



DYNAMICS OF LAW ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS IN THE ERA OF GLOBALIZATION

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Abstract

This study examines the dynamics of Intellectual Property Rights (IPR) law enforcement in the era of globalization characterized by the development of digital technology, cross-border trade, and increasing innovation-based economic activity. Globalization has made IPR a strategic economic asset, but at the same time, it has given rise to various forms of violations such as digital piracy, trademark counterfeiting, patent infringement, misuse of industrial designs, and infringement through digital platforms. This study aims to analyze changes in IPR protection patterns, identify dominant forms of violations, examine the dynamics of law enforcement in Indonesia, and examine the challenges and role of the government in strengthening IPR legal protection. The method used is normative juridical with a statutory, conceptual, and case approach through a literature study of primary, secondary, and tertiary legal materials. The results of the study indicate that IPR law enforcement in Indonesia has an adequate normative basis, but its implementation is still hampered by technological developments that are faster than regulations, low IPR literacy, weak marketplace supervision, limited apparatus resources, and the complexity of digital evidence. In conclusion, IPR protection in the era of globalization requires legal harmonization, strengthening inter-agency coordination, digitalization of services, public education, and international cooperation to be able to encourage innovation and national competitiveness in a sustainable manner.



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INTRODUCTION

Globalization has brought about significant changes in various aspects of life, particularly in the development of information technology, international trade, the digital economy, and innovation. This development has opened up vast opportunities for creativity, the creation of new works, and the growth of a knowledge-based economy. However, on the other hand, globalization has also given rise to serious challenges in the form of increasing violations of Intellectual Property Rights (IPR), such as digital copyright piracy, trademark counterfeiting, patent infringement, and unauthorized use of works through digital platforms. In this context, IPR plays a crucial role as an instrument for protecting human intellectual creations. IPR protection is intended not only to safeguard the moral and economic rights of work owners but also to encourage the creation of a healthy, fair, and sustainable innovation climate. Countries that are able to effectively enforce IPR laws will have greater competitiveness because they provide legal certainty for business actors, researchers, creators, and investors (Mulhimmah, 2022).

In Indonesia, the development of digital technology and the expansion of internet commerce have increased the risk of intellectual property rights violations. Marketplaces, social media, and digital sites are often exploited to sell counterfeit goods, distribute pirated content, or use well-known brands without permission. This situation indicates that IPR law enforcement still faces challenges, both in terms of regulation, oversight, apparatus resources, and public awareness of the importance of respecting

intellectual property rights. Therefore, research on IPR law enforcement in the era of globalization is crucial. This study is needed to assess the extent to which existing legal instruments are able to provide effective protection, identify obstacles in law enforcement practices, and formulate efforts to strengthen IPR protection to align with technological developments and global economic dynamics. (Muchtar et al., 2021) .

Several previous studies have shown that IPR protection in the digital era still faces similar issues. Research on IPR in the digital era confirms that advances in information technology, cloud computing, and artificial intelligence have expanded access to intellectual works, but simultaneously increased the risk of violations such as digital piracy, data theft, and patent infringement. Research (Andrias, 2024) indicates that existing regulations are not yet fully adaptive to digital dynamics, necessitating a strengthening of the legal framework, collaboration between stakeholders, and public education for more effective IPR protection. Furthermore, studies on digital technology innovation within the patent framework indicate a persistent gap between legal norms and practice, primarily because law enforcement for IPR violations remains weak and not fully responsive to technological developments (Saputra, 2024) . Based on this, this research focuses on the issue of how IPR law enforcement is implemented in the era of globalization, the obstacles faced, and how to optimize legal protection for IPR to support innovation-based economic growth. This study aims to analyze the enforcement of IPR law in the era of globalization, identify various obstacles that arise in the process of enforcing IPR law, and formulate efforts to optimize IPR legal protection that is more effective and responsive to current developments, especially in facing the challenges of digitalization and the dynamics of global trade.

