

PROCEEDINGS

International Conference on
Social Politics and Humanities

ICoSoPH



ICoSoPH

International Conference on Social Politics and Humanities

The First International Conference on
Social Politics and Humanities held
by the Faculty of Social and Political
Sciences in Bangka Belitung



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31 October 2020

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ICoSoPH

31st October 2020
Bangka Belitung, Indonesia

The 1st International Conference on Social Politics
and Humanities

PROCEEDINGS

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Indonesia

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ICoSoPH Committees

1st International Conference on Social, Politics and Humanities (ICoSoPH) 2020

Live via Zoom Cloud Meetings, Faculty of Political and Social Sciences in collaboration with One Asia Foundation, Universitas Bangka Belitung, on 31 October 2020

Theme:

Humanities, Political and Social Sciences

Subthemes:

Multiculturalism, Identity, Language Studies, Social Studies, International Relations, Governance, Public Policy, Religious Studies, Management and Resolution Conflict, Law & Law Reinforcement, Literature, Environmental Development, Tourism, Anthropology, Asian Communities

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2. Assoc. Prof. Dr. Hasan Tekguc (Kadir Has University, Turkey)
3. Changzoo Song, Ph.D. (University of Auckland, New Zealand)
4. Prof. Dr. Bustami Rahman, M.Sc. (Universitas Bangka Belitung, Indonesia)

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Welcome to ICoSoPH

Welcome by Dr. Ibrahim, M.Si – The Rector of Universitas Bangka Belitung



The first international conference of ICOSOPH held by the faculty of social and political sciences at Universitas Bangka Belitung indicates a historical landmark in the province to conduct a research on culture and nation buildings in Asia. The culture of Asia encompasses the collective and diverse customs and traditions of literature, social, politics, philosophy and religion that have been practiced and maintained by the numerous ethnic groups of the continent of Asia since prehistory. Identification of a specific culture of Asia or universal elements among the colossal diversity that has emanated from multiple cultural spheres and three of the four ancient River valley civilizations is complicated. However, the continent is commonly divided into six geographic sub-regions that are characterized by perceivable commonalities, like religion, language and relative ethnic homogeneity. As the largest, most populous continent and rich in resources, Asia is home to several of the world's oldest civilizations that produced the majority of the great religious systems, the oldest known recorded myths and codices on ethics and morality.

Furthermore, the concept of ethnicity has often been linked to that of race in Asia, at least until the beginning of the twentieth century, and although traces of ambiguity with regard to the concepts could still be found, the former concept is usually used to describe cultural, social and psychological characteristics while the latter to describe physical ones. Ethnicity is often identified with the ideas of primordialism based on descent, kinship, territory, language, history, etc. Constructing a national identity and in the process ignoring the specificities of smaller communities further creates exclusionary tendencies.

The conference will try to encapsulate all these issues mentioned above from perspectives which are crucial to the 21st century. It will try to examine how the needs of today's Asian Community relationship can be fulfilled without ignoring the identity of the various ethnic groups. Therefore, I would like to thank the Dean of FISIP and all the steering and organizing committees who have made all this possible and last but not least, I wish to express my sincere thanks to the Steering Committee of ICOSOPH for the help and support in organizing this conference.

Welcome by Sujadmi, M.Si. – The Dean of Faculty of Social and Political Sciences



The honorable speakers and participants of the International Conference on Social Politics and Humanities (IcoSoPH) whom I respect and the committees of the conference that I am proud of. Welcome to FISIP UBB with its slogan "*Campus of Civilization, Faculty of Pride, and Superior Departments*". Praise be to God who has given all His Grace, so that the International Conference activities can be carried out and this book of abstracts can be published. This event is a collaboration between the Faculty of Social and Political Sciences at Universitas Bangka Belitung with Eurasia Foundation (From Asia) Tokyo, Japan. This collaboration has been implemented two times in 2019 and 2020. For this year's program, we have conducted two activities. The first is the international class on the Asian community which was held from February to August 2020 with the theme "*Bridging the Difference of Identity and Constructing the Partnership Through Education Toward One Asian Community*". Secondly, the International Conference on Social Politics and Humanities (IcoSoPH) on 31 October 2020, with the theme "*Bridging Multiculturalism in Asia*".

