

STUDENTS AWARENESS ON THE REGULATION OF INTELLECTUAL PATENT RIGHTS ON THEIR WRITTING PRODUCTS (a case study on the students of State Polytechnic of Madiun)

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Abstract

Students as an intellectual group should be able to be pattern for the younger generation, for example to behave honestly and responsibly. In the making of writing products, students must have an honest attitude in making writing products. To create student's honest behavior cannot be separated from the role of the institution to form a culture of honest behavior by not doing plagiarism against the work of others. This is the reason of the author to make a study with the title Students Awareness on the Regulation of Intellectual Patent Rights on Their Writing Products (A Case Study on the Students of State Polytechnic of Madiun) Based on the principal issues stated above, the purpose of this legal research are: (1) To know whether or not the students of State Polytechnic of Madiun have an awareness on the regulation of Intellectual Patent Rights On Scientific Writing, (2) To determine what factors influence the level of regulation awareness of students State Polytechnic of Madiun to Copyright on Scientific Writing. Research method used in this research is empirical sociological approach method that have intention to observe how is the reaction and interaction happened when system norm (law) work in the society that is to know whether the students of State Polytechnic of Madiun already have an awareness of law to the Intellectual Patent Right of Scientific Writing and to know what factors may give influence to their level of law awareness of copyright on Scientific Writing. Based on the above discussion about students 'legal awareness of intellectual property rights of copyrights on paper case study of Polytechnic State student of Madiun, it can be concluded that the students' legal awareness of copyright rights of writing is still low, indicated by the number of students who know about knowledge IPR / Copyright is still small. The copyright infringement is still committed, i.e., taking photocopies of ordinary and reasonable regardless of the sanctions or rules, then in the case of quoting other people's scientific papers or books, the awareness to include the source of the quotation is still low. Regarding the factors behind the level of law awareness of the students of State Polytechnic of Madiun on the copyright of the paper, the first factor of knowledge and understanding of law, as a whole the students have a low level of knowledge and legal understanding, can be seen from the two aspects contained in it that is about knowledge rules or laws governing and their aims and objectives. Many respondents who only know one of them, know the rules governing, but do not know the purpose of the rule, vice versa. The second concerning legal attitude and legal behavior, most of the students' legal attitude is good, but still many are not good, due to cultural habit factor in the environment and influenced by friends around.

Background

Copyright is part of intellectual patent rights. Copyright was known for so long time ago, but the law concept of copyright just introduced in Indonesia in the begining of 1980. Starting

from revolution period until 1982, Indonesia still uses the Dutch colonial regulations Auteurswet 1912 until the first regulation for copyright was produced in 1982.

Since its independence, Indonesia has had four regulations for copyright. They are; regulation No. 6 1982, regulation No. 7 1987, regulation No.12 1997 and regulation No. 19 2002. However, the regulation 19 2002 for copyright has not relevant with the development of law and people's need hence should be replaced with the new regulation No. 28 2014. This replacement due to the creator of the intellectual product can enjoy their economic right in longer period by extending the period of the product protection. In the former regulation the protection period was a life long plus 50 years, however on the newest regulation for copyright becomes a life long of the creator plus 70 years.

By using the regulation no 28 2004 for copyright, automatically all regulated aspects within should be obeyed by Indonesian people. From Roger H. Soltau quoted by Ramly (1985: 80) said "*Obedience to law is a duty*", means obedience to follow the law is a duty.

The duty to obey the regulation has many reasons, one of the reason is the individual awareness to obey the regulation. From Bert Kutchinsky quoted by Soekanto (1982) said "the strong awareness to the law may create obedience to the law, however, the weak awareness to the law may create crime and evil".

Moreover, in line with the regulation for copyright. Indonesian people's awareness to the regulation for copyrights still weak. However, to use the regulation will be getting harder and it may be possible to create disobediences to the regulation. Adam Podgorecki said as be quoted by Soekanto (1982: 146-147).

