

# Copyright as Object of Fiduciary Guarantee Based on Law Number 28 of 2014 Concerning Copyrights

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**Abstract.** The development of intellectual property along with global developments to support development makes intellectual property economic value. The economic value can be done employing intellectual property used as collateral in bank credit. The birth of Article 16 paragraph (3) in Law Number 28 of 2014 concerning Copyright, is a form of appreciation and appreciation for the economic value inherent in the creators' works or works. The creator can receive economic value by making the copyright the object of fiduciary security at the fiduciary registration office. This encourages the creator to be more innovative and creative in creating his creations or works. But even though it has been explicitly regulated in laws and regulations, in practice there are obstacles to copyright being used as an object of fiduciary security. These obstacles consist of legal and practical obstacles. So concrete steps are needed to overcome legal and practical barriers so that copyright can be used as an object of fiduciary security under applicable laws and regulations.

**Keywords:** copyright; fiduciary guarantee; economic value

## 1 Introduction

### 1.1 Background

With regards to proceeding with improvement, which is manageable, advancement entertainers, both government and society, people, and lawful substances, require tremendous assets. Alongside the expansion being developed exercises, the requirement for financing additionally increments, where a large portion of the assets expected to address these issues are gotten through loaning and getting exercises. [1] Due to the large need for funds, in legal practice, there are several forms of institutions that can accommodate the needs of the parties in terms of funding. However, of course, the funding in question is not a free provision of funds, but in this funding, the parties must provide guarantees for the materials they have. Guarantee institutions that are very well known both in countries with civil law legal systems and common law legal systems are pandas and mortgages, yet along with the currents of globalization and modernization, the form of guarantee institutions is still lacking so other guarantee institutions appear, namely fiduciary guarantee institutions. [2]

A guardian ensure is an obligation assurance of a material sort (both existing and future obligations), which on a fundamental level gives mobile products as security (yet can likewise be stretched out to unflinching merchandise) by giving control and happiness regarding the

object of the guarantee obligation to the borrower (by moving the possession freedoms to the object of the guarantee object to the loan boss) then, at that point, the bank returns the control and satisfaction in the item to the debt holder in a trustee way. [3]

Guardian ensures have been substantial in Indonesia since the Dutch frontier period, which were brought into the world from law. The type of assurance is utilized in credit exchanges in light of the fact that the stacking system is viewed as straightforward, simple and fast.[4] Guardian as security for merchandise in banking is common since it can address the issues of the community.[5] At first, trustee ensures were restricted to unmistakable versatile property, yet in its improvement to give legitimate conviction to lenders in the Indonesian business world, Indonesia attempted to oblige the requirement for such ensures in the ongoing positive regulation, specifically Regulation

Number 42 of 1999 concerning Fiduciary Guarantees.

In the Guardian Assurance Act, Trustee is characterized as the exchange of possession privileges to an item founded on trust gave that the article whose proprietorship freedoms are moved remaining parts in the control of the proprietor of the item. [6] The guardian promise itself is characterized as security privileges over versatile items, both unmistakable and immaterial and relentless articles, particularly structures that can't be hampered with contract freedoms as alluded to in Regulation Number 4 of 1996 concerning Home loan Freedoms which stay in the control of the trustee provider, as guarantee for the reimbursement of specific obligations, which gives need to the Guardian Beneficiary over different banks.[6]

About the fiduciary guarantee attached to an object, both movable and immovable, when it is associated with intellectual property, it is interesting to study legal developments. It is because the development of intellectual property both nationally and internationally is very rapid, especially in the fields of information, telecommunications, and the economy so effective legal protection and legal certainty in intellectual property are very important.[7] The copyright which is part of intellectual property has benefits for the copyright owner or creator, as well as for the state. The conservative European countries and the United States are well-aware of the economic benefits of copyright due to the appreciation of the economic value of creation from the creator of music, art, literature, and other creations.

Referring to countries that provide legal recognition and protection of copyright, it has had a significant and real positive impact on economic growth in making a direct contribution to society. [7] These countries are those who are members of the World Intellectual Property Organization to encourage creativity in the protection of intellectual property in the world, in this case, they also see the need for respect for the economic value of intellectual property including copyright.

