
Legal Protection of Regional Special Banana Crips Food Products in Bandar Lampung City

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Abstract: *This study aims to determine the legal protection of regional specialty food products in the City of Bandar Lampung based on Law Number 30 of 2000 concerning Trade Secrets. What are the obstacles in legal protection of regional specialty food products in the city of Bandar Lampung? The method used in this research is qualitative. The results of this study indicate that regional food products and their variations in Bandar Lampung City are protected as a trade secret based on Law Number 30 of 2000 concerning Trade Secrets because they are confidential, have economic value, and are kept confidential. If there is a violation of the trade secret, then there are strict criminal sanctions in Law Number 30 of 2000 concerning Trade Secrets.*

Keywords: *Protection, Law, Food.*

1. INTRODUCTION

National development aims to realize a just and prosperous society that is materially and spiritually evenly distributed in the era of economic democracy based on Pancasila and the 1945 Constitution of the Republic of Indonesia. So that national development will be worth selling and benefits will be felt if this development is synchronized with quality improvement its human resources (Maulida Indriani, 2016; 69). The development of the national economy in this era of globalization is required to be able to support the growth and development of the business world, so as to be able to produce a wide variety of products in order to improve people's welfare. (Janus Sidabalok, 2010; 5). The issue of national development must be synergized with sustainable economic development and community self-reliance. And also diversity is a very valuable value in building a common welfare, especially in the umbrella of civilization or community economic development (Maulida Fitri, 2022; 97). So that legal institutions with all their provisions will apply and be influenced by the development of community needs such as the economy (Indriani, 2019; 590) (Yenny Yorisca, 2020; 99). This



basis contains the awareness that the sovereignty of law which questions the overall order of life of the nation is a law that originates from the sovereignty of the people (Mughtar Affandi, 1982; 220-221).

Free trade in the Southeast Asian region through the ASEAN Economic Community (AEC) has been officially opened, so food products from neighboring countries will circulate freely in Indonesia. The opening of the national market as a result of the process of economic globalization must continue to guarantee an increase in people's welfare as well as certainty over the quality and safety of the products traded on the market (Nazaruddin et al., 2020). On the one hand, this condition is very beneficial for the community because the community's need for quality products can be fulfilled and the freedom of the community is increasingly wide open to be able to choose the variety of products they want (Dewi et al., 2022; 21). On the other hand, these conditions can weaken the existence of traditional food which is a special food from a region (Indriyani Dwi Mustikarini, 2016; 76).

The business world which is full of competition has encouraged the actors effort to continue to improve its business, especially quality improvement. Improving product quality aims to make goods produced by companies attractive to consumers. This, as we can see also in the world of education, which partially oriented patterns and management at the level entrepreneur (Utama et al., 2022). Therefore, business actors are motivated to create new products and develop existing products. Activities to create new products or develop existing products were born out of creative thoughts and ideas that are considered valuable, so they need to be protected so that competitors don't take advantage of them to bring each other down. The protection provided is the protection of Hak atas Kekayaan Intelektual (HaKI) (Andrian Sutedi, 2009; 40).

IPR is seen as a valuable asset for companies because the protection of IPR means giving exclusive rights to the right holder to use and utilize or give these rights to other parties. Trade secrets as part of Intellectual Property Rights are in a very important position because every company in carrying out trading activities has its own trading strategy which cannot be known by other people. Therefore, trade secrets are considered as one of the most important Intellectual Property Rights in the development of business activities. This was marked by the promulgation of Law Number 30 of 2000 concerning Trade Secrets, which came into effect on September 20, 2000 (Okin Saidin, 2010; 63).

The development of globalization has brought many changes in various fields of life, especially in trade traffic where the problems are increasingly complex. And then globalization must pay attention to economic flows as well as the natural environment that accompanies it (David W Pearce, 1993) (Suparmoko, 2020; 41). The legal aspect is very important because of demands for various needs that prioritize legality as a form of hierarchy in a society within a state (Sugianto, Umi Aisyah, Esen Pramudya Utama, 2021). This will of course be even more attractive because of the dominance of the global market by demanding that people be able to be self-reliant and independent in national development (Sunaryati Hartono, 1979; 30). Because trade is a very important factor for every country, it is very



necessary to protect trade secrets to create order and justice in the trade sector. Trade secret protection is a necessity that cannot be negotiated anymore because uncertainty over this problem can have consequences, namely the increasingly widespread unfair business competition (unfair competition) which will damage the overall business climate.