For ICoSoPH conference, we provide an international webinar and a call for papers which will be published in the Proceedings. This book of abstracts is a collection of papers from various local and foreign universities, government and private institutions which were presented at an international conference organized by the Faculty of Social and Political Sciences within Universitas Bangka Belitung. The main speakers for the conference are Prof. Changzoo Song (Auckland University), Prof. Okamoto (Kyoto University) and Prof. Bustami Rahman (Universitas Bangka Belitung). The publication of the IcoSoPH 2020 book of abstract is intended as a medium for publication of research results for lecturers, students, and practitioners especially in sociology, politics and humanities field of studies in order to increase knowledge, analysis, and the contribution of ideas for regional development, nation building and state improvements in general.

We would like to express our deepest gratitude to all parties who have supported the preparation and the publication of IcoSoPH book of abstracts. My gratitude goes to the Rector of Universitas Bangka Belitung, Dr. Ibrahim, M.Si, the Eurasia Foundation-Japan (Sato Yoji as the Founder), the Organizing Committee, supporting team, and of course all the international conference participants who have participated in this activity. Hopefully, the information made in the book of abstracts can bring benefits for all parties and be used for the advancement of science in sociology, politics, and humanities.

Welcome by Herland Franley Manalu, M.Hum. – Conference Coordinator



On behalf of the ICoSoPH coordinator, I am very grateful to welcome you all to this first International conference on Social Politics and Humanities held by FISIP UBB. I wish you a productive and enjoyable day of immersion in the best and latest research in Sociology, Politics, and Humanities. Let me give my very special thanks to my wonderful team for all the care, expertise, and hard work they put into preparing this event. Even though, we are in a difficult situation because of the Covid-19 pandemic, the challenge from the Rector, Dr. Ibrahim, to hold the very first International Conference in our faculty (FISIP UBB) can be successfully realized by our team. Therefore, we are going to cherish this historical moment.

ICOSOPH is founded from the collaboration between the Faculty of Social and Political Sciences at Universitas Bangka Belitung with Eurasia Foundation (From Asia) Tokyo, Japan. The main aim of ICOSOPH is to promote research in the Multiculturalism and Nation buildings in Asia - more generally, in all areas of Sociology, Politics, Humanities and related disciplines. We do that in two main ways: Firstly by organizing conferences like this one, and secondly by publishing the participants' articles in an online Proceedings. In total, there are 83 accepted papers and we are going to review these papers before the publication in the Proceedings. However, the presenters may choose other alternatives to publish their articles in the special journals which are in collaboration with ICoSoPH conference. The selected papers will have the opportunities to publish in DIKTI, DOAJ and Scopus indexed journals (Additional charges apply for publishing in those special journals).

We are privileged to have in attendance so many distinguished experts and researchers, as well as academicians. You are all leaders in your field of studies, and I am fully confident that your knowledge, experience and expertise will provide important insights on strengthening national mechanisms as a means of promoting nation buildings, gender equality, and the empowerment of Multiculturalism in Asia.

I would like to conclude by thanking the Rector of Universitas Bangka Belitung, the Dean of FISIP UBB, Eurasia foundation (from Asia), the keynote speakers, parallel presenters and all participants who have honored us by their presence and speech at the ICoSoPH conference. I wish you all a very successful meeting and assure you the best of luck. Thank you.

CV

KEYNOTE SPEAKERS

Prof. Masaaki Okamoto



Okamoto Masaaki is Associate Professor at the Center for Southeast Asian Studies, Kyoto University. His research focuses on politics in the newly democratized Indonesia, including local politics and decentralization, political violence and security providers, and political Islam. In his most recent research he looks at the rapid expansion of oil palm plantations in Indonesia and its significant impact on local culture, economics, society and politics. The various oil palm stakeholders are engaged in discourse to legitimize their own standpoints both at the global and local level. Professor Okamoto is currently researching these contending discourses on oil palm plantations or monoculture plantations in general in tropical Asia. During his stay at the Harvard-Yenching Institute, he will continue to research the contending discourses surrounding this expansion.