METHOD

This research uses a normative juridical method with a statutory approach, a conceptual approach, and a case approach. The normative juridical method was chosen because this research focuses on the study of legal norms governing the protection of Intellectual Property Rights (IPR), the dynamics of their law enforcement, and the challenges that arise in the context of globalization and digitalization. The legal sources used include primary legal materials in the form of laws and regulations related to IPR and the 1945 Constitution, secondary legal materials in the form of books, scientific journals, previous research results, and academic articles, and tertiary legal materials that help explain the legal terms used. The statutory approach is used to examine the suitability and interrelationships between legal regulations that form the basis for IPR protection in Indonesia. The conceptual approach is used to understand key concepts such as legal protection, law enforcement, innovation, globalization, and intellectual assets as economic capital. The case approach is used to observe how forms of IPR violations occur in practice, especially in the digital space, marketplaces, social media, and cross-border trade. The technique for collecting legal materials is carried out through literature studies by reviewing relevant literature, then analyzing it qualitatively to produce a descriptive-analytical description.

RESULTS AND DISCUSSION

Dynamics of Intellectual Property Development in the Era of Globalization

The development of Intellectual Property Rights (IPR) in the era of globalization shows very significant changes along with the transformation of the economy, technology, and international trade patterns. Globalization has driven the formation of increasingly open markets, the rapid flow of information, and the increasingly intensive mobility of goods and services across countries. In this condition, IPR is no longer viewed solely as legal protection for creative works, but rather as a strategic economic asset that determines the competitiveness of individuals, businesses, and countries in global competition. Amidst the development of the digital economy, IPR protection has undergone a fundamental shift. While previously IPR protection focused more on physical works and conventional transactions, today protection must encompass the fast-paced, cross-platform, and geographically difficult-to-limit digital space. This phenomenon is clearly visible in the development of startups, creative industries, e-commerce, and information technology-based innovations that rely heavily on the protection of brands, copyrights, patents, industrial designs, and trade secrets. (Zulkarnaen, 2026) .

The need for legal protection of intellectual assets is becoming increasingly urgent as intellectual property now serves as a primary source of economic capital. In the modern business world, a company's

value is determined not only by its physical assets but also by its ideas, innovations, designs, brands, and technology. Therefore, the stronger the IPR protection, the greater the opportunity to create incentives for innovation and investment. Conversely, weak IPR protection can cause economic losses, reduce market confidence, and hinder the growth of knowledge-based industries. Research (Minarti, 2025) shows that this dynamic has attracted the attention of many academics. Research on IPR in the digital era concludes that advances in the internet, cloud computing, and artificial intelligence increase access to intellectual property, but also increase the potential for violations such as piracy, data theft, and patent infringement. Other research confirms that IPR regulations in Indonesia still face challenges in adapting to digital developments, especially as violations now frequently occur across platforms and jurisdictions.

In addition, Article 33 paragraph (4) of the 1945 Constitution emphasizes that the national economy is organized based on economic democracy with the principles of togetherness, fair efficiency, sustainability, environmental awareness, independence, and maintaining a balance between progress and national economic unity (Yulianti et al., 2025). IPR protection in the digital era shows that strengthening the legal framework, cross-border cooperation, and public education are important elements for IPR protection to remain effective. Changes in trade patterns and technological advances require a more adaptive, competitive, and responsive IPR legal system. Countries that are able to build strong IPR protection will be superior in attracting investment, encouraging startup growth, and strengthening the national creative industry. Conversely, if IPR protection lags behind the pace of innovation, the economic potential of intellectual assets will be difficult to maximize. Therefore, the dynamics of IPR development in the era of globalization must be understood as part of an economic development strategy based on innovation and competitiveness.

Forms of IPR Violations in the Era of Globalization

Various forms of Intellectual Property Rights (IPR) violations in the era of globalization are increasingly diverse with the development of digital technology, online commerce, and the use of social media platforms. One of the most common forms is digital piracy, namely the duplication and distribution of films, music, e-books, journals, or paid content without the permission of the rights holder. Examples can be found on illegal websites that provide pirated films or social media groups that share e-books for free. This violation is detrimental to creators because it eliminates potential income and weakens the economic value of the work. Furthermore, trademark counterfeiting is also a serious problem, for example in cosmetics, clothing, or electronic goods that imitate well-known brands to mislead consumers. This action not only harms the original brand owner but also reduces market confidence in the product's quality (Adhari et al., 2025).