"If the creator of the law produces many regulations which are not suitable with the people's awareness and norms, hence... the resistance will be bigger in between the regulation and the awareness and also it will be difficult to implement it. "

The effort to increase the law awareness is done by continual law elucidation to future generation especially the students. As a young generation of the nations, the students have duty to their own fate in academic life and career. They deserve to have appreciation for their scientific products in the form of copyrights or any other intellectual rights. However, there are many students who do not conscious about the concept of intellectual patent right especially copyright.

The low awareness of the students to the law was caused by less law elucidation, less information access to the law and the student's behaviour themselves. Moreover, the students need some efforts to open their knowledge about law. This efforts was done in order to increase their awareness to the law and get well information about the law.

In essence, this effort is made by providing material regulation knowledge about the regulation system, then proceeding on the regulation of Intellectual Patent Right, and more focused on the knowledge of copyright, considering their realm of learning is very close to the use of copyright objects. And also the students are very potential to submit their scientific work, so it needs to be given an understanding of the protection of copyright.

The existence of State Polytechnic of Madiun as the only State University in Madiun has its own charm to attract prospective students to join as a student of State Polytechnic of Madiun. In line with this condition, the number of students from year to year learning period will certainly increase. The increasing number of students, it will produce more the writing products, both in the form of scientific research and books. However with the numbers of products (results) of the writing product, was also accompanied by high copyright infringement. This can be proved by the number of student writing products that do copy and paste. The researcher's experience as a lecturer also often found the results of student writing products in the form of papers or Final Report that does not write a reference book in the quotation while they were writing.

In the other hand, one obligation in the Tri Dharma Perguruan Tinggi is to make a writing product. Running along with the task in the learning process, students are never separated from

the task of making a paper or final project. Phenomenon in the field is often found bad behavior, to meet the task of lecturers with limited time and Scoring factors, students often do plagiarism of other people's writing through the book media or through the internet media.

Students as an intellectual group should be able to be pattern for the younger generation, for example to behave honestly and responsibly. In the making of writing products, students must have an honest attitude in making writing products. To create student's honest behavior cannot be separated from the role of the institution to form a culture of honest behavior by not doing plagiarism against the work of others. This is the reason of the author to make a study with the title Students Awareness on the Regulation of Intellectual Patent Rights on Their Writing Products (A Case Study on the Students of State Polytechnic of Madiun)

Problem Statements

1. Did the student State Polytechnic of Madiun already have the awareness of The Regulation of Intellectual Patent Rights on Scientific Writing?
2. What factors influence the backgrounds of the awareness on the regulation of the students of State Polytechnic of Madiun to the Copyright on Scientific Writing?

Research Objectives

Based on the principal issues stated above, the purpose of this legal research are:

1. To know whether or not the students of State Polytechnic of Madiun have an awareness on the regulation of Intellectual Patent Rights On Scientific Writing
2. To determine what factors influence the level of regulation awareness of students State Polytechnic of Madiun to Copyright on Scientific Writing

Research Method

Research method used in this research is empirical sociological approach method that have intention to observe how is the reaction and interaction happened when system norm (law) work in the society that is to know whether the students of State Polytechnic of Madiun already have an awareness of law to the Intellectual Patent Right of Scientific Writing and to know what factors may give influence to their level of law awareness of copyright on Scientific Writing.

Discussion

1. The awareness of the Student of State Polytechnic of Madiun against Copyright for writing products

According to Paul Scholten in Soekanto (1982: 153), Law awareness is actually an awareness or values that exist within man about the existing law or about the law that is expected to exist. The low or high awareness of public will greatly affected by the implementation of the law. Low legal awareness will be obstacles or problem in law enforcement or implementation either in the high level of law violation or lack of participation of society in law implementation.

