High School
8	Head of Financial Affairs	Sri Sunarti	Senior High School
9	Head of General Affairs	Indarwati	Senior High School
10	Village Chief I	Subuoi	Senior High School
11	Village Chief II	Agus Sutrisno	Senior High School
12	Village Chief III	M Afroni	Senior High School
13	The Village Hall Caretaker	Sabar	Elementary School

Source: Data from Kedungkelor Village

Based on the table above the education level of village government employees, on average, only Senior High School cause the quality of human resources to be limited, the community considers that the performance of the Kedungkelor Village Government employees has been able to respond to community needs, only a few have not responded well.

The general community of Kedungkelor Village has a livelihood from farmers and most of them are entrepreneurs, and Shrimp Panami farmers are now becoming a trend in the community of Kedungkelor Village. The people of Kedungkelor Village who work on average make Kedungkelor Village no longer a developing village, but villages that are in the advanced village category. So that by the government of Tegal Regency, Kedungkelor Village no longer has to advance facilities and infrastructure, but on the utilization of existing natural resources in the Village. Kedungkelor Village, which is located on the coastline, promises to be a tourist village if managed properly, but is only constrained by access to the beach.

This is what makes the village of Kedung Kelor abundant with its natural wealth, including the Panami shrimp pond business, arumanis mango and jasmine and agricultural plantations and a garment factory located not far from the Village Hall. This jasmine plantation is what makes Kedung Kelor Village famous because of the emergence of various kinds of creations from jasmine flowers which are not only used as tamaban for making tea but also used for making ronce jasmine (jasmine decoration) which is widely used and attracted by many people because of various kinds Jasmine creativity is mostly made by the people of Kedungkelor Village. This meron activity makes the Kedungkelor Village a creative village, because the decoration results are not only used for the needs of the village of Kedungkelor, but also have spread to the outside such as Jakarta, so it is not surprising that the Rawa Belong Flower Market in Jakarta is found that sells produce jasmine decoration, a typical Kedungkelor jasmine flower creation.

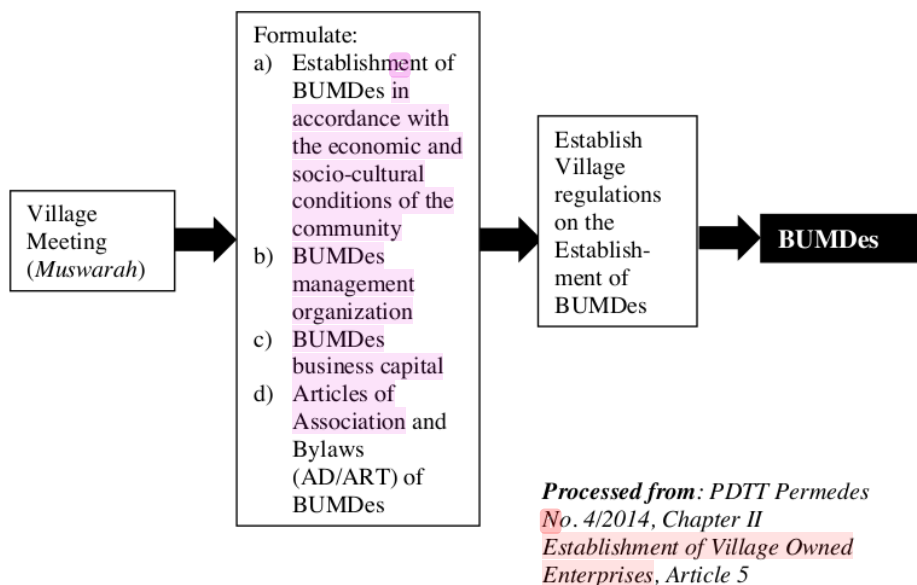
In addition to decorating jasmine flowers there are other activities that stand out for the people of Kedung Kelor Village, namely farmers. What is currently trendy is the Vaname shrimp farm. Shrimp vaname, or commonly known as vaname shrimp. This vaname shrimp comes from an area that has a sub-tropical climate. The specific characteristics of this one shrimp are, their smaller size, when compared to other shrimp and tiger shrimp. The vaname shrimp is also included in the shrimp list which has a fairly fast growth rate. Because many people cultivate this vaname shrimp. Apart from its many markets, vaname shrimp is the most. It's really shrimp really. It is not surprising that the vaname shrimp has started to be cultivated as well as in Indonesia, it does not miss the Kedungkelor Village community which is located close to the coast of the Java Sea. Apart from the high demand for international markets such as America, and the quality that can also be said to be middle to high. Besides that, vaname shrimp itself has a fairly good resistance, both from pest attacks, or diseases so that it is easily maintained and the results are abundant and of high economic value.

