

## THE DIMENSION OF TROSO WEAVING CRAFTSMAN'S COPYRIGHT LEGAL AWARENESS

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### Abstract

*This research study aims to determine the factors behind the low legal awareness of Troso weaving craftsmen in recording creations and to examine this legal awareness using the approach of Law Number 28 of 2014 and the Sharia Economic Law. The method used in this research is sociological juridical based on a qualitative approach. The data sources used are primary data (interviews) and secondary data. The research results show that the legal awareness dimension of some Troso weaving craftsmen in recording creations is still relatively low. Cognitive and affective factors influence the low legal awareness of craftsmen. Mental skills are closely related to understanding the procedures for requesting creation registration, and effectiveness is associated with an attitude that tends to be apathetic and sceptical, caused by a pragmatic mindset that is only oriented towards production or sales. The reality of legal awareness shows its application Law Number 28 of 2014 in society has not been efficient, and if viewed from Sharia Economic Law, the reality of low awareness in recording creations is a form of non-compliance in implementing the principles of benefit and written principles in Islamic law. It is urgent that the results of this research can contribute to raising full awareness of Troso weaving craftsmen in recording their creations so that every work they create in the form of woven motifs will have legal protection. Their exclusive rights will not be denied.*

**Keywords:** *Copyright; Legal Awareness; Sharia Economic Law*

### Abstrak

Kajian penelitian ini bertujuan untuk mengetahui faktor-faktor yang melatarbelakangi rendahnya kesadaran hukum pengrajin tenun Troso dalam pencatatan ciptaan serta menelaah kesadaran hukum tersebut dengan pendekatan Undang-Undang Nomor 28 Tahun 2014 dan Hukum Ekonomi Syariah. Jenis metode yang digunakan dalam penelitian ini adalah yuridis sosiologis dengan basis pendekatan kualitatif. Sumber data yang digunakan berupa data primer (wawancara), dan data sekunder. Hasil penelitian menunjukkan bahwa dimensi kesadaran hukum sebagian pengrajin tenun Troso dalam pencatatan ciptaan terbilang masih rendah. Rendahnya kesadaran hukum pengrajin tersebut dipengaruhi oleh faktor yaitu kognitif dan afektif. Kognitif erat kaitannya dengan tingkat pemahaman terhadap prosedur permohonan pencatatan ciptaan, dan afektif berkaitan dengan sikap yang cenderung apatis dan skeptis yang disebabkan *mindset* pragmatis yang hanya berorientasi pada produksi atau penjualan. Realitas

kesadaran hukum tersebut menunjukkan penerapan Undang-Undang Nomor 28 Tahun 2014 di masyarakat belum sepenuhnya berjalan efektif, dan apabila ditinjau dari Hukum Ekonomi Syariah realitas rendahnya kesadaran dalam pencatatan ciptaan merupakan bentuk ketidakpatuhan dalam pengamalan prinsip kemaslahatan dan prinsip tertulis dalam hukum Islam. Hasil penelitian ini diharapkan dapat berkontribusi menumbuhkan kesadaran penuh pengrajin tenun Troso dalam pencatatan ciptaan sehingga setiap karya ciptaannya berupa motif tenun nantinya memiliki perlindungan hukum dan hak eksklusifnya tidak teringkari.

**Kata Kunci:** Hak Cipta; Kesadaran Hukum; Hukum Ekonomi Syariah.

### Introduction

Along with the changing times, the problems and needs humans face continue to change from generation to generation.<sup>1</sup> The same happens in the continuously changing natural situation, where humans meet their physical needs through economic (business) activities.<sup>2</sup> Economic activity is human activity related to producing, distributing, and consuming commodity goods and services.<sup>3</sup> In other words, economic activity is related to selling goods or services to earn a profit and make ends meet.<sup>4</sup> According to this definition, economic activity is one of the crucial aspects of human relations in meeting basic needs and obtaining prosperity.<sup>5</sup>

However, on the other hand, economic activity in the context of meeting the necessities of life still leaves various forms of irregularities or violations of works of art, such as woven motifs, which have implications for the creators, both materially and immaterially.<sup>6</sup> One thing that is interesting to study is that the potential for violations of these works of art tends to be caused by a lack of understanding, as well as the low awareness of creators to register their

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<sup>1</sup> Khadziq, *Islam and Local Culture: Learning to Understand the Reality of Religion in Society*, Cet. 1 (Yogyakarta:Teras, 2009), 75.

<sup>2</sup> Mohammad Djakfar, *Etika Bisnis; Menangkap Spirit Ajaran Langit Dan Pesan Moral Ajaran Bumi*, Cetakan 1 (Jakarta: Penebar Plus, 2012), 10.

<sup>3</sup> Eka Sakti Habibullah, "Hukum Ekonomi Syariah Dalam Tatanan Hukum Nasional," *Al-Mashlahah: Jurnal Hukum Islam Dan Pranata Sosial* 5, no. 9 (2017): 698, <https://doi.org/10.30868/am.v5i09.190>.

<sup>4</sup> Aristoni Aristoni, Moh Nurul Qomar, and Ani Kusriani, "Revitalization of the Application of Islamic Principles and the ITE Law in Business Development in the Era of Digital Transformation," in *Proceedings of the 2nd International Conference on Law and Human Rights 2021 (ICLHR 2021)*, vol. 592 (Atlantis Press, 2021), 546, <https://doi.org/10.2991/assehr.k.211112.071>.

<sup>5</sup> Agus Arwani, "Epistemologi Hukum Ekonomi Islam (Muamalah)," *Religia* 15, no. 1 (2017): 126, <https://doi.org/10.28918/religia.v15i1.126>.

<sup>6</sup> Taufik H Simatupang, "Revitalisasi Kesadaran Hukum Masyarakat Dalam Rangka Mendukung Perlindungan Kekayaan Intelektual Di Indonesia," *Jurnal Ilmiah Kebijakan Hukum* 10, no. 1 (2016): 1–29, <http://dx.doi.org/10.30641/kebijakan.2016.V10.1-21>.

copyrighted works to obtain legal protection as stipulated in Law Number 28 of 2014 concerning Copyright.<sup>7</sup> Conditions like this, of course, in the future, there is an excellent potential for disputes to occur among fellow woven craftsmen in this archipelago.<sup>8</sup> There was a dispute over weaving motifs between Troso and East Sumba craftsmen. In this case, the woven motif worn by participants from NU Banat Kudus Vocational High School students in the fashion show event organised by Indonesia Fashion Chamber in Paris, France, by the people of East Sumba, Troso weaving craftsmen have claimed it. Meanwhile, the Troso woven craftsmen denied claiming the East Sumba woven motifs. From these problems, it is clear that every copyrighted work needs to be registered as a creation record.

