



Legal Aspects of Creative Economic Development in Digital Economic Development in Padangsidempuan

Mochtar Indra Efendi Siregar¹, Mahmud Siregar², Detania Sukarja³, Robert⁴

Universitas Sumatera Utara

Email: Indraefendisiregar@gmail.com

Abstract - Legal aspects of creative economic development in digital economic development by conducting studies in Padangsidempuan City, is important to carry out with the following considerations: There are limitations in terms of legal regulations that both the central government and the regional government of Padangsidempuan City have in supporting the development of the creative economy in digital economic development, so that the implementation of digital economic development in the regions has not run optimally. This research analyzes the legal aspects of developing a digital-based creative economy, the role of local governments in supporting it based on positive laws in Indonesia, as well as the obstacles and the role of the Padangsidempuan City Government in overcoming them. Using a normative juridical method with primary, secondary, literature and field study data, the research concludes that integrated legal support, collaboration between the government and creative economy actors in strategic steps are key to the growth of the digital creative economy in Indonesia, while Padangsidempuan needs to overcome limitations in digital infrastructure, creative education, regulatory harmonization, and intellectual property rights protection. Therefore, it is necessary to develop a strategy for a collaborative model of academia, business and government, or what is called the Triple Helix.

Keywords: Law, Creative Economy, Digital Economy

I. INTRODUCTION

Development of human resources (HR) will take center stage in Indonesia's development plan moving ahead, beginning in 2019. The goal of this strategy is to speed up the economic growth required to raise people's standard of living. One of the most important factors in winning the global competition—which results in increasingly fierce competition amid uncertainty—is the urgency of human resource development. All parties involved should fully support this strategic move. In order to stay competitive in the face of swift changes in the corporate, political, economic, and cultural spheres, it is closely related to boost work productivity by developing human resources towards exceptional individuals.

The success of economic growth today can be seen from a country's ability to provide various goods and services economically in accordance with the needs and developments in information technology which continues to develop all the time. (Lili, 2019). There have been changes in the direction of economic ups and downs in human history. Starting with the transition from the agricultural era to the industrial age, then the information age was formed, followed by achievements in the field of information technology. These changing tides brought new and thriving civilizations to humanity (Rochmat, 2016)

The world economy is developing quickly, globalization and free trade are flowing, and technological, telecommunication, and information advances have increased the amount of space available for trade in goods and services, allowing both domestically and

internationally produced goods and services to be offered. Numerous information technology and telecommunications gadgets that can integrate all media to ease daily chores for humans have been made possible by this achievement (Imam, 2017). National boundaries are vanishing along with state sovereignty and social order in the setting of expanding international communication, the internet's popularity, and the world's shrinking size. (Arsyad 2010).

Legal aspects of creative economic development in digital economic development by conducting studies in Padangsidempuan City, is important to carry out with the following considerations : There are limitations in terms of legal regulations that The execution of digital economic development in the regions has not gone as smoothly as it could because of the support provided by both the national government and the regional administration of Padangsidempuan City for the growth of the creative economy. Social barriers to the growth of the digital economy include the absence of players from the creative industry or society to monitor the sector's advancements. In order to ensure that creative economic development is implemented successfully, it is the duty of the Padangsidempuan City Government to offer direction and oversight to creative business players in their support of digital economic growth. In order to implement digital economic development and enhance the community, creative business players and the Padangsidempuan City Government must collaborate region.

The government has set the goal of supporting an integrated and sustainable national economy, a full and productive workforce and decent work for all Ratna (Wijayanti et al., 2021). Global economic competition is getting tougher. Indonesia must be able to look for other economic sources for the progress and welfare of society. One solution is the creative economy or creative industry (Fajri Arif, 2021).

The Creative Economy can boost local products' competitiveness in foreign markets and inspire business owners to offer their goods worldwide. Applications, games, music, architecture, visual communication design, fashion, crafts, culinary, interior design, and products are only a few of the 17 different categories of creative economy sectors identified by the Ministry of Tourism and Creative Economy. Design, Fine Arts, Performing Arts, Photography, Advertising, Publishing, Television, and Radio. The primary economic sector, which begins with the business sector, includes these 17 sub-regions. There has been about 5.76% growth in the creative economy sector. Growth in the mining and quarrying, forestry, fishery, agriculture, livestock, and clean water, as well as the processing and services industries, is what this indicates. (www.kominfo.go.id., 2022).

The latest trends in the national economy also show slight changes. The era of digitalization has had a huge innovation impact. Creative industries are starting to enter the market today with various innovations. This can be seen in many economic lines such as trade, transportation, services, hotels, digital industries which are starting to switch to transactions on the internet.