Based on the description of the condition of the Kedung Kelor Village community which has a lot of development potential, it becomes a Question mark that currently Kedungkelor Village does not yet have BUMDes, even though since 2015 the idea of establishing BUMDes already exists, only because of insufficient human resources that until 2018 it has not yet materialized the BUMDes of Kedung Kelor Village, even though there are many potentials that can be utilized and managed as assets of BUMDes. This is legitimate because the establishment of BUMDes not all villages are required to make BUMDes. However, the establishment of BUMDes is still recommended to develop the potential of each village. Because BUMDes established by the village can later manage at least six business entities. Among others, services, rentals, trade, finance and other business entities. As for the management, it was submitted to a separate work team and decided at the village meeting. Every citizen who has the ability and interest can be included in the work team.

2. BUMDes for Increasing Village Welfare in Kedungkelor: Steps of Establishment

The mechanism for establishing an BUMD must go through several stages, in which at the first stage, the village must formulate several things as a condition for establishing BUMDes. This has been done by the Village of Kedungkelor that the discourse on the establishment of BUMDes which has been initiated by the government in the Moringa building is already ripe, but only collides with a team that will manage the BUMDes, even where the BUMDes will be used, only the implementation. The following are the stages of establishing BUMDes as on Figure 2.

Figure 2 Procedures for establishing BUMDes



The initial purpose of establishing a Village-Owned Enterprise (BUMDes) was intended to encourage or accommodate all activities to increase community income, both those that developed according to customary customs and local culture, as well as economic activities that were handed over to the community through programs or projects of the Central Government and Regional Government. As a village business, the establishment of BUMDes is really to maximize the potential of the village community both in terms of economic potential, natural resources, or human resources. Specifically, the establishment of BUMDes is to absorb village workers to increase the creativity and opportunities of productive economic businesses of those with low incomes.

The goal of economic empowerment of rural communities through these BUMDes is to serve the village community in developing productive businesses. Another goal is to provide a variety of business media to support the economy of rural communities in accordance with the village's potential and community needs.

To establish BUMDes, there are stages carried out by the village apparatus (especially the village head) as the BUMDes commissioner later. Stages of Establishment of BUMDes must be carried out through village initiatives which are formulated in a participatory manner by all components of the village community. The establishment of BUMDes is also possible at the initiative of the District Government as a form of rural development intervention to support regional development. In general, based on my observations, there are three stages that can be passed by the village head and the BUMDes formation committee for the ideal BUMDes establishment process. These stages are:

a. Stage I

Establish agreements between village communities and village governments for the establishment of BUMDes through village meetings or village consultation meetings. In this case the Village Head held a village meeting by inviting the Committee to establish BUMDes, BPD members and community leaders and community organizations in the village. The purpose of this phase I meeting is to formulate the following:

- 1) Name, position and work area of BUMDes
- 2) The purpose and objectives of establishing BUMDes
- 3) Form a legal entity BUMDes
- 4) Source of capital for BUMDes
- 5) BUMDes business units
- 6) BUMDes Organization
- 7) Supervision of BUMDes
- 8) Accountability of BUMDes
- 9) If deemed necessary, form an Ad-hoc Committee for the formulation of Village Regulations on the Establishment of BUMDes.