Indonesia officially joined the World Intellectual Property Organization (WIPO) on October 2, 2017, at the 57th WIPO general assembly in Geneva by becoming the 100th member [8], is a reflection that Indonesia has a strong determination in encouraging the advancement of intellectual property in Indonesia. One that shows Indonesia is committed to supporting the advancement of intellectual property is the presence of Law Number 28 of 2014 concerning Copyright. Copyright Law Number 28 of 2014 is a substitute for Law Number 19 of 2002 concerning Copyright which is considered not under legal developments and the needs of today's society.[9]

Strangely, Regulation No. 28 of 2014 concerning Copyright puts more accentuation on safeguarding financial privileges and giving monetary advantages to makers and related freedoms. This is as directed in Article 16 passage (3) of Regulation Number 28 of 2014 concerning Copyright which states "Copyright can be utilized as an object of trustee ensure", then, at that point, Article 16 section (4) expresses that "Arrangements seeing Copyright as an

object of The guardian ensure as alluded to in passage (3) is done by the arrangements of the Overall Regulations. What is implied by passage (4) with respect to the important legal arrangements, for this situation, are the Guardian Assurance Regulation and the Financial Regulation.

The justification for why copyright can be utilized as an object of guardian ensure is that copyright is remembered for the law of insignificant items. One of the qualities of items that can be utilized as objects of an obligation security is objects that have financial worth. In the copyright appended what is known as the selective right. Selective privileges are subsidiary to the maker or copyright holder connected with a work that is made. Selective privileges incorporate financial freedoms and moral rights.[10] In light of the fact that Copyright has monetary privileges, it implies that the Maker himself gets financial advantages from a work to which copyright is joined. So in view of this, Regulation No. 28 of 2014 in Article 16 passage (3) expresses that copyright can be utilized as an object of trustee ensure.

So with the authorization of the arrangements of these guidelines, circuitous copyrights like protected works, both unmistakable (artworks, models, pictures, and so forth) or immaterial (films, music, and so on) can be utilized as objects of guardian ensures. So in the event that the copyright holder needs reserves/cash, he can make a credit to the bank by making the copyright as security to the bank. [11] The presence of rules seeing copyright as an object of guardian ensure by implication persuades makers to be more imaginative and imaginative in making new works since it has been unequivocally directed in the law. Practically speaking, copyright execution as a trustee ensure still has a ton of hindrances, consequently many banks have not had the option to rehearse it.

## **2 Problem Formulation**

1. In light of the above foundation, the plan of the issue can be formed as follows:
2. 1) How is copyright controlled as an object of guardian ensure in Indonesia?
3. 2) Are there any snags to copyright as an object of guardian ensure practically speaking in Indonesia?

### **2.1 Scope of Writing**

In light of the foundation portrayed over, this examination is restricted in degree to zero in on the object of the issue to be contemplated. This exploration centers around copyright as an object of guardian ensure in view of Regulation Number 28 of 2014 concerning Copyright.

### **2.2 Objectives of the Study**

The objectives of this research are as follows:

- 1) To find out the regulation of copyright as an object of fiduciary guarantee in Indonesia.
- 2) To find out the existence of obstacles to copyright as an object of fiduciary guarantee in practice in Indonesia.

### **2.3 Research Method**

In this review, the creator utilizes regularizing legitimate examination (standardizing juridical), to be specific through the standards and legitimate principles contained in the relevant regulations and guidelines. This exploration is helped out through a case approach and a rule approach.[12] In legitimate examination, there are known wellsprings of essential information and optional information. [13] In this review, the creator utilizes auxiliary information sources as essential legitimate materials, specifically lawful materials that have authority (definitive), implying that they are restricting, for instance, various leveled regulation and court choices (judges).[14] Regulation Number 28 of 2014 concerning Intellectual property, Regulation Number 42 of 1999 concerning Trustee Certifications and other related regulations and guidelines. Optional legitimate materials will be materials used to help essential legitimate materials got from library research, to be specific all distributions on the law which are informal reports. Optional legitimate materials utilized in this study incorporate mandate books, lawful diaries, postulations, theories, and legitimate papers that are utilized as references connected with this research.[15] Tertiary lawful materials are lawful materials that help essential and auxiliary information. The tertiary lawful materials involved by the creator in this study incorporate legitimate word references, Indonesian language word references, and legitimate reference books connected with this examination. In this review, the writers completed subjective information examination procedures which were done by concentrating on related regulations and guidelines, lawful books, and records in regards to the item under study. The examination is passed on through the logical portrayal to take care of the issues in this exploration.