A study shows that the occurrence of violations in the form of plagiarism of copyright in all fields is because the public does not yet have a level of awareness of the meaning and function of copyright and the understanding, actions, and attitudes of law enforcement officials have not been developed in preventing copyright infringement.<sup>9</sup> The community's low legal awareness of copyright also occurs in the Troso community, known as weaving craftsmen. Some indicators of low legal awareness include the hegemony of market demand, the tendency to be apathetic, and some craftsmen who are still weak in understanding copyright regulations, especially related to copyright registration techniques. This also has implications for the various woven fabric motifs not registered with the Directorate General of Intellectual Property Rights. However, it is undeniable that craftsmen have registered many woven motifs.

Based on the results of the initial search, it is known that quantitatively, the various woven motifs that have been registered for creation registration include the Butterfly Garden weaving motif, Rattan Root, Sriwiti, Sunflowers, Lightning, Sowing Sakura, Mustache Patola, Kejora, Amethyst, Sicengkir, Belik Boyolali, Ampel, and Kedawung and others.<sup>10</sup> Meanwhile, woven motifs not registered for

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<sup>7</sup> AAA. Ngr. Sri Rahayu Gorda, Putu Eva Ditayani Antari, and Ida Ayu Ketut Artami, "Sosialisasi Hak Cipta Dan Hak Merek Pada Kelompok Usaha Kecil Dan Menengah Sebagai Aset Bisnis Di Era Industri Kreatif (Sosialisasi Hak Merek Dan Hak Paten Pada Masyarakat Desa Celuk Kabupaten Gianyar)," *PARTA: Jurnal Pengabdian Kepada Masyarakat* 1, no. 1 (2020): 28, <http://journal.undiknas.ac.id/index.php/parta/article/view/2756#>.

<sup>8</sup> Erika Ramadhani and Wahlf Abidian, "Analisis Dan Perancangan Aplikasi Perlindungan Hak Cipta Dan Otentikasi Dokumen Menggunakan Teknik Analisis Kriptografi," *Journal of Appropriate Technology for Community Services* 1, no. 2 (2020): 55–62, <https://doi.org/10.20885/jattec.vol1.iss2.art1>.

<sup>9</sup> Sophar Maru Hutagalung, *Hak Cipta Kedudukan Dan Peranannya Dalam Pembangunan*, ed. Tarmizi and Suryani, Cetakan Pe (Jakarta Timur: Sinar Grafika Offset, 2012), 2–3, [https://books.google.co.id/books?hl=en&lr=&id=qKSAEAAAQBAJ&oi=fnd&pg=PP1&dq=pendaftaran+hak+cipta&ots=IX2EliR\\_RH&sig=ndfD8TRjOwgXbJHnz3fnBFSQ5so&redir\\_esc=y#v=onepage&q=pendaftaran+hak+cipta&f=false](https://books.google.co.id/books?hl=en&lr=&id=qKSAEAAAQBAJ&oi=fnd&pg=PP1&dq=pendaftaran+hak+cipta&ots=IX2EliR_RH&sig=ndfD8TRjOwgXbJHnz3fnBFSQ5so&redir_esc=y#v=onepage&q=pendaftaran+hak+cipta&f=false).

<sup>10</sup> Muarifin, "Empat Motif Asli Tenun Troso Telah Di Patenkan," 2020, <http://troso.jepara.go.id/index.php/artikel/2020/5/15/empat-motif-asli-tenun-troso-telah-dipatenkan>.

creation registration include SBY, Obama, Ombak, Laut, and many others for which the craftsmen have not given the names of the woven motifs they have created.

The law was made to regulate human life, not to harm one another.<sup>11</sup> Apart from that, it also regulates what people can and cannot do.<sup>12</sup> Therefore, the existence of the Copyright Act as a national applicable law (*right established*) the community should obey, especially those who work in the creative industry sector (weaving craftsmen), to register their copyrighted works to obtain legal protection. Jannah revealed in her research that the importance of copyright registration, apart from providing legal protection, is also a potent means of evidence when a dispute occurs and gives birth to material rights because there is a legal relationship between the creator and the copyrighted work (movable object).<sup>13</sup> While Disemadi (et al.) showed that registered copyrighted works will be able to prevent the behaviour and actions of irresponsible parties from using them unilaterally to gain profit.<sup>14</sup> Thus, according to Sasongko, as quoted by Kusno, recording copyrighted works is a measure of legal protection.<sup>15</sup>

Chikmawati (et al.) found that to obtain legal protection from every creation (copyrighted work), including batik motifs, legal awareness is needed from the creator to register it with the Directorate General of Intellectual Property Rights so that it can protect a product and maintain its sustainability as a cultural heritage.<sup>16</sup> Sukarmijan and Sapong argue that awareness of small and medium business actors is essential for developing products using an intellectual property system.<sup>17</sup> Meanwhile, Mingaleva and Mirskikhin's research stated the importance of protecting intellectual property because every human activity can become an economic resource, and intellectual property is the result of creative

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<sup>11</sup> Subiharta, "Moralitas Hukum Dalam Hukum Praksis Sebagai Suatu Keutamaan," *Jurnal Hukum Dan Peradilan* 4, no. 3 (2015): 388, <http://dx.doi.org/10.25216/jhp.4.3.2015.385-398>.

<sup>12</sup> Rahman Syamsuddin, *Pengantar Hukum Indonesia* (Jakarta: Prenadamedia Group, 2019), 7.

<sup>13</sup> Maya Jannah, "Perlindungan Hukum Hak Kekayaan Intelektual Dalam Hak Cipta Di Indonesia," *Jurnal Ilmiah Advokasi* 6, no. 2 (2018): 55–72, <https://doi.org/10.36987/jiad.v6i2.250>.

<sup>14</sup> Hari S Disemadi et al., "Perlindungan Hak Eksklusif Atas Ciptaan Digital Painting Dalam Tatanan Hak Kekayaan Intelektual Di Indoensia," *Widya Juridika: Jurnal HUKUM* 4, no. 1 (2021): 41, <https://doi.org/10.31328/wy.v4i1.1834>.

<sup>15</sup> Habi Kusno, "Perlindungan Hukum Hak Cipta Terhadap Pencipta Lagu Yang Diunduh Melalui Internet," *FLAT JUSTISIA: Jurnal Ilmu Hukum* 10, no. 3 (2016): 492, <https://doi.org/10.25041/fiatjustisia.v10no3.789>.

<sup>16</sup> Endang Purwaningsih, Nelly Ulfah Anisa Riza, and Nurul Fajri Chikmawati, "Kesadaran Hukum Terhadap Kepemilikan Merek Terdaftar Pada Pengrajin Batik Pekalongan Jawa Tengah," *ADIL: Jurnal Hukum* 5, no. 2 (2014): 196, <https://doi.org/10.33476/ajl.v5i2.285>.