Research Departments · Position

Political & Economic Coexistence · Professor

Area

Area Studies, Political Science

Research Interests / Keywords

- Local Politics in Southeast Asia
- Politics of Peast Swam Restoration in Indonesia
- Politics of ICT in Southeast Asia

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Prof. Changzoo Song



Changzoo Song studied Political Science and Asian Studies at the University of Hawai'i at Manoa. His research interests include the politico-cultural dimensions of nationalism, Korean diasporic communities in the global context. He has been working on the nationalism and globalisation in the context of migrations of Koreans, and he is particularly interested in the following topics: Korean migrations Transnational lifestyles and identity changes of Korean Chinese migrant workers in South Korea, Comparative ethnic return migrations of Korean Chinese and Soviet Koreans to South Korea,

Political consciousness and political participation of Korean Chinese migrant workers in South Korea, and Korean/Asian diasporic communities. Dr. Song's current research projects include the following: (1) the relationship between homeland and Korean diasporic communities, particularly Korean Chinese and Soviet Koreans; (2) the dynamics of nationalism and multiculturalism in Korea; and (3) Comparing ethnic return migrations of Korean Chinese and Soviet Koreans. He has been publishing articles and book chapters these topics. The most recent one includes "Diasporic Return, Homeland, Hierarchy, and Identity: Experiences of Korean Diasporic Returnees in South Korea" (2016); Kimchi, Seaweed and Seasoned Carrot in the Soviet Culinary Culture: The Spread of Korean Food in the Soviet Union and Korean Diaspora" (2016); "Engaging the diaspora in an era of transnationalism: South Korea's effort to build a deterritorialised nation" (2014).

Research Departments

Nation-building, nationalism, and diasporic engagement policy of Korea

Area

Asian Studies, Culture

Research Interests / Keywords

- Korean diasporic identity and diaspora-homeland relationship
- Nation-building, nationalism, and diasporic engagement policy of Korea
- Nation-states and challenges of globalisation and transnationalism

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Prof. Bustami Rahman



Bustami Rahman (born in Belinyu, Bangka Belitung, 24 April 1951) is the pioneer and the first Rector of the Universitas Bangka Belitung. The younger brother of the Bangka Belitung revolutionary fighter Major Syafrie Rahman and Bangka Belitung education figure Rusli Rahman is an intellectual and academic who has studied sociology, especially in the field of sociological theory. Bustami Rahman received his professorship in Sociology theory in 2009, with a scientific speech entitled "Upholding National Civilization". Apart from being a teacher, Bustami Rahman has a lot of experience working in government projects. He was appointed as Special Expert Staff for the Mayor of Jember (1996-1998), Special Expert Staff for the Regent of Jember (1998-2001), Special Expert Staff for the Governor of East Java (2001-2002), Team Leader for the World Bank Project (2003-2004), Special Expert Staff for the Governor of Bangka Belitung (2014-2015), and Advisor to Bappenas for Performance Evaluation of the Province of Bangka Belitung Islands (2011-2016).

Research Departments • Position

Sociology • Professor

Area

Nationalism, National Civilization

Research Interests / Keywords

- Nationalism in Southeast Asia
- National Civilization in Indonesia
- Nation Building in Southeast Asia

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INTELLECTUAL PROPERTY RIGHTS IN BANGKA BELITUNG ISLANDS: A STUDY ON LEGALIZATION PROBLEMS

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ABSTRACT

The protection of creations based on one's intellectual abilities is an important thing in the intellectual property rights regime. It is based on the argumentation that there is not anyone who has the same ability so naturally, he is entitled to normative protection, to protect the reputation of the creation and as the encouragement to be creative and reward for innovation. It is just that in the protection process, it turns out that there are problems faced, including the protection process of intellectual property rights in the regions. This is a juridical empirical study with a case approach and a law approach, which aims to know the problems faced in the protection process of intellectual property rights in Bangka Belitung Islands. Some problems encountered in the protection process of intellectual property rights in Bangka Belitung Islands are the lack of local government's role and the lack of public awareness of intellectual property rights and also the lack of public understanding of the protection process. Therefore, it needs concrete steps so that the protection of intellectual property rights in Bangka Belitung Islands can be maximized.