## **3 Discussion and Analysis**

### **3.1 Copyright Regulations as Objects of Fiduciary Guarantees in Indonesia**

Copyright that applies in Indonesia is managed in Regulation Number 28 of 2014 concerning Copyright rather than Regulation Number 19 of 2002 concerning Copyright. The meaning of Copyright in Article 1 point 1 expresses that copyright is the selective right of the maker that emerges consequently founded on decisive standards after a work is appeared in an unmistakable structure without lessening limitations by the arrangements of regulations and guidelines. Overall clarification, copyright is one piece of licensed innovation that has the broadest extent of safeguarded objects, since it incorporates science, workmanship and writing which incorporates PC programs.

Manifestations or protected works in the areas of science, craftsmanship, and writing that are safeguarded by Regulation Number 28 of 2014 concerning Copyright are:

- a. Books, handouts, introductions of distributed works, and any remaining composed works;
- b. Lectures, talks, discourses, and other comparative manifestations;
- c. Props made to assist training and science;
- d. Songs or music regardless of captions;
- e. Drama or melodic show, dance, movement, wayang, and emulate;

- f. Works of craftsmanship in all structures like canvases, drawings, carvings, calligraphy, figures, models, or arrangements;
- g. Applied show-stoppers;
- h. Architectural works;
- i. Map;
- j. Batik craftsmanship or other theme workmanship;
- k. Photography works;
- l. Portrait work;
- m. Cinematographic works;
- n. Translation, translation, transformation, treasury, information base, variation;
- o. Translation, variation, plan, change, or adjustment of customary social articulations;
- p. Compilation of works or information, whether in a configuration that can be perused by PC programs or different media;
- q. The arrangement of conventional social articulations during the assemblage is a unique work;
- r. video games; and
- s. Computer program.

Copyrights is comprised of financial freedoms and moral privileges. Financial freedoms are the privileges to get monetary freedoms over manifestations and related privileges to items. Moral freedoms are privileges intrinsic in makers or related freedoms entertainers that can't be taken out or erased with next to no justifiable excuse, despite the fact that the copyright or related freedoms have been moved. With this ethical right, the maker or his beneficiaries reserve the option to sue the copyright holder so the creator's name is as yet remembered for his creation. The idea of moral freedoms comes from the mainland general set of laws, to be specific in France. As indicated by the idea of mainland regulation, the creator's privileges are partitioned into monetary freedoms to acquire financial advantages and moral privileges concerning the insurance of the creator's reputation.[16] As per Muhammad Djumhana, these monetary freedoms incorporate:

- a. Reproduction or reproduction rights;
- b. Adaptation rights;
- c. Distribution rights;
- d. Appearance rights;
- e. Broadcasting rights;
- f. Cable programming rights;
- g. Author rights; and
- h. Community borrowing rights. [17]

In Regulation Number 28 of 2014 concerning Copyright, Article 9, it is expressed that the maker or copyright holder has the monetary right to:

- a. Publishing creations;
- b. Reproduction of creation in all its forms;
- c. Creation translation;
- d. Adaptation, arrangement, transformation of creation;
- e. Distribution of works or copies thereof;
- f. Creation show;
- g. Announcement of creation;
- h. Creation communication; and
- i. Creation rental.

In the use of economic rights that are transferred or relocated, it is clear evidence that copyright is a material right. [18] The creators also have exclusive rights, the definition of exclusive rights, namely material rights that are exclusive to a creator or recipient of rights to a work or creation in the fields of science, art, and literature. [19] The exclusive rights of the creator, namely the freedom to use their creations or grant licenses to other parties, are granted the license employing a consent agreement with the limitations stipulated in the license agreement. Upon granting the copyright license, the creator will receive royalty payments, both in the form of money and goods, but in practice, royalties are paid in the form of money regularly. Royalty is a special award given to a creator or owner of intellectual property rights.

Copyright objects are movable objects in the form of creations or copyrighted works. Creation or copyrighted work consists of two kinds of forms, namely:

- a. Tangible Creations (material) and tangible (tangible), or
- b. Creation is intangible (immaterial) and intangible (intangible)

Examples of creations or copyrighted works in the form of real/tangible objects such as paintings, sculptures, portraits, collages, and batik. While examples of creations are intangible (immaterial) and intangible (intangible), such as books, films, videos, photos, music, dances, poetry, games, graphic designs, architectural designs, batik designs, and others.

Intellectual property Regulation manages copyright ensure through trustee. The guideline of copyright as an object of trustee ensure is managed in Article 16 passage (3) of Regulation Number 28 of 2014 concerning Copyright, which states: Copyright can be utilized as an object of the guardian ensure. Moreover, section (4) expresses that the arrangements seeing Copyrights as objects of trustee ensures as alluded to in passage (3) are done by the arrangements of regulations and guidelines. The regulations and guidelines alluded to here are Regulation Number 42 concerning Guardian Certifications and Regulation Number 10 of 1998 concerning Revisions to Regulation Number 7 of 1992 concerning Banking.