One of the problems that is currently emerging in society is the large number of food products from abroad circulating in Indonesia due to globalization and free trade. This condition is found in the city of Bandar Lampung which is directly adjacent to the capital city of DKI Jakarta. Bandar Lampung City is the capital of Lampung Province. As the provincial capital, Bandar Lampung City is not only the center of government, but also a business center. Currently, the city of Bandar Lampung has experienced very rapid development towards a metropolitan city. This development is evidenced by the construction of tall buildings, road and bridge infrastructure, as well as the increasing proliferation of hotel businesses, shopping centers and culinary places that operate late into the night.

Even so, businesses that sell banana chips, a regional specialty, still maintain their existence in the city of Bandar Lampung. In principle, regional food businesses in Bandar Lampung City cannot ban food products from abroad from entering Indonesia, but what must be done is a strategy to deal with it. Business actors are required to be able to improve the quality of their products by developing various attractive variations. This is because regional specialties must have uniqueness and different tastes in each region, so there are very basic differences with food products from abroad. The creativity of regional specialty food entrepreneurs in Bandar Lampung City in developing various variations of the typical food they make must be protected by the government as a valuable asset in the field of Intellectual Property Rights.

Based on Law Number 30 of 2000 concerning Trade Secrets, it is explained that a trade secret is information that is not known to the public in the field of technology and/or business, has economic value because it is useful in business activities, and is kept confidential by the owner of the trade secret.

From observations made in the city of Bandar Lampung, it is known that there are several business actors selling banana chips, a typical food of Lampung Province, with various interesting variations. The typical food of Lampung Province which is traded in Bandar Lampung City includes various banana chips with various flavors. However, Lampung Province typical food business actors whose businesses are still in the form of Micro, Small and Medium Enterprises (MSMEs) do not understand the importance of trade secret protection, so that none of these business actors register the creations of Lampung Province special food that they have made and developed.

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A trade secret will receive legal protection if the information is confidential in nature, has economic value, and is kept confidential through appropriate efforts. Confidential information means that the information is only known by certain parties and not generally known by the public. Information that has economic value means that the confidential nature



of the information can be used to carry out activities or businesses that are commercial in nature or can increase economic profits. Information is considered to be kept confidential if the owner or the parties controlling it have taken proper and proper steps (Rahasia Dagang, Lembaran Negara Republik Indonesia, 2000; Pasal 3).

Based on Law Number 30 of 2000 it is stated that the scope of trade secret protection includes production methods, processing methods, sales methods, or other information in the field of technology and/or business that has economic value and is not known by the general public (Rahasia Dagang, Lembaran Negara Republik Indonesia, 2000; Pasal 2). Legal protection of trade secrets aims to promote trade and industrial sectors that are able to compete, both nationally and internationally, by encouraging people's creations and innovations and providing legal protection as part of the Intellectual Property Rights system.

Business actors in Bandar Lampung City who sell typical Lampung Province food, although they do not know about the existence of legal protection for trade secrets based on Law Number 30 of 2000 concerning Trade Secrets, must still be given legal protection by the state so that people's creations and innovations in developing products regional specialties can be protected. This is a concrete form of support from the government for the preservation of local culture.

Based on the results of interviews with the Head of the Information and Legal Section of the Trade and Industry Service of Bandar Lampung City, business actors selling Lampung Province specialties in Bandar Lampung City are listed as ang PU, which is another name for Jalan Pagar Alam which is located in Sidodadi Village, District Kedaton, Bandar Lampung City. To reach it, if from Tanjungkarang go through Jalan Teuku Umar until you arrive at a junction of Jalan Dua Sultan Agung. As the identity of "Gang PU", there is a large gate that reads "Welcome to the Chips Industry Center Area of Bandar Lampung City" along with the logo of Bandar Lampung City and PT Perkebunan Nasional VII (PTPN VII).

Legal protection of trade secrets is basically an acknowledgment from the state of a person's intellectual property rights to enjoy said intellectual property for a certain period of time in accordance with the laws and regulations. Based on Law Number 30 of 2000 it is explained that the owner of a trade secret has the right to: a. Uses its own trade secrets. b. Granting licenses to other parties to use the trade secret for commercial purposes.

Prohibiting other parties from disclosing the trade secret to third parties for commercial purposes (Rahasia Dagang, Lembaran Negara Republik Indonesia, 2000; Pasal 4). Violation of trade secrets occurs when a person deliberately disclosed a trade secret he knows or reneges on an agreement, both written and unwritten, to safeguard a trade secret (Rachmadi Usman, 2003; 125). Based on the results of interviews with the Head of the Information and Legal Section of the Trade and Industry Office of Bandar Lampung City, an act is said to be a trade secret violation if someone obtains information that is not publicly known in the field of technology and/or business, has economic value because it is useful in business activities, and



confidentiality is kept by the owner of the trade secret which is obtained in ways that are contrary to laws and regulations.