In general, it can be concluded that the purpose of this Stage I meeting is to design the organizational structure. BUMDes is an organization, it is necessary. Organizational structure that describes what areas of work must be included in the organization. Forms of work relations (instructions, consultative, and accountability) between personnel or managers of BUMDes.

b. Stage II

Arrangement of organization of BUMDes that refers to the formulation of Village Consultations in Stage I by the Ad-hoc Committee, by compiling and submitting ratification of the following matters:

- 1) Village Regulations concerning Establishment of BUMDes that refer to Regional Regulations and other applicable legal provisions
- 2) Ratification of Village Regulations on the Establishment of BUMDes
- 3) Articles of Association of BUMDes
- 4) Organizational Structure and institutional rules of BUMDes
- 5) Duties and functions of BUMDes management
- 6) Rules of cooperation with other parties
- 7) Business plan and business development of BUMDes

In this second stage the points discussed are also at the same time clarifying to all BUMDes members and interested parties to understand the work rules of the organization. Then it is necessary to prepare the BUMDes AD/ART which is used as the management reference and in accordance with the principles of BUMDes governance. Through the establishment of a good coordination system, it is possible to establish effective cooperation between business units and across villages.

The preparation of job descriptions for each BUMDes manager is very necessary to be able to clarify the role of each person. Thus, the duties, responsibilities and authority of the office holders do not have duplication which allows each position/job contained in the BUMDes to be filled by people who are competent in their fields.

c. Stage III

Development and Management of BUMDes, with activities:

- 1) Formulate and establish a payroll system and wages for BUMDes management,
- 2) Selection of management and management of BUMDes
- 3) Develop information systems for management of BUMDes
- 4) Develop a system of administration and accounting for BUMDes
- 5) Preparation of BUMDes work plans.

At the end there are many points discussed, namely form a form of rules of cooperation with third parties, namely cooperation with third parties whether concerning the important buying and selling transactions or savings and loans arranged in a clear and mutually beneficial rule. Compilation of forms of cooperation with third parties is arranged jointly with the Board of Commissioners of BUMDes.

Besides that, it was also discussed in the formulation of a business plan, namely the preparation of an important business plan to be made in a period of 1 to 3 years. So that the managers of BUMDes have clear guidelines on what to do and produce in an effort to achieve the stated goals and their performance to be measurable. Preparation of business plans is made together with the Board of Commissioners of BUMDes.

Other points that were also discussed were conducting the recruitment process and payroll and wage systems. To determine the people who will become managers of BUMDes can be done in consultation. But the selection must be based on certain criteria. This criterion is intended to enable office holders in BUMDes to carry out their duties properly. For this reason, the requirements for office holders in important BUMDes are made by the Board of Commissioners. Then it was brought to the village consultation forum to be socialized and offered to the community. The next process is to select applicants and choose and determine the people who best fit the criteria made.

In addition, the provision of incentives if the manager is able to achieve the targets set for a certain period. The amount of money that can be paid to the management of BUMDes must also be based on the level of profit that is likely to be achieved. Providing compensation to BUMDes managers must be submitted from the start so that they have responsibility in carrying out their duties. Because the reward is a bond for everyone to fulfill the requested performance.

3.The Commercial Benefits of BUMDes

In various studies of village economics, which should not be forgotten is the condition of social capital of rural communities that have been very strong. Village communities have a variety of social ties and strong social solidarity, as important support for government, development and community activities. Self-help and mutual cooperation has proven to be the main buffer of the village's "original autonomy". Although on the one hand, the wealth of social capital is inversely proportional to economic capital. The social capital of the village community consists of social bonding, social bridging, and social linking. From these three aspects, parochial (limited) village community social ties become the most superficial social capital which is unable to facilitate economic development, realize socially empowered villages, and local democracy (Eko et al., 2014). To free the limited social bonding, there needs to be a movement of independence of the village community. In addition to strengthening social capital, the village must also strengthen financial capital, knowledge capital, and human capital (De Massis et al., 2015). The Village Law and its derivative regulations have explicitly opened up space for this movement to occur.