<sup>17</sup> Sati-Salmah Sukarmijan and Olivia De Vega Sapong, "The Importance of Intellectual Property for SMEs; Challenges and Moving Forward," *UMK Procedia* 1, no. October 2013 (2014): 74–81, <https://doi.org/10.1016/j.umkpro.2014.07.010>.

intellectual work.<sup>18</sup> According to Saeben, legal awareness is a sincere state that appears in a person's heart as an individual or community in acknowledging and practising the messages found in the law.<sup>19</sup>

According to Sharia Economic Law, legal awareness is the understanding of the practice of legal rules governing legal relations between human beings related to objects of economic activity according to Sharia concepts or principles.<sup>20</sup> Soekanto said there were at least 4 (four) things that could be used as a measure in which people had a high level of legal awareness, namely legal knowledge, legal understanding, legal attitudes, and patterns of legal behaviour.<sup>21</sup>

Departing from the problems and explanation of the results of previous research, this study aims to examine the dimensions of legal awareness of Troso weaving craftsmen in compliance with the Copyright Act and analyse it using the approach of Law Number 28 of 2014 and Sharia Economic Law. The two methods are used with the consideration that Law Number 28 of 2014 is a regulation that regulates copyright that applies as national law. (*right established*) which should have been obeyed even though the law is voluntary (*voluntary application*). The two approaches are also distinguished from this research so that the discussion of the study can complement what has not been studied in previous research. It is hoped that the results of this research can contribute to growing full awareness of Troso weaving craftsmen in recording creations so that each work can be recorded his creation in the form of woven motifs, which will later have legal protection. Their exclusive rights will not be denied.

## Methods

To answer the focus of the problem in this study, the type of method used is sociological juridical, with a qualitative approach as the basis. In contrast, the discussion of research studies using the statutory regulation approach, namely Law Number 28 of 2014 and Sharia Economic Law, is the source of this research data: primary data (interviews) and secondary data.<sup>22</sup> Primary data was obtained directly in the field by interviewing informants, including the Troso village chief, the Troso weaving association chairman, and the weaving craftsmen, to obtain data and information. The secondary data used includes Law Number 28 of 2014 concerning Copyright, scientific articles, books, research reports, and so on, which still have relevance to the theme of this research. After the data and information are obtained, the data's validity is tested using a credibility test, including extending observations and triangulation (source, technique, and

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<sup>18</sup> Zhanna Mingaleva and Irina Mirskikh, "Psychological Aspects of Intellectual Property Protection," *Procedia-Social and Behavioral Sciences* 190, no. November 2014 (2015): 220–26, <https://doi.org/10.1016/j.sbspro.2015.04.938>.

<sup>19</sup> Beni Ahmad Saebeni, *Sosiologi Hukum* (Bandung: Balai Pustaka, 2006), 197.

<sup>20</sup> Arifin Hamid, *Membumikan Ekonomi Syariah Di Indonesia* (Jakarta: Pramuda, 2008), 73.

<sup>21</sup> Soerjono Soekanto, *Kesadaran Hukum Dan Kepatuban Hukum* (Jakarta: Rajawali Press, 1982), 157.

<sup>22</sup> Gabril Amin Silalahi, *Metode Dan Studi Kasus* (Sidoarjo: Citra Media, 2003), 57.

time).<sup>23</sup> The purpose of using this data validity technique is to obtain valid data. From these data, further examination and data analysis are carried out regarding the consistency of answers from various materials or data obtained in the field. In this stage, the data analysis technique used is descriptive qualitative with several steps, including data reduction, data presentation, and verification, so that a comprehensive conclusion will be obtained that reflects the purpose of this research.

## Results and Discussion

### Factors Causing Low Legal Awareness of Troso Weaving Craftsmen in the Registration of Creations

Humans are born essentially to have personalities and characters that are different from one another.<sup>24</sup> The nature of differences in personality and character in each human being in association with society can potentially give rise to different interests and needs.<sup>25</sup> If left unchecked, differences in interests and needs can turn into conflicts or disagreements that can potentially cause chaos in society.<sup>26</sup> Therefore, the law is needed as a way of life and aims to regulate human interaction in society so that it can balance interests and not harm others.<sup>27</sup>

Law as a social rule is the formulation of a view regarding attitudes or behaviour that should be done or not done, what is ordered to be carried out, or what is prohibited from being carried out.<sup>28</sup> From this understanding of the law, a common thread can be drawn that the existence of law in society is necessary to create order and balance interests among society's members.<sup>29</sup>

Politically, the issuance of Law Number 28 of 2014 concerning the Amendment to Law Number 19 of 2002 concerning Copyright can be interpreted as the seriousness of the state in providing legal protection for the economic rights and moral rights of creators and related rights owners as a significant element in the development of national creativity.<sup>30</sup> The position of moral and economic rights is understood as exclusive copyright, which means

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<sup>23</sup> Sugiyono, *Metode Penelitian Kombinasi (Mixed Methods)* (Bandung: Alfabeta, 2015), 327.

<sup>24</sup> Rahman Syamsuddin dan Ismail Aris, *Merajut Hukum Di Indonesia, Mitra Wacana Media* (Jakarta: Mitra Wacana Media, 2014), 14.

<sup>25</sup> Atang Hermawan Usman, "Kesadaran Hukum Masyarakat Dan Pemerintah Sebagai Faktor Tegaknya Negara Hukum Di Indonesia," *Wawasan Hukum* 30, no. 1 (2014): 30, <https://doi.org/10.25072/jwy.v30i1.74>.

<sup>26</sup> Syamsuddin and Aris, *Merajut Hukum Di Indonesia*.

<sup>27</sup> Dyah Ochtorina Susanti and A'an Efendi, "Pancasila Dalam Teori Jenjang Norm Hukum Hans Kelsen," *Jurnal Legislasi Indonesia* 18, no. 4 (2021): 520–521.

<sup>28</sup> Sudikno Mertokusumo, *Mengenal Hukum Suatu Pengantar* (Yogyakarta: Liberty, 2007).

<sup>29</sup> Ade Maman Suherman, *Pengantar Perbandingan Sistem Hukum*, 2004.

<sup>30</sup> Taufik Effendy Akhmad Munawar, "Upaya Penegakan Hukum Pelanggaran Hak Cpta Menurut Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta," *Journal of Chemical Information and Modeling* 8, no. 2 (2016): 128, <http://dx.doi.org/10.31602/al-adl.v8i2.453>.

rights only intended for creators.<sup>31</sup> Thus, no other party or person can take advantage of the rights referred to without the creator's permission.