Intellectual Property Rights is a right arising from the existence of human creative actions that produce innovative works that can be applied in human life. IPR has a wide scope which includes one of them is Copyright. Copyright is an exclusive right of the creator or copyright holder to govern the use of a poured out idea or certain information. Meanwhile, pursuant to the regulation No. 28 2014 Article 1 Number 1 concerning Copyright that Copyright is "the exclusive right of the creator that arises automatically on the basis of the declarative principle after a work is realized in a tangible form without prejudice to restrictions in accordance with the provisions of legislation". While the paper is the result of the essay in the form of writing which is the result of the mind, the observation, review in a particular field and arranged systematically.

In the sub chapter of this discussion the researcher will discuss about students' law awareness to intellectual property rights of copyrights on paper case study of Polytechnic State student of Madiun from interview result through questionnaire. Then compare it with the theory of B. Kutschinsky (1973) on the indicators of legal consciousness, namely law awareness, law acquisition, legal attitude and legal behavior. So to answer the formulation of the issue of whether the State Polytechnic student of Madiun already have a legal awareness of Intellectual Property Rights Copyright on Scientific Writing, and what factors are behind the level of law awareness of the State Polytechnic of Madiun students against the copyright of his paper.

Student's awareness to Intellectual Property Rights Copyright on Writing Works and factors underlying the level of law awareness will be more detailed as follows:

According to Wingnjosoebroto (2002: 375), legal awareness has two dimensions, namely the cognitive dimension, one's knowledge of the laws governing the particular behavior that is being done (forbid or ordered), and the affective dimension, namely the conviction that the law he knows is the truth must be obeyed. So it can be said that if one only knows the law, then it can be said that the level of law awareness is still low, but if someone or in a society has behaved in accordance with the law, the law awareness is high. Law awareness can be seen through 4 indicators i.e. law awareness, legal acquaintance, legal attitude and legal behavior (B. Kutschinsky 1973)

a. Law Awareness

Law Awareness is a circumstance that one knows that certain behaviors are governed by law. The rule of law in question is written law as well as unwritten law. Such behavior concerns behavior prohibited by law and behavior permitted by law.

In general, the descriptions of legal knowledge of the students Madiun State Polytechnic on the copyright of the paper can be known from the questionnaire including statement that containing the knowledge aspect of copyright on the paper as follows:

Table I. Legal Knowledge

Department	Answer	
	Yes	No
Technique	40	41
Computerized accounting	33	29
Business Administration	61	6
Total	134	76

From the table it can be seen that the majority of respondents who do not have legal knowledge about copyright on the work of 76 people, while respondents who already have knowledge about copyright law as much as 134 people.

The above data is obtained through the question of whether you are aware of any regulations governing the photocopy of a scientific paper or a copyright regulation on a written work. More than half of respondents said they knew about the rules, but in fact did not guarantee that the respondents who knew about the rules knew the name and content of the rules regarding the exact copy of the scientific work.

Student's ignorance about the rules of copyright over the paper, which is less active role of educational institutions in conducting coaching and socialization so that students really know or understand the usefulness or benefits of legal reorganization so that students are more obedient and obey the rules.

So, it can be said that the level of awareness of Madiun State Polytechnic students is high, more than half of respondents who know, but the high knowledge of respondents

cannot be guaranteed to touch the level of knowing the name of the written rules precisely and just know its existence.

b. Legal Acquaintance

Legal acquaintance can be seen from the context of understanding the content of the intent and purpose contained in the rules or laws governing. In this case we can see the level of understanding of law of students of State Polytechnic of Madiun, from the following table:

Table 2. Legal Understanding

Department	Answer		
	Understand	Not really understand	Do not understand
Engineering	14	32	35
Computerized Accounting	13	25	24
Business Administration	28	26	13
Total	55	83	72

From the data on the table above, it can show the level of understanding of law students State Polytechnic of Madiun, which the number of students who understand only as many as 55 people, i.e. less as half the total number of respondents.