Furthermore, it was explained that the benefits or importance of the BUMDes for the village in general are twofold, namely with the issuance of Law Number 6 of 2014 concerning Villages becoming a beautiful dream to lead to autonomous village life in managing the government and its community. Thus it will encourage the birth of the village with more accountable and transparent governance, participatory village communities, and the village economy that supports it. Supported by the spirit of mutual cooperation, the community will influence the acceleration of village economic development.

BUMDes have a large role to increase village economic growth, if managed properly, because they can play a role from upstream to downstream. The role of upstream is for example BUMDes can play a role in helping channel various government subsidies, starting from fertilizer, seed and other subsidies. Whereas in the downstream sector. BUMDes can be collectors of production produced by village communities. In fact, BUMDes can also partner with banks to channel people's business loans (Kredit Usaha Rakyat, KUR), which are now managed by government banks and some private banks. BUMDes can also act as an inclusive financial manager such as a savings and loan business, which if managed properly, can increase income quite well, BUMDes can be a means of payment for water, electricity and gas.

Broadly speaking, BUMDes have two benefits, namely commercial and public services.

- a. **Commercial**
As a commercial institution BUMDes is able to open up more space for people to increase income and also open employment opportunities for rural communities. Village youth who have the potential to get jobs in the village so that it reduces urbanization.
- b. **Public services**
BUMDes is not only engaged in business, but BUMDes must also have an interest in meeting the needs of the community through its contribution in the field of social services. For example, BUMDes Tirta Mandiri has a One House One Bachelor program that is providing scholarships to students in Pongkok Village.

From the many benefits received from the establishment of BUMDes, the Village will be independent in both the economic and public services fields. So it is expected that all communities in villages in Indonesia will soon form BUMDes and participate in improving the village economy.

Some of the descriptions above can be taken from some recommendations of BUMDes in Kedungkelor Village, Warureja, Tegal Regency, that applies the Model of Accelerating the Acquisition of Copyright through BUMDes in Kedungkelor Village, Warureja, Tegal Regency as follows:

- 1) Actually, in the village of Kedung kelor, Warureja Sub-district, Tegal regency, there are village institutions such as Karang Taruna (Youth Organization), BPD, Family Welfare Development Organization (PKK) and Posyandu, except that there are no BUMDes that are still constrained by how management and mechanism are becoming BUMDes because of limited human resources to manage BUMDes in the Village Kedung Kelor, even though related matters that can be made as capital of BUMDes are available.
- 2) Availability of requirements for the establishment of BUMDes that are not yet in Kedung Kelor Village for several reasons, so that the model that is urgently carried out by the Village is by providing incentive assistance in the Village, training on village institutional strengthening, comparative studies and intensive assistance in the Village.
- 3) The third model is to strengthen what is the second model, namely by providing literature related to the management of BUMDes and monitoring and evaluating the activities of the BUMDes.
- 4) The next model is that with the active participation of the Kedungkelor Village community the potential for BUMDes already exists is only needed to be moved by the authorities.

B. The Model of Accelerating Acquisition of Copyright through BUMDes

Based on the application of the Copyright Acceleration Through BUMDes model in Kedungkelor Village, Warureja, Kabupaten Tegal, the model that is in accordance with the conditions of the Kedungkelor Village which is a developed village is no longer a developing village, so there are some things that become important points that need to be modeled the ideal of accelerating the Acquisition of Copyright Through BUMDes in Kedungkelor Village, Warureja, Tegal Regency through business entities, is as follows:

1. **Serving**
BUMDes runs a social business that serves citizens, which is able to provide public services to the community. In other words, this BUMDes provides social benefits to citizens, even though they do not get large economic profits. An example of a type of Serving business is the village water supply business, both clean water management and management of drinking water (distilled), village electricity business, food storage, and others.
2. **Banking**
BUMDes runs a money business, which fulfills the financial needs of rural communities with interest that is lower than the interest earned by villagers from village moneylenders or conventional banks. Examples of types of banking businesses are: Village banks or rural credit institutions or village microfinance institutions, revolving fund business units and so on.
3. **Renting**
BUMDes runs a rental business to serve the needs of the local community and at the same time to earn village income. This has been a long time in many villages, especially villages in Java. Examples of types of Renting businesses are: tractor rental, party tools, meetinghouses, shop houses, land, and so on.
4. **Brokering**
BUMDes becomes an intermediary institution that connects agricultural commodities with markets or so that farmers have no difficulty selling their products to the market, or BUMDes sells services to residents and community businesses. Examples of Brokering business types are: Electricity payment services, PAM, Tel, Motor Vehicle Tax Extension Services and others. Villages can also establish village markets to market products produced by the community.
5. **Trading**
BUMDes runs a business that produces and/or trades certain items to meet community needs and is marketed in a wider market. Examples of types of trading businesses include: Ice factories, liquid smoke factories, agricultural products, agricultural production facilities, and others.
6. **Holding**
BUMDes as a joint venture, or as a parent of business units in the village, where each individual stand unit is regulated and arranged in synergy by BUMDes to grow a joint venture. Examples of types of Holding businesses are: 1) Large-scale village vessels to organize and accommodate small fishermen; 2) Village tourism that organizes various types of businesses from community groups: food, crafts, tourism, arts, lodging, etc.

During the discussion on the preparation of the Policy Paper, there emerged one classification of other types of businesses that could actually be held by BUMDes, namely **contracting**. Namely the partnership effort undertaken by the Business Unit in BUMDes with the Village Government or other parties. For example, the Contractor/ Developer Business Unit to work on the project of the physical development of the village, such as: the manufacture of talut, road hardening, simple houses and construction

of other village-scale infrastructure. The construction of the quality sapras does not require complicated technical competencies or can be done by villagers who work as builders. Examples of other business units of this type of business are the establishment of a Cleaning Service Business Unit to clean office buildings or companies operating in the village, or the establishment of a Catering Business Unit to meet the needs of lunch/ consumption meetings. This type of business is very in line with the principles of Recognition and Subsidiarity which are mandated in Law No. 6/2014 about villages.

Through various business units, various basic needs of the villagers are expected to be accommodated and fulfilled. Furthermore, the selection of types/business units is submitted to the BUMDes Management to inventory various needs and potentials they have. The determination of the business units that will be held should be discussed in the Musdes (Village Meeting) forum (the highest authority on BUMDes) because each business unit that is formed contains risks. For this reason, it is recommended that a feasibility study and business plan be carried out first before the business unit is operational.

Based on some of the BUMDes empowerment models described above, the ideal model that fits the condition of Kedungkelor Village is through Serving: BUMDes runs a social business that serves citizens, which is able to do public services to the community. In other words, this BUMDes provides social benefits to citizens, even though they do not get large economic profits. An example of a type of serving business is the village water supply business, both clean water management and management of drinking water (distilled), village electricity business, food storage, and others. This is in accordance with the conditions in Kedungkelor Village that during the dry season, such as at this time there is a drought, especially in Dukuh Kedung Sambi, which recently received clean water assistance from the Tegal Regency Government.

In addition to Serving as a model for the implementation of BUMDes that is more appropriately related to the ideal model for Kedungkelor Village BUMDes namely **Trading** BUMDes runs businesses that produce and/or trade certain goods to meet community needs and be marketed in a wider market. Examples of types of trading businesses include: Ice factories, liquid smoke factories, agricultural products, agricultural production facilities, and others. This is because the people of Kedungkelor Village besides farming also trade and are self-employed. The most prominent agricultural, pond and plantation products are Panami Shrimp, jasmine and mango plantations. Special jasmine has a prominent creativity, which is the famous jasmine flower decoration, which goes out of town, especially in Jakarta.