The current growth of the global economy and human development civilization in various fields, including the economic sector, has entered the territory of a single country. Indonesia is working together on digital-based renewable technology or known as the industrial era 4.0 which is based on cyber-physics-systems (Dhani 2019). Industry 4.0 is a complete transformation of all aspects of production in industry by combining digital and internet technology with traditional industry. Speed of information, namely an industrial environment where all departments are always connected and can share information with each other. In general, Industry 4.0 has five big challenges that must be faced, namely knowledge, technology, economics, social and political. One of those affected by this development is the economic sector (Wahudi, 2018).

It was also added that MSMEs generally come from economically disadvantaged families, because their products sell better on the market. The MSME network was expanded, thanks to the best assistance (Rio, 2019). The development of a region can be supported by the growth of the creative industry. To effectively execute this plan for growing the creative economy, we need to concentrate on examining the sector's prospects and challenges. This will help us choose the best political approach for upcoming initiatives aimed at increasing the creative economy. The growth of the creative economy is thought to have the potential to

improve government policies, the economic system, and regional development. It has the potential and strategic role in the creative economy to produce positive outcomes in the future in terms of employment creation that will impact societal welfare.

In Indonesia, the community primarily governs business operations through the framework of Micro, Small, and Medium-Sized Enterprises (MSMEs) and the Creative Economy. The idea behind this frame is straightforward and reasonably priced, making it a great option for those in the lower middle class. But in order to remain competitive and maintain their standing in the market against larger players, MSMEs and actors in the Creative Economy need to stay up to date as well (Nizam Zakka 2020). They must so use the internet, cyberspace, or digital media to adjust to their new digital existence. In the contemporary information era, digitalization of village MSMEs is crucial for community empowerment through science and technology. (A. As'ad Sonief, et al., 2019).

As we approach the fourth industrial revolution, digital technology is becoming one of the primary resources required by industry players to expand their product ranges. Industry 4.0's existence is evidence that technical advancements and industrial development are today inextricably linked. Positive effects on a nation can undoubtedly come from the industrial sector's growth, which follows technological advancements. One such benefit is that the nation's GDP will grow. (Kementerian Komunikasi dan Informatika, 2019).

Padangsidempuan City as the gateway to North Sumatra has become an area that has extraordinary economic and tourism potential. Supported by the service and tourism industry, Padangsidempuan City continues to strive to widen access to information and technology networks that can be reached by all the people of Padangsidempuan City. However, the challenges faced in the digitalization era are quite large.

The government must be present in overcoming the above problems so that the optimization of the digital economy can be optimal and felt by the public. This government participation can also be realized with the latest innovations related to making it easier for people to carry out economic activities. There are still many public transactions in Padangsidempuan City that should be based on digital platforms, such as parking transactions, refueling at gas stations, as well as paying motor vehicle tax. It is also necessary to prepare digital payment system facilities and infrastructure in traditional markets. This innovation will of course have a very good impact on transaction efficiency in society.

II. METHOD

The legal research carried out in the context of preparing this journal was carried out using a critical juridical approach. This method is carried out through literature studies which critically examine (especially) primary data related to legal research methods and empirical legal concepts in books and journals as well as statements by legal experts, as well as research results, study results and other relevant references to be deconstructed in order to answer problems with also field studies through interviews.

III. RESULT AND DISCUSSION

The Relationship between the Creative Economy and Law.

The term "creative economy" refers to a theory in the contemporary economic era that places an emphasis on knowledge and creativity by using concepts and expertise from human resources as a production element. Natural resources, human resources, orientation or management, and other elements are recognized as the four determinants of production in economic research (Arjana 2016). The advertising, architecture, goods market, arts, crafts, interactive games, Its fourteen subsectors that comprise the creative economy sector are publishing and printing, computer and software services, television and radio, design, fashion, video, film, and photography, music, performing arts, and research and development. The monetization of innovation and the incentive to produce content-rich goods and services power the creative economy. high level of creativity regarding the input and output of economic activity (Ministry of Culture and Tourism 2010). Large corporations going bankrupt amid Indonesia's economic crisis demonstrated the creative economy's resiliency as the most

effective idea. The national economic order can really be enhanced by the creative economy. (Polnaya, 2015).

Padangsidempuan City refers to the Indonesian legal basis which has an obligation to make regulations regarding intellectual property based on the TRIPs Agreement. Regulations regarding Intellectual Property Rights or commonly known as IPR in Indonesia are regulated under "The 1994 Law No. 7 on the Ratification of the Agreement Forming the World Trade Organization." IPR is essentially the state's way of thanking creators, innovators, and designers by granting them both moral and economic rights, as specified in Article 4 of the Law. "Law Number 28 of 2014 concerning Copyright") The Copyright Law's Article 5 provides an explanation of moral rights, saying that "Moral rights as intended in article 4 are rights that are eternally inherent in the author to (Disemadi, H. S., & Kang, C, 2021) :

1. Keep his name on the copy in relation to the public usage of his work;
2. usage his real name or a pseudonym;
3. Modify his creation in accordance with what is socially acceptable;
4. Modify the work's title and subtitle;
5. Protect their rights if the work is altered, distorted, or modified in any way that would be harmful to their reputation or sense of self-worth.