The level of legal understanding can be measured or seen from respondents' answers in answering statements about, citation actions, which most students still do not include sources when quoting parts of other people's scientific papers on the grounds that friends are doing the same thing and the student's own environmental culture. With the respondent's answer indirectly the student has violated the Copyright Act. It is said to be a violation of copyright in the event of an act committed by a person to copyrighted works that are exclusively owned by another without the permission or as far as one knows by the owner of the right. It is set out in the Copyright Act no. 28 2014 Chapter XVII provides for Criminal Provisions, in the event of a copyright infringement. Based on Chapter XVII UUHC, there are at least about 8 Articles governing the Criminal Provisions. The 8 (eight) Articles regulating Criminal are regulated in Articles 112 to 119. And in 8 (eight) Articles are regulated on *Prison Criminal and Criminal Penalties*. Criminal Penalties under Copyright Act no. 28 2014 mentioned; imprisonment for a maximum of 10 (ten) years. While for Criminal Fines determined; at most Rp. 4.000.000.000, 00 (four billion rupiah).

In addition, in an effort to have a book/ reference lecture, although many students who choose to borrow at the library/ borrow the seniors, still there are who doing photocopy. This photocopying action also falls under the category of copyright infringement if this photocopying action takes place without the consent of the author. Finally the understanding of the contents of the Copyright rules of the paper, in which there is a moral and economic rights for the creator. It found that the number of respondents who do not know about Moral Rights and Economic Rights as much as 159 respondents, the number is more than the total respondents as a whole. Ignorance of respondents to moral rights and economic rights for the creators will have a negative impact on the students themselves that violations will often be done so that students' legal awareness is very low, besides the students themselves if they can produce a creation will feel aggrieved by the public interest because it does not understand what functions of the Economic and Moral Rights.

While the Moral Right and Economic Right is regulated in the Copyright Act No. 28 2014 Article 5 Number 1, that the Moral Right here is an inherent right of the Creator to:

- a. To keep or not to mention his name on the copy in connection with the use of his work for the public;
- b. To use his aliase name
- c. To change his creations in accordance with norms in society
- d. To change the title and sub title of Creation; and
- e. To defend his right in whenever there is distortion of creation,

And the meaning of Economic Rights itself is the right to economic gain over intellectual property. It says Economic Rights for Intellectual Property Rights are things that can be judged by money (Vollmar HFA, 1983: 195).

So it can be concluded that the level of understanding the student is still low, can be seen from the action in citing without mentioning the source, there are still some students who keep doing photocopy in obtaining books / reference lectures, and on understanding the contents of copyright rules in which there are moral and economic rights, there are still many students who do not know yet.

c. Legal Attitudes

The legal attitude of a person has a tendency to make certain judgments to the law. In this case the question which contains the legal attitude of the approval of permitting the photocopies of the paper is not entirely and agreeing to quote the passage in scientific papers by stating the source. In this case the State Polytechnic student of Madiun number of respondents who agreed to allow a copy of the paper is not a whole as much as 129 respondents. This is more than respondents who do not agree that as many as 81 people, with this majority of State Polytechnic students show the appropriate attitude of the rule that is to agree not to photocopy as a whole.

The reasons they agree not to take photocopy as a whole is not closely related to the existence of punishments written rules on such actions, but because of economic considerations as well as according to their needs, i.e. a photocopy of the part they need only. However, the answer may raise the possibility that the required part of the student is a whole book, it is not impossible to photocopy as a whole, which means the possibility of copyright infringement.

While those who agreed to quote the piece of paper with the source as many as 175 respondents. The reason for the students to approve such actions in addition to the existence of sanctions and rules regarding the act as well as a form of appreciation of the creator and the source can be traced its existence. Besides that, the other supporting reason is concerns to lecturers / teachers who occasionally inquire about the source of quotations originated.