It is this jasmine flower decoration that produces a wide variety of diverse creations, from the official and non-official models. From the Trading business model, many can actually be made ideal models with the existing BUMDes model Kedungkelor Village. Related to this, the intellectual property opportunity that can be utilized is copyright. The creation of jasmine flower decoration that requires human intellectual creativity so that it forms various kinds of jasmine flower decoration creations has the potential to be used as a form of village wealth in the form of Intellectual Property.

Jasmine flower decoration is an activity that really needs human creativity, this is in accordance with the Understanding of Article 1 paragraph Indonesian Copyrights Law No. 28 of 2014 which states that Copyright is the exclusive right of the creator that arises automatically based on the declarative principle after a work is manifested in a tangible form without reducing restrictions in accordance with the provisions of legislation.

Kedungkelor Village needs to facilitate the craftsmen of jasmine flower decoration to register the Copyright as a result of their creativity which can be made as Trading so that it becomes their own capital for Kedungkelor Village to establish BUMDes. There are many things that can be done by the Kedungkelor Village to register the village's wealth in question, among others by cooperating with Stakeholders to participate together in advancing their potential, not only jasmine flowers decoration but also other potentials. Like Panami Shrimp, Arumanis Mango which can be used as a Trading in Kedungkelor Village.

In addition, to optimize the acquisition of copyright in Kedungkelor Village through BUMDes, there is a need for consistent and continuous assistance to the creator, as well as monitoring and evaluation of how far the development of assistance for copyright legal protection has gone. This is related to the Ideal Model for Accelerating Acquisition of Copyright through BUMDes in Kedungkelor Village, Warureja, Tegal Regency. This is based on the fact that the BUMDes model that is in accordance with the Conditions and Potential of Kedungkelor Village is Trading, namely BUMDes runs a business that produces and/or trades certain goods to meet community needs and is marketed in a wider market.

From some of the potential above, trading is suitable as one of the BUMDes, where there are several businesses from the residents of Kedung Kelor Village that can be used as assets of BUMDes by providing quality jasmine seeds, Provision of Panami Shrimp farming and the management and marketing of mangoes. This should be supported by the existence of legal protection, namely by the existence of copyright registration that arises from the existing potential whose ultimate goal is the welfare of the village community.

Copyright protection appears with registration. Intellectual property can be a trade for BUMDes if managed properly, because one of the important roles that cannot be forgotten is that KI plays an important role in UKM activities, according to Startup Copyrights Founder Fahrian Agam, IPLOID IP & PVP Consultant Gunawan Bagaskoro, and Senior Associate of Assegaf Hamzah & Partners Ari Juliano Gema, said that in broad outline this IPR can still be divided into two categories, namely Copyright and Industrial Property Rights. Copyright itself is usually intended to protect works in the fields of art, literature, and science. On the other hand Industrial Property Rights, include Patent, Trademark, Industrial Design, Trade Secrets and integrated circuit layout design.

When starting a business, one of the important elements that should be considered should be providing protection for IPR related to the business. It is a wrong step if new IPR protection is taken care of when the business has started to grow. Thus, the company's important assets become unprotected from piracy by unauthorized parties.

Therefore, for those who are just starting out, such as Startup and SMEs, protection of IPRs in the early stages of their business should be a preliminary consideration, because IPRs can be both swords and their shields. Shield because IPR will protect against the invasion of competitors or large capital owners as well as piracy. Swords because IPR is a monopoly right that is recognized and does not violate the provisions of business competition and can be used to prohibit other parties from using the IPR without the permission of the owner.