In light of Regulation Number 42 of 1999 concerning Guardian Ensures, a trustee is characterized as the exchange of possession freedoms to an item founded on trust gave that the article whose proprietorship privileges are moved remaining parts in the control of the proprietor of the item. Guardian ensures are guarantee freedoms for substantial and elusive mobile items and undaunted articles, particularly structures that can't be burdened with contract privileges as alluded to in Regulation Number 46 of 1996 concerning Home loan Freedoms that stay in the control of the trustee provider, as security for obligation reimbursement. certain leasers, which give need to the guardian beneficiary over different lenders.

Copyright can be utilized as an object of trustee security since it is named a unimportant and irrelevant article. Copyright can be moved through legacy, awards, waqf, composed arrangements, or different causes supported by regulations and guidelines. Copyright is as elusive (unimportant) and immaterial that requires state acknowledgment as a copyright declaration. The testament will be utilized as the object of a trustee ensure.

Except if concurred any other way, the trustee assurance might incorporate the returns of the article that is the object of the guardian ensure. Trustee certifications can likewise incorporate protection claims against guardian ensure objects that are guaranteed. It implies that the copyright that is utilized as the object of a guardian assurance can likewise remember a permit understanding and pay for the type of eminences got by the copyright proprietor, where the arrangement should be expressed obviously in the trustee ensure understanding.

Assuming copyright is made the object of guardian ensure, the copyright should be enrolled with the Directorate General of Protected innovation (DJKI), to be ensured, moved, and authorized to different gatherings. The limiting of the guardian ensure in an understanding is made in view of a notarial deed and afterward enrolled with the trustee enlistment office.

In the event that the borrower breaks his commitment (default) or can't take care of the obligation, the leaser can sell the object of the guardian ensure through a public closeout without the need to demand an assurance from the director of the Locale Court (para te execution) or by mentioning a choice from the executive of the Region Court to execute the assurance. It is on the grounds that in the trustee ensure declaration there is an executorial title.

The arrangements of Articles 25 to 26 of the UUJF direct the cancelation of Trustee Assurances. The guardian Assurance is dropped because of the disposal of obligations ensured by the trustee, surrender of privileges to Trustee Security by guardian beneficiaries, or the obliteration of items that are the object of the Guardian Assurance. The obliteration of the item that is the object of the Trustee Assurance doesn't kill the protection guarantee in the event that the item is a substantial mobile item, in the event that the item is a copyright, the copyright can't be nullified in light of the fact that the Copyright stays connected to the maker. the guardian beneficiary will tell the Trustee Enlistment Office in regards to the revocation of the trustee security by connecting an assertion in regards to the waiver of obligation, waiver of freedoms, or the obliteration of the item which is the object of the guardian security. With the nullification of the Trustee Assurance, the Guardian Enlistment Office discounts the Trustee Assurance from the Trustee Register Book and issues a testament expressing that the Trustee Assurance Endorsement concerned is at this point not legitimate. [20]

### **3.2 Barriers to Copyrights as Objects of Fiduciary Guarantees in Practice in Indonesia**

The idea of Copyright which can be utilized as the Object of Guardian Assurance is an enthusiasm for the financial worth of the licensed innovation, there are still impediments or deterrents practically speaking. The needs assurance and makes vulnerability for copyright holders. For sure, as per Sudikno Mertokusumo, legitimate insurance is a bunch of decides or decides that have general and regulating content, general since they apply to everybody and regularizing on the grounds that they figure out the thing to do, what ought not be finished or ought to be finished, and decide how to execute consistence. on the standards.[21] Furthermore, Sudikno Mertokusumo, he stated that:

"In its function as the protection of human interests, the law has a legal purpose. The law has a goal to be achieved. The main purpose of the law is to create an orderly social order and to create order and balance. With the achievement of order in society, it is hoped that human interests will be protected. In achieving this goal, the law is tasked with dividing rights and obligations between individuals in society, dividing authority and regulating how to solve legal problems, and maintaining legal certainty." [22]

Three things can be analyzed from Sudikno Mertokusumo's point of view. These three things include:

- a) Legal functions;
- b) Legal purposes; and
- c) Legal duties.