Keywords: Intellectual Property Rights, Bangka Belitung Islands, Legalization Problems

INTRODUCTION

One of the most valuable properties in human and distinguishes them from other creatures is intellectual (Muhammad Amin, 2018, p. 80). Every human with his intellect usually has a desire, including a desire to do and to create something resulting from his thought. At a more macro level, a society which consisted of a group of human has a culture that is manifested communally; they are work, creativity, and sense. One of the elements in culture is work, knowledge, and technology, which is defined as the ability of society to utilize the forces of nature for the welfare of their lives (Suyud Margono, 2015, p. 3).

One of the many things that differentiate Indonesia from other countries is its diversity. Diversity is not only about ethnicity, religion, culture, language, and so on but also related to natural resources. Moreover, with a population of more than 200 million



people, each people with their intellectual abilities if realized will be worth not only from a moral aspect but also economically valuable. The moral perspective is if it is used continuously then the name of the inventor or creator will continue to be used, while economically, it will have profit financially when commercialized.

Indonesia is also known as an agrarian country because many agricultural products are owned by Indonesia. The data shows that Indonesia is one of the countries that have the largest product of crops in the world; some of them are also the best quality. The best quality agricultural products because of their peculiarities can be given the protection of geographical indications. Normatively, there are only 92 registered Geographical Indications; one of them comes from Bangka Belitung Islands, it is Muntok White Paper (<http://ig.dgip.go.id/>) Moreover, if these plants are further developed and produce new varieties, then it can be given the protection of plant varieties (PPV).

As part of this multicultural country, Bangka Belitung Islands Province also has a lot of wealth, both in terms of culture and natural products. Since a long time ago, this area has been known as one of the best white pepper producers in the world. Besides that, there are many crops in this area that are not owned by other regions. Even though it is owned by other regions, the produce in this area has its own characteristics because of natural and human factors.

When examined from the perspective of several laws and regulations governing, intellectual property rights, cultural wealth and natural wealth have the potential to be given normative protection. However, as the data in the Regional Office of the Ministry of Law and Human Rights of Bangka Belitung Islands, there are only a few that get protection. This number is relatively small when compared to other regions such as Central Java and Yogyakarta, and especially when compared to the existing potential (I.C. Siregar, FGD, October 6, 2020). Therefore, it needs to be studied the problems faced as the efforts to protect intellectual property rights in Bangka Belitung Islands.

METHODS

This is juridical empirical research, which is conducted by analyzing and examining the work of law in society including legal effectiveness, compliance with the law, the role of institutions or legal institutions in law enforcement, the implementation of the rule of law, or the influence of the rule of law on certain social problems or vice versa (Salim HS & Erlies Septiana Nurbani, 2017, p. 20). In other words, this research includes research on law identification (unwritten) and research on legal effectiveness (Soekanto, Soerjono, 2012, p. 51), which aims to determine the extent to which the law works in society (Bahder Johan Nasution, 2008, p. 123). This research used a legal approach, a case approach, and an analytical approach. The results obtained are analyzed qualitatively.

RESULTS AND DISCUSSION

Intellectual Property Rights: From Human Thought to Natural Resources

It has often been stated that intellectual property rights (IPR) are difficult to be defined, but it can be described by describing examples. In other words, IPR, the description of IPR can be described generally, for example, IPR protects literary, artistic, and the invention of unauthorized use or imitation by another party (Tim Lindsey, Eddy



Damian, Simon Butt, & Tomi Suryo Utomo, 2013, p. 2). It is difficult to provide a standard definition because the scope or object which is the target of IPR protection is quite wide, not limited to one thing or one field.

IPR can be defined as the rights given to people over the creation of their minds (Susanta Kumar Rout, 2018, p. 73-77). According to World Trade Organization WTO, IPR is the right granted by the government and given to the particular person who had an idea or creation of their own (Edwin Agung Wibowo, 2014, p. 1) There are two central economic objectives of any system of intellectual property protection; (1) is to promote investments in knowledge creation and business innovation by establishing exclusive rights to use and sell newly developed technologies, goods, and services; (2) is to promote widespread dissemination of new knowledge by encouraging (or requiring) rights holders to place their inventions and ideas on the market (Keith E. Maskus, 2000, p. 473).