The legal protection of copyright is in line with the objectives of the state as stated in the fourth paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia, which includes<sup>32</sup> (1) protecting the entire nation and all of Indonesia's bloodshed; (2) promote public welfare; (3) educate the life of the nation; (4) participate in carrying out world order based on independence, eternal peace and social. As intended, the state's goals can only be achieved if the implementation is based on the five principles of the Pancasila state. Thus, it can be understood that Pancasila is a guide for national legal politics in various fields.<sup>33</sup>

Law Number 28 of 2014 is also intended to respond to the era of globalisation, which is characterised by advances and developments mainly in the field of technology, thus requiring changes to copyright regulations and making adjustments based on several new views in the field of science and technology, transparency, implementation of a democratic system, intellectual culture in general and copyright in particular which are part of intellectual property rights.<sup>34</sup> Even though the presence of Law Number 28 of 2014 as a legal product has a dimension of benefit for the community, in the practical realm, the implementation of this law has not run optimally in society, especially in the community as Trosro weaving craftsmen, meaning that the community has not fully practised the Law. Law Number 28 of 2014 protects his works in the form of woven motifs so that it has the potential for others to plagiarise. This confirms that the legal awareness of the community is still low. Some of the indicators of low legal awareness include the hegemony of market demand, the tendency to be apathetic, and some craftsmen who are still weak in understanding copyright regulations, especially related to the technical registration of creation registration, which has implications for various woven motifs that have not been registered for copyright registration at the Directorate General of Property Rights. Intellectual. A study is needed to test the truth of the indicators mentioned.

However, the research findings show that in law enforcement, some people, such as Trosro woven craftsmen, have practised Law Number 28 of 2014. This condition can be seen in several Trosro woven cloth motifs registered for

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<sup>31</sup> Regent et al., "Pelanggaran Hak Cipta Sinematografi Di Indonesia: Kajian Hukum Perspektif Bern Convention Dan Undang-Undang Hak Cipta," *Indonesia Law Reform Journal* 1, no. 1 (2021): 117, <https://doi.org/10.22219/ilrej.v1i1.16129>.

<sup>32</sup> Abdul Gani Abdullah et al., "Laporan Tim Naskah Akademik Rancangan Undang-Undang Tentang Hak Cipta (Perubahan UU No. 19 Tahun 2002)" (Jakarta, 2008), 13.

<sup>33</sup> Any Ismayawati, "Pancasila Sebagai Dasar Pembangunan Hukum Di Indonesia," *YUDISIA: Jurnal Pemikiran Hukum Dan Hukum Islam* 8, no. 1 (2018): 55, <https://doi.org/10.21043/yudisia.v8i1.3231>.

<sup>34</sup> Akhmad Munawar, "Upaya Penegakan Hukum Pelanggaran Hak Cpta Menurut Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta."

creation registration at the Directorate General of Intellectual Property Rights. Bukhori Zubaidah, the General Section of the Troso Weaving Association Cooperative, said that at least so far, around 111 woven fabric motifs with various motifs have been registered for copyrights.<sup>35</sup> The same thing was conveyed by Abdul Jamal, the Chairperson of the Troso Village Pokdarwis, who also concurrently serves as the Village Secretary, who said that some woven fabric motifs that had been registered were carried out as a form of protection for the culture of the Troso people in the field of weaving crafts. Some of the woven fabric motifs include the Butterfly Garden, Rattan Root, Sriwiti, Sunflower, Lightning, Sowing Sakura, Patola Mustache, Kejora, Kecubung, Sicengkir, Belik Boyolali, Ampel, Kedawung, and others.

Researchers in the field with informants obtained several indicators of Troso woven craftsmen's low legal awareness regarding the registration of creation records. Budi Tomo, one of the woven craftsmen, said he did not want to register the woven fabric motifs he created for marketing reasons.<sup>36</sup> According to him, recognition or legality is not too crucial because, currently, what is of great concern is how to maintain the continuity of the production process. He added that legality (registration of copyrighted works) is not too important based on several things. First, there has been a reduction in the number of weavers willing to work on weaving, and even the younger generation is rarely found who is interested in learning to weave. Most of them tend to choose to work in labour-intensive industries in the Jepara region. *Second*, the woven fabrics produced by most of the Troso woven craftsmen generally follow the pattern of market demand, meaning that woven fabrics with specific motifs are produced according to the request of the customer (middleman), even if the craftsmen make the latest motifs then they are created and sell well in the market for him, he is already happy because the process production is still running, from them (Troso weaving craftsmen) even if someone else plagiarises it, according to him, it is not a problem.

In line with Budi Tomo's opinion, Bukhori Zubaidah, when met on different occasions, said that he did not deny that there were concerns from the older generation regarding the existence of woven fabrics in the future because, according to him, the presence of labour-intensive industries belonging to foreign nationals was very influential and a separate threat to the sustainability of Troso woven crafts.<sup>37</sup> He also said that of the twenty-five weavers who previously worked in his current location, only two were still active; the rest resigned and became employees in the industry. Connection, the unwillingness of woven craftsmen to have legality over their copyrighted works is influenced by concerns about decreased demand for woven fabrics from middlemen (traders) due to the

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<sup>35</sup> Bukhori Baedah, Wawancara oleh Peneliti, 11 Juli 2022.

<sup>36</sup> Budi Tomo, Wawancara oleh Peneliti, 09 Juli, 2022.

<sup>37</sup> Bukhori Baedah, Wawancara oleh Peneliti, 11 Juli 2022.



legality of woven craftsmen; mediators can no longer market their products freely in the market. Some woven craftsmen, such as those who are members of the Jepara Weaving Association, realise that this is detrimental to woven craftsmen because other people can copy their work, and because of these conditions, they can only give up.

Other Troso weaving craftsmen, such as Mustofa, also felt this condition. The researchers told the researcher that the market conditions under the hegemony of intermediaries made Troso weaving craftsmen like himself unable to do much to control the market. So far, woven fabric motifs have been produced chiefly from middlemen ordering. In general, these motifs are already circulating in the market. However, they also have specific motifs that they have created themselves, so they have never been mass-produced for distribution for fear of not selling well in the market. As for the acknowledgement or legality of copyrighted works, he thinks it is essential. He wants to register it with the Directorate General of Intellectual Property Rights but still doesn't understand the mechanisms and procedures for submitting it.

When interviewed, Ahmad Rudi and Mulazi faced the same problem: they had not registered some of their woven fabric motifs because they did not technically understand how to apply for intellectual property rights, the requirements, and application fees.<sup>38</sup> So far, there has been no direct involvement from the Troso Village Government in providing ongoing assistance to Troso weaving craftsmen to encourage them to register their creations in the form of the latest motifs to the Directorate General of Intellectual Property Rights, even if there has been assistance and even then once from the Tourism Office Central Java in collaboration with the Jepara Regency Tourism Office. Regarding whether there is a concern or not if the copyrighted works that are produced and marketed are plagiarised by other people, according to him, it is already a risk. It is not a problem because copying the woven fabric motifs I have created means that my life can be helpful to others if it can be done more widely on the market.