In addition to digital piracy and brand counterfeiting, software piracy also frequently occurs through the illegal use of paid applications with cracks, keygens, or unlicensed copies. This practice is highly detrimental to software developers because it reduces revenue that should be used for product research, development, and maintenance. In the social media space, copyright infringement is also rampant through the unauthorized re-uploading of other people's photos, videos, music, or writings without proper attribution. An example is the reuse of another creator's content for promotional or monetization purposes. Another form of infringement is patent infringement, which is the use or imitation of a patented invention without the patent holder's consent, such as copying medical device technology or certain industrial components. The same thing happens with the misuse of industrial designs, for example by copying the packaging shape, product exterior, or distinctive motifs that have been protected. (Permatasari et al., 2025).

The development of e-commerce has also increased the incidence of infringement through digital marketplaces. In practice, marketplaces are often exploited to sell counterfeit, imitation, or unlicensed goods, such as fake branded shoes or imitation accessories. These infringements harm brand owners and risk defrauding consumers because the quality of the goods received is often far below standard. On the other hand, new forms of infringement have emerged related to unauthorized AI-generated content, namely the use of other people's work to train artificial intelligence systems or produce derivative content without the creator's consent. For example, images, text, music, or sound are used to generate AI output that resembles the original work. This form of infringement raises new issues in IPR law because it relates to ownership, attribution, and limits on the use of digital works. All forms of IPR

infringement have serious impacts on both creators and businesses. Creators lose economic rights and control over their work, while businesses face financial losses, reputational damage, and reduced competitiveness (Ritonga et al., 2025). For the public, IPR infringement also poses risks due to the circulation of counterfeit products, illegal content, and low-quality goods. Therefore, IPR violations in the era of globalization need to be understood as a problem that not only concerns law, but also economics, ethics, and protection of innovation.

Dynamics of Intellectual Property Law Enforcement in Indonesia

Intellectual Property Rights (IPR) law enforcement in Indonesia is a process involving various institutions and legal mechanisms to protect intellectual works, inventions, brands, designs, and other creative works. In practice, IPR law enforcement depends not only on the existence of laws and regulations, but also on the effectiveness of implementation by law enforcement officials, inter-agency coordination, and the awareness of rights owners to pursue legal action when violations occur. This dynamic demonstrates that IPR protection is multidimensional, encompassing administrative, civil, and criminal aspects simultaneously. During the investigation stage, the police, along with certain authorized officials, conduct investigations into alleged IPR violations, such as trademark counterfeiting, copyright piracy, or patent infringement. This stage is crucial because it determines whether a violation can be legally proven and proceed to the next stage. However, IPR case investigations often face obstacles such as the complexity of the evidence, the limited technical understanding of IPR objects by officials, and the rapid development of digital technology, which has led to an increasingly diverse range of violation methods (Permatasari et al., 2025).

Furthermore, during the prosecution stage, prosecutors play a crucial role in assessing the completeness of case files and ensuring that the elements of IPR violations can be proven in court. Prosecuting IPR cases requires a high degree of precision because they involve aspects of exclusive rights that are sometimes difficult to distinguish between infringement, fair use, or ordinary civil disputes. If case files are not carefully compiled, the law enforcement process will be delayed and the effectiveness of legal protection will be reduced. During the trial stage, judges play a role in assessing evidence, applying legal norms, and deciding whether an IPR violation has occurred. IPR trials require an adequate understanding of the characteristics of each type of right, such as copyright, trademark, patent, industrial design, and trade secret. Therefore, the quality of court decisions is largely determined by the judge's ability to understand the technical and economic substance of the disputed object. If the decision does not provide strong legal certainty, the goal of IPR protection as a driver of innovation will not be fully achieved (Adhari et al., 2025).

In addition to criminal and civil litigation, IPR disputes can also be resolved through alternative mechanisms, such as mediation, arbitration, or negotiation. These mechanisms are often chosen because they are faster, more flexible, and can maintain business relationships between the parties. In many cases, amicable dispute resolution is considered more effective, especially when disputes relate to licensing, trademark use, or infringements that can still be resolved through compensation. However, the effectiveness of non-litigation dispute resolution still depends on the good faith of the parties and the strength of their respective bargaining positions. Administrative law enforcement also plays a crucial role, particularly in the context of registration, recording, rejection of applications, cancellation of rights, and monitoring the use of IPR. Through administrative mechanisms, the state can prevent disputes from occurring in the first place and ensure that granted rights are truly in accordance with legal provisions. This administrative enforcement serves as the initial foundation before entering the realm of more repressive law enforcement. If IPR administration is well-run, the potential for disputes can be significantly reduced. (Yulianti et al., 2025).