The explanation above further confirms that intellectual property that has been created becomes a lucrative selling power when managed well, this is related to the potential of the Kedungkelor Village which has various potential intellectual property that are useful for the welfare of the community through BUMDes. In the end, all of these stages only need to optimize the role of the village government in utilizing the existing potential that can be registered as intellectual property that can become the wealth of the village concerned.

CONCLUSION

Based on the results of the research and discussion described above, it can be concluded that Actually in the village of Kedungkelor, Warureja District, Tegal regency, there are village institutions such as Karang Taruna, BPD, PKK and Posyandu, only there are no BUMDes which are still constrained by how to manage and manage submission to become BUMDes because of limited human resources who want to take care of BUMDes in Kedungkelor Village. The availability of the requirements for establishing BUMDes that are not yet adequate in Kedungkelor Village is due to several reasons, so the model that is urgent to be carried out by the Village is by providing incentives in the Village, Village institutional strengthening training, comparative studies and intensive assistance in the Village. The third model is to strengthen what is the second model by providing literature related to the management of BUMDes and monitoring and evaluating the activities of the BUMDes. The next model is that with the active participation of the Kedungkelor Village community, the potential for BUMDes already exists is only needed by the authorities. And the ideal model of accelerating the acquisition of copyright through BUMDes is that of the Trading business model, many of which can actually be made ideal models with the existing BUMDes model Kedungkelor Village. Related to this, the intellectual property opportunity that can be utilized is copyright. The creation of ronce that requires human intellectual creativity so that it forms various kinds of ronce creations has the potential to be used as a form of village wealth in the form of Intellectual Property.

REFERENCE

- Djumhana, M. and Djubaedillah. (2003). *Hak Milik Intelektual, Sejarah, Teori dan Prakteknya di Indonesia*. Bandung: Citra Aditya Bakti.
- Gautama, S. (1995). *Segi-Segi Hak Milik Intelektual*. Jakarta: Eresco.
- Hibatullah, T. A. (2016). "Instrumen Hukum UMKM Berbasis Teknologi: Belajar dari Tiongkok", *Online Article*, October, Retrieved from [Online Article, October, retrieved from <https://hukumperdataunhas.wordpress.com/2016/10/04/menyambut-wajah-baruu-paten-di-indonesia-undang-undang-no-13-tahun-2016-tentang-paten/>](https://buatkontrak.wordpress.com/2016/10/07/pos-blog-pertama/Subroto A. Muhamad and Suprapedi (2008). Pengenalan HKI (Hak Kekayaan Intelektual. Jakarta: PT Indeks.</p><p>Kesowo, B. (1995). <i>Pengantar Umum Mengenai Hak Atas Kekayaan Intelektual (HAKI) di Indonesia</i>. Yogyakarta: Fakultas Hukum UGM.</p><p>Kesowo, B. (1996). <i>Implementasi Persetujuan TRIP's dalam Hukum Hak Kekayaan Nasional</i>, presented in a scientific lecture on the Implementation of Intellectual Property Rights/TRIP's in National Law, Fakultas Hukum Universitas Padjadjaran, Bandung, 22 May 1996.</p><p>Linsay, T. et.al. (2006). <i>Hak Kekayaan Intelektual Suatu Pengantar</i>. Bandung: PT. Alumni.</p><p>Maulana, I. B. (1997). <i>Sukses Bisnis Melalui Merek, Paten, Merek dan hak Cipta</i>. Bandung: Citra Aditya Bakti.</p><p>Maulana, F. (2016).)
- Moleong, L. J. (2007). *Metode Penelitian Kualitatif*. Bandung: Remaja Rosdakarya.
- Miles, B. M. and d Huberman H. M. (1992). *Analisis data kualitatif*. Jakarta: Universitas Indonesia (UI Press).
- Santoso, B. (2008). *HKI (Hak Kekayaan Intelektual) Pengantar HKI*. Semarang: Pustaka Magister.
- Salim, A. (2006). *Teori dan Paradigma Penelitian Sosial*. Yogyakarta: UGM Press.
- Soemitro, R. H. (1990) *Metode Penelitian Hukum dan Jurimetri*. Jakarta: Ghalia Indonesia.
- Widjaya, G. and Yani, A. (2000). *Seri Hukum Bisnis: Transaksi Bisnis Internasional*. Jakarta: Rajawali Pers.