This paradigm is not much different from the thinking of Mu'allim, who is also a Troso weaving craftsman.<sup>39</sup> According to him, sustenance has already been arranged, so there is nothing to worry about if someone else wants to imitate the work he has created. Work is not just for seeking money but also for worship, so he is sincere when other people imitate without permission. After all, if other people imitate, the result will never be the same, both in the figure and the quality of the weaving. So, in his view, copyright is not essential. The more important thing for Troso woven craftsmen like him, especially after the COVID-19 pandemic, is how to keep the woven fabric production process running smoothly and selling well in the market so they can support their families, he added. From the results of the interviews, it was also known that the informants had created

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<sup>38</sup> Ahmad Rudi dan Mulazi, Wawancara oleh Peneliti, 10 Juli 2022.

<sup>39</sup> Mu'allim, Wawancara oleh Peneliti, 10 Juli 2022.

more than 40 different types of new motifs, and most of these motifs had not been named yet but had already been marketed, and all of them were selling well because they were not on the market even though they were not mass-produced.

The dimension of legal awareness of the Troso woven craftsmen shows how a person's knowledge and understanding of the law does not necessarily make a person aware of and obeys the law because other social conditions influence it. This is where the law does not work effectively due to the gap between the social realities that occur in society (*das sein*) and what should have happened (*das sollen*). This premise aligns with Soekanto's view that the level of one's knowledge and understanding of the contents of laws/statutory regulations do not affect the degree of legal awareness.<sup>40</sup> However, for him, a high level of knowledge and understanding of rules will improve the level of legal awareness of society as individuals and groups. Thus, legal awareness here refers to the community's paradigm of the law regarding what should or should not be done regarding the law and how to respect the rights of others.<sup>41</sup> Starting from the statements of Soekanto, Ewick, and Silbey, as quoted by Marsinah, they argue that legal awareness is built from actual actions. Therefore, an empirical study is needed.<sup>42</sup> For Ewick and Silbey, legal awareness is a legal issue related to behaviour, not law as a principle or norm. Initiating an analytical study of the data previously described regarding the legal awareness of the Troso woven craftsmen regarding copyright, this research uses the theory of legal awareness indicators from Soekanto and Kutschinsky.

Legal awareness is often associated with legal compliance in the study of legal science, even though the two terms have different meanings.<sup>43</sup> Legal awareness is more interpreted as humans' awareness regarding legal values or the expected law.<sup>44</sup> The conscious human practice of the law is understood as a manifestation of legal compliance. Meanwhile, legal compliance is interpreted as a person's loyalty as a legal subject to the law manifested in daily behaviour.<sup>45</sup> In

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<sup>40</sup> Soerjono Soekanto, "Kesadaran Hukum Dan Kepatuhan Hukum," *Jurnal Hukum Dan Pembangunan* 7, no. 6 (1977): 467, <http://dx.doi.org/10.21143/jhp.vol7.no6.742>.

<sup>41</sup> Badan Penelitian dan Pengembangan Hukum dan HAM Kementerian Hukum dan HAM RI, *Kesadaran Hukum Masyarakat Dalam Penerapan Undang-Undang Sistem Peradilan Pidana Anak* (Jakarta: Pohon Cahaya, 2016), 1.

<sup>42</sup> Rahma Marsinah, "Kesadaran Hukum Sebagai Alat Pengendali Pelaksanaan Hukum Di Indonesia," *Jurnal Ilmiah Hukum Dirgantara* 6, no. 2 (2016): 86–96, <https://doi.org/10.35968/jh.v6i2.122>.

<sup>43</sup> Ellya Rosana, "Kepatuhan Hukum Sebagai Wujud Kesadaran Hukum Masyarakat," *Jurnal TAPIS: Jurnal Teropong Aspirasi Politik Islam* 10, no. 1 (2014): 1–25, <https://doi.org/10.24042/tps.v10i1.1600>.

<sup>44</sup> Bambang Teguh Handoyo, "Suatu Kajian Sosiologi Hukum Terhadap Kepatuhan Hukum Di Dalam Masyarakat," *Justicia Sains: Jurnal Ilmu Hukum* 6, no. 1 (2021): 100, <https://doi.org/10.24967/jcs.v6i1.1432>.

<sup>45</sup> Otjo Salman and Anthon F. Susanto, *Beberapa Aspek Sosiologi Hukum* (Bandung: Alumni, 2012), 52.

this case, legal compliance can be understood as an embodiment of legal awareness manifested in actual behaviour. That is the reason why legal awareness is always associated with legal compliance.<sup>46</sup>

Referring to the conception of legal awareness as stated by Soekanto, there is a correlation between actual (affective) behaviour and one's (cognitive) knowledge in understanding the law so that it can be seen the high and low degrees of community legal awareness, meaning that if the community has a good understanding of the law, then the community has the potential to The behaviour reflects the content of legal regulations, although this cannot be generalised. According to Soekanto, indicators of the degree of legal awareness are based on several factors: knowledge, understanding, attitudes, and behaviour. The degree of legal awareness conceptualised by Soekanto is not much different from the theory of legal awareness developed by Kutschinsky. He thought Legal awareness could be seen from 4 (four) variables, among others: legal awareness (knowledge of legal regulations owned by the community), legal acquaintances, legal attitude, and legal behaviour.<sup>47</sup>

Referring to the theory of legal awareness indicators as expressed by the two legal experts above, related to the low legal awareness of Troso woven craftsmen regarding copyright caused by several factors as described earlier can be categorised into two dimensions, namely *First*, the cognitive dimension includes the lack of knowledge and understanding of Troso weaving craftsmen regarding the mechanisms and procedures for copyright registration. *Second*, the affective dimension consists of the tendency of apathy and scepticism shown by Troso weaving craftsmen towards the importance of registration of copyrighted works. These two dimensions show no integration and synergy in implementing the Copyright Law in protecting rights and obligations. Against this problem the real root of the problem is the weakness of human resources.

Admittedly or not, human resources have a significant role and become the essential capital for achieving the goals and legal functions that are aspired to. The link between human resources and the objectives and functions of the law can be studied from the relationship between humans and law. Humans are essentially social and cultured beings. One important thing to note is that the quality of human resources dramatically influences the ability of humans to create laws so that they are effective. On the contrary, the law that is created can run effectively as expected, one of which is also influenced by the quality level of the community to develop an excellent legal culture, meaning that people have

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<sup>46</sup> Usman, "Kesadaran Hukum Masyarakat Dan Pemerintah Sebagai Faktor Tegaknya Negara Hukum Di Indonesia."

<sup>47</sup> Dilla Nurfiana Astanti and Eny Sulistyowati, "Kesadaran Hukum Konsumen Terkait Penandaan Pada Produk Kosmetik Yang Diproduksi Oleh Klinik Kecantikan," *Novum : Jurnal Hukum* 7, no. 4 (2020): 13–14, <https://doi.org/10.2674/novum.v7i4.32829>.

voluntary awareness in behaving and behaving following what has been ordered in the law or statutory regulations.