Intellectual property rights are material rights, the rights to something that comes from the work of the brain or the work of the ratio, the work result is in the form of immaterial objects (OK, Saidin, 2019, p. 10). This right is the result of a combination of the struggle between the work of the brain and rational judgment and emotional intelligence. Thus, only people who are able to employ their brains can produce exclusive intellectual property rights, because not everyone is able to employ common sense, ratio, and intellect maximally (OK, Saidin, 2019, p. 11-12).

International agreement on the trade aspects of IPR, TRIPs Agreement is not defining IPR, but it only describes the types of IPR which consist of copyrights and related rights, trademarks, geographic indications, industrial designs, patents, layout (topography) of integrated circuits, protection of confidential information, and control of unfair business competition practices in license agreements. Thus, IPR is related to protect the application of ideas and information that has commercial value, such as personal wealth that can be owned and treated in the same way as other forms of wealth (Tim Lindsey, Eddy Damian, Simon Butt, & Tomi Suryo Utomo, 2013, p. 3).

IPR is a material right, namely objects that are intangible but realized. Therefore, the perspective of how to make it happen is different from other tangible objects; the ideas become the object of protection and are not tangible, separate from the object that becomes the form of the pouring or the intended idea. Simple illustration; if someone buys a book, then what he buys is the book physically, not the copyright of the book (Tim Lindsey, Eddy Damian, Simon Butt, & Tomi Suryo Utomo, 2013, p. 4), so that he also has no rights to reproduce the book with a few exceptions, for example to educational purposes (Article 26 of Law Number 28 of 2014 concerning Copyright). Likewise, for example, if someone buys a certain brand of food or drink, then he is only entitled to the contents of the food or drink he has bought, he is not entitled to use that drink brand.

On its development, intellectual property rights which in many countries, especially Western countries, is conceptualized as something individualistic, extends to the things that are not only communal but also more focused on natural or geographical factors. Thus was born what became known as a geographical indication. The geographical indication is regulated in Article 22 (1) the TRIPs Agreement which is defined as a sign; a sign identifying a territory of a member country, or an area or area within territory as the origin of goods, which is reputation, quality, and characteristics of the goods



concerned are largely determined by these geographical factors. In Indonesia, this protection is recognized by regulating the geographical indications in Law Number 20 Year 2016 on Trademarks and Geographical Indications.

The Protection in Bangka Belitung Islands: Some Problems Faced

In the Indonesian context, the potential for intellectual property that can be provided with protection is mostly in the regions, especially those related to traditional knowledge, geographical indications, including protection of plant varieties. The traditional knowledge is in the form of traditional medicine, traditional agricultural practices, and local native plant materials (Suyud Margono, 2015, p. 186). Geographical indication generally relates to the mark used on goods that have a special quality due to the inherent geographical environmental factors, including natural or human factors or a combination of the two (Rahmi Jened Parinduri Nasution, 2013, p. 248). Meanwhile, plant varieties are the discovery of new types of plants (varieties) that are superior and of higher quality than the same types of plants that have existed before (OK, Saidin, 2019, p. 526).

Bangka Belitung Islands Province as an archipelago has a lot of potentials which if identified from the perspective of the concept of Intellectual Property Rights, many of them have the opportunity to be given the protection of copyright, mark, geographical indications, including the protection on patents, industrial designs, integrated circuit layout designs, and plant varieties. This is because there are already several institutions in this area, especially higher education institutions that routinely research the field of technology. Besides that, with some existing plants as well as the intellectual abilities of the population in this region and also ongoing development efforts also provide a room to protect the results of plant breeding through the protection of plant varieties.

From the existing IPR branches, most of them are institutionally under the authority and duties of the Ministry of Law and Human Rights, except for the protection of plant varieties due to their characteristics must be administered by the Ministry of Agriculture. This can be seen from the minister in each existing law. On another part, the ministers also have the responsibility for providing protection, including efforts to develop and supervise.