Meanwhile, actions that are not considered as violations of trade secrets are disclosing a trade secret that is used for the benefit of defense and security, public health or safety. In anticipating violations of trade secrets, the Head of the Information and Legal Section of the Trade and Industry Service for the City of Bandar Lampung stated the steps that must be taken by business actors in the City of Bandar Lampung who sell typical food from the Province of Lampung, including: a) Keep food recipes secret made, b) Provide trade secrets only to family and/or people who can be trusted, and c) Restrict employee access to enter the food production room.

If a trade secret is violated, business actors in Bandar Lampung City who sell Lampung Province specialties as holders of trade secret rights can sue anyone who intentionally and without rights commits such violation in the form of a claim for compensation and/or termination of all the act of violation. In addition, the parties can also resolve their disputes through arbitration or alternative dispute resolution (Rahasia Dagang, Lembaran Negara Republik Indonesia, 2000; Pasal 12).

Based on the results of interviews with the Head of the Information and Legal Section of the Trade and Industry Service for the City of Bandar Lampung, regarding public concerns about the large number of food products from abroad circulating in the City of Bandar Lampung due to the free trade of the ASEAN Economic Community, there is actually no need to worry. This is because the special food of Lampung Province as well as variations of the regional specialties made by local business actors, apart from having their own uniqueness, also have advantages in terms of a distinctive taste and rich in spices, a natural manufacturing process and no preservatives. , as well as an affordable selling price. In line with that, the City Government of Bandar Lampung also provides real support in the form of providing financial assistance in the form of People's Business Credit (KUR) and other soft loans for business capital and facilitating business licensing for business actors who sell regional specialties, especially banana chips. City of Bandar Lampung.

Trade secrets are information that is not known in general or only known in a limited way by certain parties on matters relating to trade. The information is protected confidentially because it morally rewards the person who finds it and provides a material incentive to that person. One strategy that can be implemented by companies to protect their trade secrets is to regulate them in work agreements (Mahila, 2010; 24). With legal protection from the state against trade secrets, regional specialty food entrepreneurs in Bandar Lampung City do not need to worry that their food recipes will be stolen by other people. The Head of the Information and Legal Section of the Trade and Industry Service for the City of Bandar Lampung emphasized that whoever intentionally and without right uses another person's trade secret or commits an act.



The legal protection for trade secrets provided by the state basically originates from the civil relationship between the owner of the trade secret and the recipient of the trade secret in the form of a work agreement or granting of a license. This civil relationship has special provisions that regulate exclusively trade secrets, which originate from statutory regulations. Even though initially it was a civil relationship in the form of business, there is intervention from the state if a trade secret is violated, namely the application of criminal sanctions based on Law Number 30 of 2000 concerning Trade Secrets. However, the offense involved in a trade secret violation is a complaint offense, so law enforcement officials are only waiting for complaints from the holder of trade secret rights as the injured party (Gerungan, 2016; 82-83).

If there is a complaint regarding a trade secret violation, the law enforcement apparatus has the authority to:

- a. Examining the truth of complaints or information regarding criminal acts in the field of trade secrets.
- b. Examination of parties who commit criminal acts in the field of trade secrets.
- c. Requesting information and evidence from the parties in connection with criminal acts in the field of trade secrets.
- d. Examine the opening, records, and other documents relating to criminal acts in the field of trade secrets.
- e. Examine certain places where evidence of books, records and other documents is suspected.
- f. Confiscate materials and/or goods resulting from violations which can be used as evidence in criminal cases in the field of trade secrets.

Requesting expert assistance in carrying out the duties of investigating criminal acts in the field of trade secrets (Syahriyah Semaun, 2011; 40).

Basically, a trade secret will receive legal protection from the state if the information registered as a trade secret is confidential in nature, has economic value, and is kept confidential by the trade secret rights holder through appropriate efforts. It is hoped that there will be regular socialization from the City Government of Bandar Lampung regarding Law Number 30 of 2000 concerning Trade Secrets to business actors who produce regional specialties and their variations.

2. CONCLUSIONS

Regional specialty food products, banana chips and their variations in Bandar Lampung City are protected as a trade secret under Law Number 30 of 2000 concerning Trade Secrets because they are confidential, have economic value, and are kept confidential. If there is a violation of the trade secret, then there are strict criminal sanctions in Law Number 30 of 2000 concerning Trade Secrets. Obstacles in the legal protection of trade secrets in the city of Bandar Lampung are that there are no regional regulations specifically made to regulate and protect regional specialties, business actors do not know and understand the law regarding trade secrets, and regional specialties are a cultural heritage of the people who taught from



generation to generation and passed down from generation to generation without registering their rights.

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