Legal culture in the context of behaviour results from people's creations and initiatives related to law.<sup>48</sup> Copyright and initiative include principles, values, norms, and legal actions that live and are practised in people's lives. Thus, various problems related to the low legal awareness of Troso weaving craftsmen regarding copyright, such as cognitive problems (knowledge and understanding of law) and affective problems (legal attitudes and behaviour), can be answered if Troso weaving craftsmen have good quality legal human resources, because, with the quality of legal human resources, Troso weaving craftsmen have maturity in the way of thinking, behaving or behaving, and can assess the positive and negative impacts on laws or regulations that have been stipulated as Law Number 28 of 2014 concerning Copyright. According to Hasibuan, human resources are the integrated capacity of individuals' intellect, skills, emotions, and physical abilities.<sup>49</sup>

Djojokusuma also expressed the importance of improving the quality of legal human resources for solving legal disputes.<sup>50</sup> In his research entitled "Law Enforcement in State Policy Insights", he anticipates and overcomes various legal problems that are increasingly complicated and complex amid the effects of globalisation as a result of scientific and technological advances. Moreover, Indonesia is integrating industrialisation and economic integration into the world economy, influencing the country's laws development. Therefore, the quality of human resources is required in law enforcement. Meanwhile, Setiadi said that law enforcement is part of legal development. Thus, supporting elements are needed for law enforcement, namely law planning and formation.<sup>51</sup> He also added that an equally important issue that must be considered in law enforcement is that law must be understood and developed as a unified system in the legal structure, legal substance, and legal culture of society. Regardless of these two opinions, to realise the quality of legal human resources for Troso weaving craftsmen, the strategy that can be carried out is to provide education and outreach to strengthen legal understanding and awareness through training, seminars, workshops, and so on.

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<sup>48</sup> Roseffendi, "Hubungan Korelatif Hukum Dan Masyarakat Ditinjau Dari Perspektif Sosiologi Hukum," *Al Imarah: Jurnal Pemerintahan Dan Politik Islam* 3, no. 2 (2018): 197, <https://doi.org/10.29300/imr.v3i2.2151>.

<sup>49</sup> Malayu Hasibuan, *MSDM* (Jakarta: Gunung Agung, 1997).

<sup>50</sup> Sutadi Djojokusuma, "Penegakan Hukum Dalam Wawasan Kebijakan Negara," *UNISLA: Jurnal Ilmu-Ilmu Sosial* 22, no. XIV Triwulan II (1994), <https://doi.org/10.20885/unisia.v0i22.5381>.

<sup>51</sup> Wicipto Setiadi, "Penegakan Hukum: Kontribusinya Bagi Pendidikan Hukum Dalam Rangka Pengembangan Sumber Daya Manusia," *Majalah Hukum Nasional* (Jakarta, 2018), <https://doi.org/10.33331/mhn.v48i2.99>.

## **The Perspective of Law Number 28 of 2014 Against Legal Awareness of Troso Weaving Craftsmen in the Recording of Creations**

The choice of Troso Village as the location of this research departs from the fact that most of the villagers work in the creative industry, namely as woven fabric craftsmen. However, some craftsmen still have not shown full awareness of the implementation of Law Number 28 of 2014 to protect their copyrighted works in woven cloth motifs by registering them with the Directorate General of Intellectual Property Rights to obtain legal protection. However, it should be realised together that the issuance of this law as a substitute for Law Number 19 of 2002 is a serious effort by legislators (legislative and executive) to protect economic rights. Economic rights, moral rights creators, and related rights owners are significant in developing national creativity.

Although the provisions of this law do not emphasise the necessity for a copyrighted work, including works of art with woven motifs, to be registered by the creator or owner for the issuance of copyright, one crucial thing to understand is that by recording a work of copyrighted work by the creator or owner, it is automatically in *facto* and *de jure* recognition of rights and property. In fact, according to Mariam Darus, registered copyrighted works not only mean recognition of material rights but can be used as solid evidence in court if there is a dispute over creation in the future. The validity period of copyright protection for works of batik art or other art motifs such as weaving, as referred to in Article 58, applies to the creator's life and continues for 70 (seventy) years after the creator dies, starting January 1 of the following year.

This study aims to emphasise that the emergence of the recognition of material rights over an object is essentially when the copyrighted work has been registered. Vice versa, as long as the copyrighted work has not been registered, the rights only have meaning for the creator personally, and other people are deemed not to have understood the change in the legal status of the intended material rights. This is why it is essential to record creations for all copyrighted works as stipulated in the provisions of Article 40 of Law Number 28 of 2014, including works of art with woven motifs. Therefore, the low legal awareness of Troso woven craftsmen regarding copyright caused by ignorance of the application of this law can be said to be inconsistent with the principle of legal fiction, meaning that when a statutory regulation has been promulgated, everyone is considered to have known it (*presumption iures de iure*).

Indonesia has an adherent civil law system, and its legislation applies the principle of legal fiction.<sup>52</sup> Law Number 12 of 2011 concerning Formation of Legislation, Article 88 says that "so that everyone knows about it, laws and regulations must be promulgated by placing them in the State Gazette of the Republic of Indonesia, Supplement to the State Gazette of the Republic of

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<sup>52</sup> Agus Suroso, *Fiksi Hukum Dalam Pembuatan Peraturan Perundang-Undangan* (Jakarta: Universitas Al-Azhar Indonesia, 2013), 113.

Indonesia, State Gazette of the Republic of Indonesia, Supplement to the State Gazette Republic of Indonesia, Regional Gazette, Supplement to Regional Gazette or Regional Gazette". The logical consequence of enacting the legal fiction principle is that Law Number 28 of 2014 should be obeyed even though it has been alluded to above. This law is declarative and passive.

Even though the principle of legal fiction is part of the legal system in Indonesia, as explained above, its relationship to building legal awareness is not easy. Therefore, attention is needed from all interested parties, especially in socialising the importance of recording creations as regulated in Law Number 28 of 2014, which is oriented to increasing legal awareness of the community as creative economic actors (Trosro weaving craftsmen). At this point, what is essential to understand is that instilling legal awareness in society means instilling cultural values because law is an artistic product. The more society understands and knows the importance of recording creations, the more society will gradually change to a better level of awareness and obedience to the law.

The declarative referred to is that even though the copyrighted work has been registered and obtained, in other circumstances, other people deny the copyright, and then legally, *de jure*, the creator should prove it again. So, the law here only recognises that the creator owns material rights. According to international conventions in the field of copyright, the provisions of this declarative system follow the legal principles and legal doctrines of copyright protection.<sup>53</sup>

While it is passive, namely, the registration of creation registration is carried out voluntarily (*voluntary application*), which means that an application for registration of a work of registration can be submitted by the creator himself or several persons to the Minister in writing, which is then subjected to an examination of the application to find out that the work or related rights product being applied for has essentially the same or not with the work recorded in the public register of works or objects—other intellectual property. From the formulation of the provisions of Article 68 paragraph (2) of Law Number 28 of 2014, it is essential to underline that the recording of works is not a requirement for obtaining copyright and related rights (Article 64 paragraph (2)).