The function of law is to protect human interests. The main purpose of the law is to create a social order that:

- a) Orderly;
- b) Order; and
- c) Balance

The main legal duties are:

- a) Sharing rights and obligations among individuals in society;
- b) Sharing authority;
- c) Regulates how to solve legal problems; and
- d) Maintaining legal certainty. [23]

Legitimate sureness is likewise not reflected in that frame of mind of Article 16 section (3) of Regulation Number 28 of 2014 concerning Copyright, this is in opposition to Hans Kelsen's hypothesis of lawful conviction, deciphering the law as a standard. Norm is an explanation that underlines the "ought to" or *das sollen* perspective, by including a few principles about what should be finished. Each person has opportunity, yet in living respectively he bears the obligation of making an organized coexistence.

It shows that there is no conviction and sufficient lawful assurance, particularly in public financial organizations that make copyright an object of trustee ensures not yet completely support the idea. It is on the grounds that the Financial Standards themselves are directed in Regulation Number 7 of 1992 concerning Banking as Revised by Regulation Number 10 of 1998 Article 2 expresses that Indonesian banks in completing their business depend on monetary majority rules system by utilizing the guideline of reasonability. [24] Copyright as an object of guardian ensure by and by has deterrents and difficulties in the legitimate and viable fields[25], In this manner, the complexities to copyright as an object of trustee security in Indonesia will be portrayed, as follows:

### 3.2.1 Legal Barriers

#### 1) Law Consistency

a) Copyright is controlled in Regulation Number 28 of 2014 concerning Copyright while viewing copyright as an object of guardian promise it is stressed in Article 16 section (3) and passage 4. Where Article 16 section (4), expresses that the arrangements of copyright as the object of guardian security are executed by the arrangements of the regulation, the Demonstration being referred to implies Regulation Number 42 of 1999 concerning Trustee Certifications and Regulation Number 7 of 1992 concerning Banking as corrected by Regulation Number 10 of 1998, in light of which there should be cautious coordination between one regulation and another and its subordinate guidelines. Be that as it may, execution in the public financial area is as yet hampered in light of the fact that there has been no improvement in Bank Indonesia Guideline Number 14/15/PBI/2012 concerning Resource Quality Evaluation Article 43 which has not obliged the arrangement for resource misfortunes in view of resource quality. Where the copyright which is utilized as the object of trustee ensure has not been obliged in this guideline. [26]

b) If licensed innovation is related with chapter 11, it is controlled in Regulation Number 37 of 2004 concerning Liquidation and Suspension of Obligation Installment commitments, where all resources having a place with a bankrupt borrower can be moved to leasers, particularly loan bosses who have favored privileges. It intends that there is an exchange of copyright because of different reasons legitimized by regulations and guidelines.[27] Therefore, consistent regulations are needed to support the perfection of copyright IP as an object of fiduciary guarantee.

#### 2) Security Recognition of Intellectual Property Copyright

Acknowledgment of the security and assurance of licensed innovation privileges is fundamental to help the headway of protected innovation.



Notwithstanding, the ongoing guidelines, as per the creator, are exceptionally restricted, so those extraordinary guidelines that are more well defined for help flawlessness and security in the adaptation of the financial worth of copyright are required so they can decide if copyright as an object of guardian ensure is valuable.

### 3) Legal Limitations

Explicit legitimate restrictions in copyright IP might restrict the capacity of the copyright holder, licensor or permit holder to practice their privileges to safeguard their copyright. In Regulation Number 28 of 2014 concerning Copyright that main financial freedoms can be moved, while moral privileges can't be moved. The exchange of moral freedoms can happen because of a will or different reasons because of regulations and guidelines after the maker kicks the bucket.

## 3.2.2 Practical Barriers

### 1) Assessment of Intellectual Property Copyright

Prior to leading an evaluation (valuation) of licensed innovation privileges, it is important to direct reasonable level of effort on the articles and subjects that will be utilized as trustee ensures in putting money on the singular data of the beneficiary and the guardian provider. Evaluation of IP or for the most part alluded to as the valuation of IP resources is a cycle to decide the worth of an IP subject. Valuation itself is characterized by WIPO as "the most common way of distinguishing and estimating the monetary advantage of a resource". In ensuring copyright IP resources as security/credit in guardian ensure objects, it ought to likewise be upheld by the job of IP Resource Examination establishments. It is on the grounds that financial foundations and non-bank monetary establishments need conviction about the worth of copyright IP resources that will be guaranteed.[27] On the grounds that financial organizations and non-bank monetary foundations have no involvement with evaluating copyright IP resources. Where the evaluation organization should be guaranteed and authorize by the workplace of the Directorate General of Protected innovation (DJKI), Bank Indonesia, or the Monetary Administrations Authority which is utilized as security in the financial world or non-bank monetary establishments. It is on the grounds that, by and by, monetary organizations have utilized the administrations of a public appraiser, otherwise called an evaluation.