For the third question is about agreeing to see a friend doing a copy of reference book. It can be seen the number who approve more than half the respondents. This proves that the law attitude of the students is still low enough to allow friends to violate the law. The reason the respondent answered agreed to make a copy because he himself also did the same thing. While respondents who answered do not agree because there are sanctions and rules related to the photocopy activities. Such an attitude of law belongs to the category of "instrumental legal attitudes" (Podgoresky cited Soekanto: 1982) i.e., which tends to approve legal or regulatory norms because of profit or usability considerations in this respect is to obey the rules and avoid sanctions.

Last, the question of whether or not they approve someone to take photographs of scientific papers without borrowing or informing the creator. Based on the data shows the number of respondents who agreed that as many as 102 respondents. While those who did not approve as many as 49 respondents and the remaining 59 states do not know whether it is in violation of copyright or not so they do not give a response to agree or not. From

the results of the data can be seen the law attitude of students is still quite low, seen from the interviews and questioners states that students who approve allow to take photocopy the paper without borrowing or inform the creator of almost half of the respondents, while those who do not provide the answer for reasons not knowing whether it violates or not enough. So it can be concluded that the law attitude is still low, because it still agrees the violation of law.

So it can be concluded the legal attitude of State Polytechnic students of Madiun, has not shown a good attitude toward the law see from attitude in include source, which is still sometimes. Then photocopy important sections, approve friends to photocopy, and agree to photograph the paper without borrowing or permission to the creator.

d. Legal Behavior

Legal behavior is when a person or in a society obey the applicable rules. In this case the student's legal behavior can be seen from the question of whether you have quoted a part in another person's scientific papers and did not include the source. Respondents who answered "Yes" as many as 102 respondents, while the answer "No" as many as 108 people. This means that more respondents listed the source if they were quoting parts of other people's scientific papers. The reason the respondent answered "No" because there are rules and punishments about the action. While the respondents who still do not include the source has a reason for the difficulties in the writing of the source and culture of the student environment itself.

The second question about whether you have photocopied the book/ reference lecture as a whole as the original. Most answers to these questions tend to answer "No" as many as 135 respondents. So it is known that the respondents when doing photocopying activities they choose to photocopy some, or that is considered important only. However, the possibility of photocopying in its entirety may occur, if that is considered an important one book overall, so the possibility of infringement can still be found.

The third question about behavior has asked permission first to the creator if you want to copy. The data shown the number of respondents who had asked permission to the creator before copying only as many as 18 people from 210 overall respondents. The reason of the respondent to do the permit is because there are rules and sanctions that regulate it and also appreciate the creation of others. While the answer "no" because for personal interests so no need to ask permission. So it can be seen that the student's legal behavior is not good enough because ignore the copyright of others, although for personal interest should be permission first.

So it can be concluded that most students of State Polytechnic of Madiun have legal behavior that is not good enough, but still many who have legal behavior that has not been good with still existence of violation done because of existing environmental culture.

From the above description can be concluded about the legal awareness of State Polytechnic of Madiun students against Copyright for Scientific Writing, as follows:

Table IV. Legal Awareness against Copyrights of Writing Works

Indicator	Number of "Yes"
Legal Knowledge	134
Legal Understanding	55
Legal Attitudes	146
Legal Behavior	65

From the above table it is known about the awareness of State Polytechnic students of Madiun seen from the indicators of legal knowledge, namely that know about the law

as much as 134 respondents from the number of respondents as much as 210, so that more than half of respondents can understand about the rules of copyright on the paper. Then the second indicator is the understanding of the law, it can be seen as many as 55 respondents who understand about the rules of copyright over the paper, i.e. less than half of respondents who understand the law. The third indicator of legal attitude, in which the number of respondents who answered “Yes” as many as 146 people from 210 respondents, but in it there are 2 groups containing different questions. First agree on the rules on listing the source of quotations and photocopying not a total of 148. Secondly on the attitude of agreeing to see friends photocopying and agreeing to photograph the scientific work without asking permission as many as 144 respondents. This proves the legal attitude of the students is still low due to agreeing to the act of violation. And the last indicator that is about the action quotes without including the source and make a copy overall. From the results of the above table is known to answer agree only 65 people, less than half of respondents. This indicates that respondents prefer a behavior that lists the source when conducting citation activities and does not photocopy in its entirety but does not ask permission when photocopying.