Article 64 stated that works that are not protected under Law Number 28 of 2014 include: 1) works that have not been realised in a tangible form; 2) every idea, procedure, system, method, concept, principle, finding or data even though it has been disclosed, stated, described, explained, or combined in a work; and 3) tools, objects, or products that are created only to solve technical problems or whose form is only intended for functional needs. Whereas Article 42 states that there is no copyright for works in the form of 1) results of open meetings of state

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<sup>53</sup> Devi Rahayu, "Perlindungan Hukum Terhadap Hak Cipta Motif Batik Tanjungbuni Madura," *Mimbar Hukum-Fakultas Hukum Universitas Gadjah Mada* 23, no. 1 (2011): 129–30, <https://doi.org/10.22146/jmh.16204>.

institutions; 2) laws and regulations; 3) state speeches or speeches by government officials; 4) court decisions or judge's decisions; and 5) holy books or religious symbols.

### **The Perspective of Sharia Economic Law on Legal Awareness of Trosow Weaving Craftsmen in the Recording of Creations**

The Sharia Economic Legal Paradigm was born as a response to the new economic era marked by advances in science and technology so that every Muslim can consider the commands of the Qur'an and Hadith when carrying out economic activities.<sup>54</sup> As a scientific discipline, Sharia Economic Law is a branch of Islamic Law in the field of *muamalah* which discusses how to direct individual and societal behaviour in meeting economic needs following the principles and general principles of Islamic law such as Divine (*Mabda; al-Taubid*), Ability (*Mabda al-Ibahah*), Justice (*Mabda al-Adalah*), Honesty (*Mabda al-Sidiq*), Written (*Mabda al-Kitabah*), Legal certainty (*Agreements are to be kept*), Trust (*Mabda al-Amanah*), and Benefit (*Mabda' al Maslahah*).<sup>55</sup> From these principles and principles, Islam prohibits all forms of exploitation, usury, and monopoly practices against business actors, which can have detrimental implications for fellow human beings, creating economic disparities.<sup>56</sup>

In Indonesia, the development of Sharia Economic Law is a new alternative that aims other than to guide how to make a profit (*profit-oriented*). What is lawful for economic actors is also to seek the pleasure of Allah SWT.<sup>57</sup> The legal concept built into Sharia Economic Law is based on moral and ethical values concerning Sharia goals, namely *maqasid al-syariah*, which focuses on developing and creating the benefit of the world and the hereafter for mankind in the form of maintaining the five primary needs (*al-dharuriyat al-khams*), including religion, soul, mind, wealth, and descendants.<sup>58</sup> Sharia economic law is the overall rules, principles, values, and regulations related to economic activities carried out by inter-legal subjects to meet commercial and non-commercial needs based on Sharia principles.<sup>59</sup>

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<sup>54</sup> Abd Shomad, *Hukum Islam: Penormaan Prinsip Syariah Dalam Hukum Indonesia* (Kencana, 2017), 73.

<sup>55</sup> Habibullah, "Hukum Ekonomi Syariah Dalam Tatanan Hukum Nasional."

<sup>56</sup> S. Juhaa Praja, *Pemberdayaan Ekonomi Rakyat Melalui Unit Simpan Pinjam Syari'ah (USPS) Dan Baitul Mal Wa Tamwil (BMT)* (Bandung: Adzka, 2004), 25.

<sup>57</sup> Fitrihanur Syarif, "Perkembangan Hukum Ekonomi Syariah Di Indonesia," *Pleno Jure* 9, no. 2 (2019): 4, <https://doi.org/10.37541/plenojure.v8i2.38>.

<sup>58</sup> Ika Rinawati, M. Yusuf Azwar Anas, and Yuliyanti M. Manan, "Implementasi Etika Bisnis Islam Dalam Perspektif Manajemen Pemasaran," *Al Iqtisadiyah Jurnal Ekonomi Syariah Dan Hukum Ekonomi Syariah* 7, no. 2 (2021): 126–44, <https://doi.org/10.31602/iqt.v7i2.5706>.

<sup>59</sup> Muhamad Kholid, "Prinsip-Prinsip Hukum Ekonomi Syariah Dalam Undang-Undang Perbankan Syariah," *Jurnal Ayy-Syari'ah* 20, no. 2 (2018): 148, <https://doi.org/10.15575/as.v20i2.3448>.

In his book *Grounding Sharia Economics in Indonesia*, Hamid defines Sharia economic law as a set of legal rules governing legal relations between human beings related to objects of economic activity following Sharia concepts or principles.<sup>60</sup> Yasin defines Sharia Economic Law as provisions or legal norms for economic activities from the Qur'an and Hadith.<sup>61</sup> Based on these definitions, the elements in Islamic Economic Law are 1) legal relations between human beings that can be realised in the form of agreements/contracts; 2) the relationship between legal subjects relating to objects in economic activities; and 3) legal rules relating to the ownership of objects that are objects in economic activity. In this sense, the ownership of objects is like ownership of objects born of individuals recording creations of works created as the ownership of objects regulated in Law Number 28 of 2014.

Insights about Sharia Economic Law should not only be understood and applied by practitioners of Islamic financial institutions or Islamic banking but also by the general public as creative economic business actors such as Trosro weaving craftsmen. As mentioned above, when traced, copyright arrangements are compatible, as stipulated in Law Number 28 of 2014, with the concept of ownership of objects in Islamic Economic Law—the suitability of the two leads to the contextual paradigm, namely the realisation of goodness/benefit. As is known, the essence of copyright regulation in Law Number 28 of 2014 aims to protect exclusive rights (*exclusive rights*), forms of economic rights (*economic rights*), and moral rights (*moral rights*).

Law Number 28 of 2014 has limitedly stipulated created objects protected in science, art, and literature as contained in Article 40. Thus, material rights in copyright are intangible movable objects.<sup>62</sup> Meanwhile, the ownership of objects in Sharia Economic Law is reflected in the principle's problem: the goal of sharia (*maqasid al-shariah*) is *hifz al-mal*, which means protecting property, as well as the right to own property. Based on this principle, copyright contains economic rights (*haq al-yawms*) and moral rights (*haq al-adabi*). It gives complete power to the owner to obtain material and moral benefits from his creations. According to Nasrun Haroen in Suryana, moral rights in Islam are closely related to ethics, where the creator has the right to be named when his creation is quoted, as is the case when publishing a book.<sup>63</sup>

The explanation above actually confirms that apathy or ignoring the recording of creations for their works is not only a form of disobedience to Law

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<sup>60</sup> Hamid, *Membumikan Ekonomi Syariah Di Indonesia*.

<sup>61</sup> Mohamad Nur Yasin, *Politik Hukum Ekonomi Syariah* (Malang: UIN-Maliki Press (Anggota IKAPI), 2018), 2.