An Examination is an outsider who is a supporting calling in the monetary area, and can give proficient contemplations in regards to the financial evaluation of items that will be troubled by the assurance institution.[28] An examination is managed in the Clergyman of Money Guideline No. 101/PMK.01/2014 concerning Public Appraisers. An appraiser is somebody who has skill in leading evaluation exercises, who basically has passed the underlying evaluation schooling. [29]

As per Sri Mulyani, there are a few ways to deal with deciding protected innovation as insurance, the principal approach is through a market approach which gives a deliberate structure to assessing the worth of elusive resources in view of the examination of genuine deals as well as credible permitting exchanges that are equivalent to objects. Second, the pay approach gives an efficient structure to assessing the worth of immaterial resources in light of promoted financial pay or present worth or future worth. Furthermore, the third is an expense approach that gives an orderly system to assessing the worth of elusive resources in view of

the rule of replacement financial matters that is proportionate with the costs that will be caused as a practically identical substitute as a unit capability. [30]

Consequently, it is important to have a general recipe that can be utilized in assessing the licensed innovation of copyright on unmistakable and elusive resources of copyright.

2) Awareness of the Intellectual Value of Copyright Property

Awareness of the intellectual value of copyrighted property and experience in conducting monetization/securitization practices of economic value on tangible and intangible assets is a practical problem in Indonesia. The United States and countries in Europe are aware of the tangible and intangible assets of copyrighted IP, which is done to increase the value of the company by making money through monetization/securitization of copyrighted IP value.

3) Reasonable Risk of Intellectual Use of Copyright Property

What is meant by this risk is the risk that can affect the value of copyright IP in the monetization process through fiduciary. In Law Number 28 of 2014, there are provisions regarding the use of copyright by other parties based on a license based on a written agreement between the copyright holder and the recipient of the copyright license. Where in the copyright agreement license must contain royalties, reasonable conditions and limitations to avoid misuse of the license agreement. [27]

4) Violation Risk

IP violations have an impact on IP uncertainty or royalty cash flow. The uncertainty of royalty income due to such violations may reduce the attractiveness of royalty/cash flow/receivable-based securitization. It is due to violations and illegal actions against IP copyrights and piracy that still often occur in Indonesia. In addition, a strong law enforcement system is needed against IP copyright violators, whether administratively, civilly, or criminally.

## 4 Closing

### 4.1 Conclusion

- 1) The guideline of copyright in Regulation Number 28 of 2014 concerning Copyright is a type of appreciation for licensed innovation in the field of copyright, as well as a type of copyright appreciation, in particular moral privileges, and monetary freedoms. The introduction of Article 16 passage (3) in Regulation Number 28 of 2014 concerning Copyright is another guideline where copyright can be utilized as an object of guardian ensures, which can be used by makers and copyright holders who need assets by ensuring their copyright to urge makers to be more imaginative and inventive in making manifestations or works.
- 2) The guideline of copyright as an object of trustee ensure has been unequivocally managed in the arrangements of the pertinent regulations and guidelines, yet by and by, there are hindrances or snags in carrying out these arrangements. These hindrances are by and large partitioned into two sections, in particular lawful obstructions and reasonable boundaries. Legitimate obstructions comprise of snags

to the consistency of regulations, acknowledgment of the security of protected innovation privileges, and lawful restrictions. In the interim, the pragmatic hardships comprise of assessing the intellectual property of the copyright, consciousness of the scholarly worth of copyright property, the gamble of fair utilization of the protected innovation of the copyright, and the gamble of encroachment.

## 4.2 Suggestions

- 1) First, there is a requirement for consistency and harmonization of regulations and guidelines so the execution of copyright as an object of guardian assurance can be done appropriately, as well as give lawful security and conviction to related parties in the act of copyright as an object of trustee ensure in banking.
- 2) It is necessary to have an institution that is independently capable of evaluating the value of intellectual property copyrights that are certified and registered with the DJKI so that the formulation of the calculation of copyright valuation can be carried out with certainty. In addition, there is a need for advocating and advocating for all relevant parties and the public who are in direct contact with intellectual property rights to understand and appreciate the values that exist in copyright.

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