In criminal law enforcement, IPR violations are viewed as acts that harm the legal interests of rights holders and the wider community. Criminal sanctions are used to provide a deterrent effect on perpetrators, particularly in cases of mass piracy, large-scale trademark counterfeiting, or the systematic distribution of illegal content. However, the application of criminal sanctions is often suboptimal due to limited evidence, low priority of case handling, and minimal synergy between law enforcement agencies. Meanwhile, civil law enforcement focuses on redressing losses for rights holders, either through compensation, termination of actions, or cancellation of the infringing action. The civil route is often considered more relevant for commercial IPR disputes because the goal is not only to punish but

also to restore the economic rights of the injured party. However, civil proceedings also often face challenges in proving material losses and determining proportional compensation. The dynamics of IPR law enforcement in Indonesia show that the effectiveness of protection still depends heavily on coordination between agencies, from IPR administration agencies, the police, the prosecutor's office, the courts, to dispute resolution institutions. Weak coordination can lead to overlapping authority, slow case handling processes, and legal uncertainty for rights holders. Therefore, strengthening synergy between agencies, increasing the capacity of officials, and updating regulations that are responsive to digital developments are urgent needs so that IPR law enforcement in Indonesia can run more effectively.

Challenges of Intellectual Property Rights Enforcement in the Era of Globalization

The challenges of enforcing IPR law in the era of globalization are increasingly complex due to the rapid development of technology, digital trade, and modes of infringement. In many cases, technological developments actually outpace the regulations governing them, resulting in various forms of violations such as digital piracy, the distribution of illegal content, unauthorized use of trademarks, and the exploitation of artificial intelligence-based works not yet fully covered by existing legal norms. Furthermore, IPR violations are now often transnational, so their handling faces jurisdictional issues, differing legal systems, and the need for international cooperation that is not always easy to achieve. This situation allows perpetrators of violations to easily relocate their activities to regions with weaker oversight.

In addition to these factors, low public awareness of the importance of IPR is also a serious obstacle. Many people still consider piracy of music, films, software, or the unauthorized use of other people's brands and works to be commonplace, even though these actions clearly harm creators and businesses. Another challenge arises in digital evidence, because violations that occur in cyberspace often leave traces that are easily deleted, moved, or manipulated. Digital evidence such as screenshots, metadata, and transaction traces require specialized technical skills to be used effectively in legal proceedings. Furthermore, oversight of digital marketplaces remains weak due to the large number of sellers and products in circulation, allowing counterfeit and imitation goods to spread quickly before action can be taken (Minarti, 2025) .

The low level of IPR registration also weakens legal protection, particularly for small and medium-sized businesses that are unaware of the importance of registering their trademarks, designs, or copyrights. Without registration, the legal position of the owner of the work becomes weaker in the event of a dispute or imitation by another party. This obstacle is exacerbated by the lack of law enforcement resources, both in terms of numbers, technical capacity, and understanding of the characteristics of IPR cases, which often involve complex technological aspects and evidence. At the same time, low IPR literacy among MSMEs means that many business owners do not understand the importance of protecting the rights to their creative products, leaving them vulnerable to becoming victims of infringement and unknowingly infringing on the work of others. Therefore, the challenges of IPR law enforcement in the era of globalization relate not only to the law but also to aspects of technology, supervision, education, and institutional readiness.