<sup>62</sup> Trias Palupi Kurnianingrum, "Materi Baru Dalam Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta," *Negara Hukum: Membangun Hukum Untuk Keadilan Dan Kesejahteraan* 6, no. 1 (2015): 93, <https://doi.org/10.22212/jnh.v6i1.249>.

<sup>63</sup> Agus Suryana, "Hak Cipta Perspektif Hukum Islam," *Almaslahah: Jurnal Hukum Dan Pranata Sosial Islam* 3, no. 5 (2015): 252, <http://dx.doi.org/10.30868/am.v3i05.144>.



28 of 2014, it is also disobedience of a Muslim towards Islamic teachings because the regulation of recording creations as stipulated in Law 29 of 2014 is in line with written principles (*Mabda al-Kitabah*) in Islamic law. The legal aspects of applying this principle will be to avoid Troso weaving craftsmen from material and moral losses in economic activities. They can strengthen ownership of objects for copyrighted works so that disputes can be avoided in later days. As for written principles (*Mabda al-Kitabah*), this is stated in Al-Qur'an Surat Al-Baqarah verse 282, which means as follows:

*"O you who believe, when you pray not in cash for the specified time, you should write it down. And a writer among you should write it correctly. And the writer should not refuse to write it as God taught him, then let him write and let the debtor dictate what is to be written, and let him fear God his Lord, and let him not reduce a single bit from his debt..."* (QS. Al-Baqarah: 282).<sup>64</sup>

The explanation of the meaning in Surah Al-Baqarah verse 282 shows that Islam is a comprehensive religion that regulates all aspects of human life, including in the economic field, and the prescribed Islamic Sharia laws all aim to achieve human benefit and reject damage with all the problems, Islamic law can be applied at all times, for all nations because in it there is a broad and flexible reach for all times and places. So, in this context also, apathy or ignoring the recording of creation in Islam can be said to be a form of disobedience to the authorities. In other words, legal decisions stipulated by the authorities through statutory products should be understood and obeyed as the personal embodiment of a believer.

The obligation to obey rulers in Islam is emphasised in the Qur'an Surah An-Nisa' verse 59, which means as follows:

*"O you who believe, obey Allah and obey the Messenger and Ulil Amri among you. Then if you differ on something, return to Allah (Al-Qur'an) and Rasulallah (Hadith), if you believe in Allah and the Last Day, that is more important for you and better consequences"* (Q.S. An-Nisa: 59).<sup>65</sup>

The meaning of the verse gives an overview of the importance of obeying all good things commanded by Allah SWT and Rasulallah SAW, as well as rulers. Law Number 28 of 2014 as established *right* is a legal product of the authorities/government that has a noble purpose, namely to provide legal protection for the creations of society (Troso weaving craftsmen) so that economic rights are not denied (*haq al iqtishad*) and moral rights (*haq al adabi*) which he should have. This legal protection is in line with the dimension of benefit in the objective of Islamic law, which is to protect the ownership of property and objects (*hifdz al-maal*).

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<sup>64</sup> Tim Pelaksana, "Al-Qur'an Al-Karim Dan Terjemah Bahasa Indonesia (Ayat Pojok) Juz : 1-30" (Kudus: Menara Kudus, 2006), 48.

<sup>65</sup> Tim Pelaksana, "Al-Qur'an Al-Karim Dan Terjemah Bahasa Indonesia (Ayat Pojok) Juz : 1-30."

If, in Islam, obedience is something that every Muslim does, then in this context, legal products such as Law Number 28 of 2014 in its implementation should be well responded to and implemented by Troso weaving craftsmen, the majority of whom are Muslim, in their daily activities, including in economic activity. It is essential to realise that implementing this law by registering copyrighted works has the same value as internalising Sharia principles in the form of concrete behaviour because none of the contents or objectives of this law conflict with the tenets and principles of this law. Islamic law.

In connection with the above, responding to several findings that are said to be indicators of the lack of effective implementation of Law Number 28 of 2014 towards the community as weaving craftspeople, this study would like to emphasise that to overcome these findings the relevant Regional Government to be present to provide ongoing support by facilitating Troso weaving craftsmen in registering copyright, for example through policies providing training, assistance and technical guidance, and providing financial grants, so that the essential objectives of Law Number 28 of 2014 contained in the preamble can be realised. This policy is, of course, seen as a form of caring attitude that aligns with the principle of benefit, namely protecting the creativity of Troso weaving craftsmen in the form of intellectual property.

From the perspective of legal effectiveness theory, this caring attitude is seen as a parameter of success for the effectiveness of Law Number 28 of 2014 being implemented. Conversely, an indifferent attitude from the Regional Government could be ineffective in the Law. This is in line with Hans Kelsen's opinion in Jimly Asshiddiqie, saying that regulation is not adequate, one of which is due to the indifferent attitude of state officials and society. Thus, conceptually, the Regional Government's caring attitude in its implementation reflects its behaviour in law enforcement. According to Soerjono Soekanto, the success of law enforcement by state officials is closely related to the extent to which state officials as law enforcers are bound by statutory regulations, whether they are allowed to provide policies that arise from policy, as well as the limits of the duties and authority of law enforcement officials. According to him, indicators of legal effectiveness are very dependent on factors such as law, law enforcement, society, and infrastructure.

## **Conclusion**

Based on the analysis as well as the results and discussion, it can be concluded that the low legal awareness of Troso weaving craftsmen regarding copyright is influenced by two factors, namely cognitive and affective. This cognitive is closely related to the weak knowledge and understanding of Troso weaving craftsmen regarding the substance of Law Number 28 of 2014, especially the mechanisms and procedures for requests for recording creations, and affective related to attitudes that tend to be apathetic and sceptical caused by mindset pragmatic which is only oriented towards production/sales. The root of

the problem of these two factors is due to weak legal human resources. The fact that some of the Troso weaving craftsmen's awareness of punishment in recording creations is low shows that the effectiveness of Law Number 28 of 2014 has not been achieved as desired by the people contained in the preamble to this Law, even though once again the recording of creations is voluntary. If viewed from Sharia Economic Law, this dimension of low legal awareness can be said to be a form of non-compliance in implementing the principles of benefit written in Islamic law. Meanwhile, according to Islamic teachings, all government policies that benefit society should be obeyed. Thus, Law Number 28 of 2014 and other regulations related to copyright are legal products of government policy that must be obeyed together, especially by creative economy actors, namely Troso weaving craftsmen. In addressing the root of the problem, through this study, we encourage all parties, such as the Ministry of Law and Human Rights, Regional Government, and academics, to jointly assist in the form of providing ongoing guidance to the community as creative economic actors (weaving craftsmen) so that in the future it is hoped that legal awareness will increase and gives adequate legal protection to, specifically, the Troso weaving craftsmen.

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