2. Some Factors may affect the degree of Law Awareness of Student State Polytechnic of Madiun to Copyright of Writing Products.

Factors may affect the law awareness can be seen from the four indicators of knowledge, understanding, attitudes and legal behavior, concerning the reasons behind the results of the four indicators that have been obtained. Here’s the discussion:

a. Law Awareness

It is known that the level of knowledge of Madiun State Polytechnic students in the above discussion is already high, more than half of respondents understand, however high knowledge of the respondent cannot be a guarantee to touch the level of knowing the name of written rules precisely and just know its existence only.

Student’s ignorance about the rules of copyright over the paper, which is less active role of educational institutions in conducting coaching and socialization until students really know or understand the usefulness or benefits of legal reorganization so that students are more obedient and obey the rules.

b. Legal Acquaintance

The level of understanding of State Polytechnic students of Madiun is still low, can be seen from the action in citing without mentioning the source, still a few students who keep doing photocopy in obtaining books / reference lectures, and about understanding the contents of the rules on copyright in which there is moral and economic rights, there are still many students who do not know yet. Factors behind the action of quotation without mentioning the source is the difficulty in the writing of the source and culture of the student environment itself. While the reason to photocopy the book / reference because the price of the original book is more expensive. And finally the understanding of the contents of copyright rules on papers containing moral rights and economic rights, because students have not received material about IPR / Copyright.

c. Legal Attitudes

The legal attitudes of the State Polytechnic of Madiun students also have not fully demonstrated a good legal attitude. This can be seen in terms of approving the non-total copying action which still poses the possibility of photocopying the whole if it is considered important that a whole book and agree to do the quotation by including the source where there are still students who sometimes include it. Then the attitude of agreeing a friend to make a copy is still high because the personal also do and agree to photograph the paper without borrowing or permission to the creator is still high, and

many students who do not know about whether the act is violated or not. The reasons behind this matter in addition to supporting environmental factors, as well as factors ignorance of students about the knowledge of rules that applies. So the legal attitude of students is still low.

d. Legal Behavior

Most of the students of Madiun State Polytechnic have good legal behavior, but still many students who have bad legal behavior with still existence of violation done because of existing environmental culture i.e. about the citation action without specifying source. Although many have included sources, there are still students who have not yet listed. This is due to environmental culture factors.

In addition to the overall photocopying behavior, it is known that the student chooses photocopying some, or that is considered important only. However, the possibility of photocopying in its entirety may occur, if that is considered an important one book overall, so the possibility of infringement can still be found. The reasons behind this are the economic considerations and considerations of the students' needs.

Conclusion

Based on the above discussion about students 'legal awareness of intellectual property rights of copyrights on paper case study of Polytechnic State student of Madiun, it can be concluded that the students' legal awareness of copyright rights of writing is still low, indicated by the number of students who know about knowledge IPR / Copyright is still small. The copyright infringement is still committed, i.e., taking photocopies of ordinary and reasonable regardless of the sanctions or rules, then in the case of quoting other people's scientific papers or books, the awareness to include the source of the quotation is still low.

Regarding the factors behind the level of law awareness of the students of State Polytechnic of Madiun on the copyright of the paper, the first factor of knowledge and understanding of law, as a whole the students have a low level of knowledge and legal understanding, can be seen from the two aspects contained in it that is about knowledge rules or laws governing and their aims and objectives. Many respondents who only know one of them, know the rules governing, but do not know the purpose of the rule, vice versa. The second concerning legal attitude and legal behavior, most of the students' legal attitude is good, but still many are not good, due to cultural habit factor in the environment and influenced by friends around.

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