The Role of Government and International Institutions

The government plays a central role in protecting Intellectual Property Rights (IPR) as it serves as a policy maker, overseer of legal implementation, and facilitator for the birth of national innovation. This role begins with the formulation of regulations that serve as the legal basis for the protection of copyright, trademarks, patents, industrial designs, and other forms of IPR, ensuring clear legal certainty. Through sound regulations, the government can ensure that creators, inventors, and business actors receive protection for their work, while also providing clear boundaries against infringement. In addition to formulating regulations, the government also plays a role in oversight to ensure that IPR regulations are actually implemented in practice. This oversight includes prevention and enforcement of piracy, trademark counterfeiting, patent infringement, and the distribution of illegal products in both digital and conventional commerce. In this context, oversight is not solely carried out by a single institution, but

requires coordination between relevant agencies such as law enforcement officials, IPR administration agencies, and trade authorities to ensure effective handling of violations (Zulkarnaen, 2026) .

The government is also obligated to educate the public about the importance of respecting intellectual property rights. This education is crucial because many IPR violations occur not only intentionally but also due to a lack of public understanding of the importance of protecting intellectual property. Through outreach, training, public campaigns, and mentoring of business actors, the government can foster a legal culture that is more aware of IPR and encourage the public to respect the work of others. Furthermore, the government has a responsibility to foster international cooperation because IPR violations often occur across borders. In the era of globalization, a work can easily be produced, distributed, and utilized in multiple jurisdictions simultaneously. Therefore, international cooperation is necessary to strengthen information exchange, handle cross-border disputes, and enforce the protection of national intellectual property rights globally. This cooperation is also crucial to ensure that Indonesian products and innovations receive proper protection when entering the international market (Saputra, 2024) .

Legal harmonization is another crucial aspect. The government needs to align national laws with evolving international standards to ensure that the intellectual property rights (IPR) protection system remains relevant to global dynamics. This harmonization encompasses alignment between national regulations and international principles, particularly regarding IPR registration, protection, enforcement, and dispute resolution. Proper harmonization will enhance legal certainty, and Indonesia will be better prepared to face the challenges of global trade and innovation. In the digital era, the digitization of IPR services is also a crucial part of the government's role. Digital-based IPR registration, recording, inspection, and information services facilitate faster, more transparent, and more efficient access to legal protection. This digitalization not only improves the quality of public services but also strengthens data systems and oversight of IPR ownership, enabling the protection process to be more modern and adaptable to technological developments.

Furthermore, the government plays a strategic role in protecting national innovations to prevent them from being easily copied or exploited by others. This protection is crucial for encouraging knowledge-based economic growth, strengthening the competitiveness of local businesses, and creating a conducive climate for research and development. If national innovations are well-protected, businesses and researchers will be more motivated to continue their creativity, as they will be assured that their work will be recognized and protected by the state. At the global level, international organizations also play a crucial role in strengthening IPR protection standards. International organizations help establish a framework of norms and principles that serve as a common reference for member countries in protecting intellectual property. This role is crucial because IPR protection cannot be optimally implemented through national policies alone; it requires shared standards for more consistent law enforcement across countries. With the support of international organizations, IPR protection becomes more harmonious, coordinated, and able to address the challenges of globalization and increasingly rapid technological development.

CONCLUSION

The development of Intellectual Property Rights (IPR) in the era of globalization has undergone significant changes due to technological advances, economic digitalization, cross-border trade, and the growth of innovation-based industries. IPR is now understood not only as legal protection for intellectual works, but also as a strategic economic asset that determines the competitiveness of individuals, businesses, and countries. In this context, IPR protection becomes increasingly important because intellectual works have become the primary capital in the development of a knowledge-based economy. On the other hand, globalization has also given rise to various increasingly complex forms of IPR violations, such as digital piracy, trademark counterfeiting, software piracy, copyright infringement on social media, patent infringement, misuse of industrial designs, infringement through digital marketplaces, and the unauthorized use of artificial intelligence-based content. These violations cause economic losses, damage the reputation of businesses, reduce market confidence, and weaken incentives for innovation. Therefore, IPR law enforcement must be able to respond to the ever-changing modes of violation. IPR law enforcement in Indonesia basically has a sufficient legal basis, but in practice still

faces various challenges. These obstacles include technological developments that outpace regulations, transnational crime, low public awareness, difficulties in digital evidence, weak marketplace oversight, low rates of IPR registration, limited law enforcement resources, and low IPR literacy among MSMEs. These conditions demonstrate that IPR law enforcement requires an approach that is not only repressive, but also preventive, educational, and collaborative.

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