Laws and Regulations

- Republic of Indonesia, Law Number 28 of 2014 concerning Copyrights (Indonesian Copyrights Act).
- Republic of Indonesia, Law Number 6 of 2014 concerning Village (Indonesian Village Act).
- Decree of Home Affairs Minister, Peraturan Menteri Dalam Negeri Nomor 111 Tahun 2014 Tentang Pedoman Teknis Peraturan di Desa.
- Decree of Rural, Development of Disadvantaged Areas and Transmigration Minister, Peraturan Menteri Desa, Pembangunan Daerah Tertinggal, dan Transmigrasi Nomor 2 Tahun 2015 Tentang Pedoman Tata Tertib dan Mekanisme Pengambilan Keputusan Musyawarah Desa

Decree of Rural, Development of Disadvantaged Areas and Transmigration Minister, Peraturan Menteri Desa, Pembangunan Daerah Tertinggal dan Transmigrasi Nomor 4 Tahun 2015 Tentang Pendirian, Pengurusan dan Pengelolaan dan Pembubaran Badan Usaha Milik Desa;

Joint Decree of the Village Head, Peraturan Bersama Kepala Desa Nomor 414.1/25.A/I/2016 Tentang Kerjasama Antar Desa.

Online Source

[...] <http://www.keuandangesa.com/2015/09/langkah-persiapan-pendirian-badan-usaha-milik-desa/>

[...] <http://bumdes.id/2018/02/syarat-pembentukan-bum-desa/>

[...] <http://www.keuandangesa.com/2015/09/pendirian-dan-pengelolaan-badan-usaha-milik-desa/>

[...] <http://www.keuandangesa.com/2016/05/manfaat-badan-usaha-milik-desa-bum-desa-bagi-masyarakat/>

[...] <http://bumdes.id/2018/02/masih-ragu-membentuk-bumdes-coba-simak-manfaat-bumdes-untuk-masyarakat-desa/>

Waspiah, S.H., M.H.

Department of Private and Commercial Law

Faculty of Law, Universitas Negeir Semarang (UNNES)

The author concerns on issues related to copyright, both national and international. Several research and community engagement also concerning to the copyrights, as well as intellectual property rights law

Email: waspiahtangwun@gmail.com

Dr. Rodiyah, SPd., S.H., M.Si.

Department of Constitutional and Administrative Law

Faculty of Law, Universitas Negeir Semarang (UNNES)

Focus of research concerning to legal policy, rural development and law, and constitutional law.

Email: rodiyah@mail.unnes.ac.id

Acceleration of acquisition of copyright

ORIGINALITY REPORT

21 %
SIMILARITY INDEX

17 %
INTERNET SOURCES

2 %
PUBLICATIONS

8 %
STUDENT PAPERS

PRIMARY SOURCES

1 www.ijsr.net Internet Source **6** %

2 ijmmu.com Internet Source **4** %

3 rjoas.com Internet Source **3** %

4 tijoss.com Internet Source **2** %

5 download.atlantis-press.com Internet Source **2** %

6 Submitted to Institut Pemerintahan Dalam Negeri Student Paper **2** %

7 Submitted to iGroup Student Paper **2** %

8 Submitted to Universitas Trunojoyo Student Paper **2** %

Exclude quotes Off

Exclude matches < 2%

Exclude bibliography On

Acceleration of acquisition of copyright

GRADEMARK REPORT

FINAL GRADE

/0

GENERAL COMMENTS

Instructor

PAGE 1

PAGE 2

PAGE 3

PAGE 4

PAGE 5

PAGE 6

PAGE 7

PAGE 8

PAGE 9

PAGE 10

PAGE 11