The Regional Office of the Ministry of Law and Human Rights of Bangka Belitung Islands as executing ministerial duties in the regions in practice has done several efforts in order to improve the protection of IPR in the region which becomes its working area. However, the implementation of the efforts did not produce as expected; increasing the protection of IPR. This is caused by several problems faced.

Some of the efforts that have been done are (I.C. Siregar, FGD. October 6, 2020):

1. Giving an appeal to the societies, business actors, and agencies not to buy and use products that are suspected of being the result of intellectual property violation.
2. Monitoring a suspected intellectual property violation in the society by the Civil Servant Investigator (CSI) that coordinate with other law enforcement officials in preventing and enforcing intellectual property laws.
3. Carrying out law enforcement against intellectual property crimes by CSI if there is a complaint.
4. Serving jurisdictional studies of various students.



5. Inventory of potential intellectual property and communal intellectual property sourced from the region
6. Increasing the intellectual property registration through enhancement collaboration with local governments, intellectual property centers, and communities
7. Optimization and monitoring of geographical indications in Bangka Belitung Islands.

In practice, the implementation of the efforts is faced with several problems which are causing less than the maximum for the protection of intellectual property in Bangka Belitung Islands. The problems are: (1) the level of awareness and understanding of the societies and stakeholders regarding intellectual property is still limited in certain circles; (2) the public awareness is low in reporting their products if they are hijacked; and (3) all intellectual property crimes are still complaint offenses so making it difficult for law enforcement officials to enforce intellectual property laws (I.C. Siregar, FGD, October 6, 2020).

On the other hand, some efforts have been done by the government of Bangka Belitung Islands Province, but it just a notification by sending a letter to Regional Apparatus Organization (RAO) to propose IPR. So far, there is not any IPR proposal that has passed the law bureau. This less than optimal effort was carried out because none of the main duties and functions of a legal bureau touched IPR directly, but it only related to the regulations, namely regional regulations, documentation network, and law information, and legal services (Harpin, FGD, October 6, 2020).

Some of the efforts made, both by the Regional Office of the Ministry of Law and Human Rights in Bangka Belitung Islands and by the Provincial Government of Bangka Belitung Islands, are an important step that must be carried out to optimize the protection of IPR, especially on the potential for intellectual property in the regions. The efforts made by the Regional Office of the Ministry of Law and Human Rights in Bangka Belitung Islands should be supported not only by local government but also business actors and society in general. With several problems faced, it needs concrete steps to the protection of property rights in the region becomes maximum from time to time.

CONCLUSION

There are many properties, both in terms of culture and natural products owned by Bangka Belitung Islands Province, which is known as one of the best producers of white pepper in the world. In addition, there are still many crops in this area that are not owned by other regions due to natural and human factors, making the crops have their own characteristics. All of them have the potential to be protected normatively by studying the perspective of several laws and regulations governing intellectual property rights. Several protective efforts have been implemented, but in practice, it is faced with several problems which the factors are causing the lack of maximum protection of intellectual property in Bangka Belitung Islands, among other are the level of awareness and understanding of societies and stakeholders regarding intellectual property is still limited in certain circles, the public awareness to report if their products are hijacked is still low, and all intellectual property crimes are still complaint offenses so making it difficult for law enforcement officials to enforce intellectual property laws. Several



problems faced by local governments are the main duties and functions of a law bureau do not directly address IPR. The efforts made by the Regional Office of the Ministry of Law and Human Rights in Bangka Belitung Islands must be supported not only by the local government but also by business actors and society in general.

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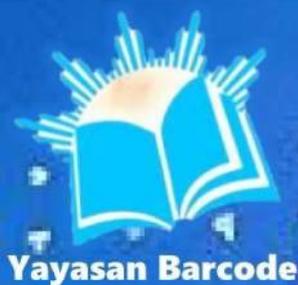
APPENDIX

- Law Number 28 of 2014 concerning Copyright <http://ig.dgip.go.id/>, accessed on October 17, 2020.
- I.C. Siregar, Head of Legal Services of Regional Office of the Ministry of Law and Human Rights of Bangka Belitung Islands at Focus Group Discussion (FGD) on October 6, 2020.
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