Meanwhile, explanation regarding Economic Rights is stated Article 8 of the Copyright Law states that "economic rights are the exclusive rights of the Creator or Copyright Holder to obtain economic benefits from creations." Creators, inventors, and designers have exclusive rights in addition to their economic and moral rights. Examples of these rights include the power to prohibit third parties from making, using, exporting, importing, selling, or distributing their works without their consent. Industrial property rights (IPR) can be broadly divided into two categories: copyright and IPR. Trade secrets, plant types, industrial designs, integrated circuit layout designs, patents, and branding are a few examples the different types of industrial property rights (Disemadi, H. S., & Kang, C, 2021).

Legal Aspects of Digital-Based Creative Economy Development

As time progressed, the creative economy sector began to receive serious attention from the government and there were regulations to support it. Based on the first Dikm According to Presidential Instruction No. 6 of 2009 concerning the Development of the Creative Economy, the term "creative economy" refers to any economic activity that is founded on an individual's ability, aptitude, and creativity to produce economically valuable individual ingenuity and originality. Law No. 24 of 2019 defines the creative economy, on the other hand, as the manifestation of added value from intellectual property resulting from human innovation based on scientific, technological, or cultural assets. (Fathnur 2023).

Still subsequently is also explained that the connected systems that support the creative economic value chain are part of the creative economic ecosystem, using the same law. Examples include the invention, production, distribution, consumption, and conservation activities that creative economy participants engage in to give their products additional value and make them more competitive, accessible, and legally protected. (Fathnur 2023).

Creative economy is a concept used to carry out economic development based on human creativity. Ideas, creativity and ideas are needed that can create innovation through technological developments. The three main points that form the basis of the creative economy are creativity, innovation and discovery (Rochmat, 2016).

Howkins believes that what is meant by Economic activity using ideas as its input and output is known as the creative economy. Indonesia hopes that economic conditions can be sustainable and have sectors to support economic activities to produce sustainable growth. The creative economy is also considered as one of the concepts for developing the Indonesian economy because it can develop people's ideas and creativity in order to create innovation (Rochmat, 2016). With the creative economy, there is an opportunity for people to be able to freely turn their creative ideas into products or goods which in the end can provide economic value and can advance the country's economy.

The enactment of Law Number 24 of 2019 concerning the Creative Economy and the issuance of Government Regulation Number 24 of 2022 concerning Implementing Regulations of Law Number 24 of 2019 concerning the Creative Economy as a form of regulation and legal development efforts in the fields of the Creative Economy, guarantee law and wealth law Intellectual. The creative economy focuses on the creation of goods and services by relying on human creativity as Intellectual Property, this creative economy is also a transformation of the structure of the world economy that occurs in economic growth in Indonesia (Ranti, 2022).

In addition to realizing the incentives and infrastructure for the Creative Economy Actors mentioned in Articles 19 and 22 of Law Number 24 of 2019 concerning the Creative Economy, this Creative Economy PP was issued in order to implement the provisions of Law Number 24 of 2019 concerning the Creative Economy, specifically Articles 16 and 21 paragraph (2). Look at paragraphs 16 and 21 of Law Number 24 of 2019 Concerning the Creative Economy, often known as the Creative Economy Law.

In order to promote the growth of a more integrated and sustainable digital-based creative economy, appropriate and integrated legal support can aid in fortifying the business environment that is centered around creativity and technology. The support for statutory regulations in supporting the development of the creative economy in the digital economy includes:

1. Constitution of 1945.
2. Law Number 20 of 2008 concerning Micro, Small and Medium Enterprises.
3. Law Number 23 of 2014 concerning Regional Government as has been amended several times, most recently with Law Number 9 of 2015 concerning the Second Amendment to Law Number 23 of 2014 concerning Regional Government.
4. Law Number 28 of 2014 concerning Copyright.
5. Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions.
6. Law Number 24 of 2019 concerning Creative Economy
7. Law Number 6 of 2023 concerning the Stipulation of Government Regulations in Lieu of Law Number 2 of 2022 concerning Job Creation into Law.
8. Government Regulation Number 24 of 2022 concerning Implementing Regulations of Law Number 24 of 2019 concerning the Creative Economy.

The Role of Regency/City Governments in Supporting the Development of the Creative Economy in Digital-Based Economic Development Efforts in Regency/City

The creative economy is a process of added value originating from the creativity of individuals who have knowledge, technology and arts and culture as producers of goods, services or works of art. In anticipating the challenges of global creative economic competition, it is necessary to prepare a number of strategies, including strengthening digital infrastructure and strengthening digital human resource talent (Muhammad Mudjib et al., 2022). The development of a digital-based creative economy is one of the main pillars in efforts to develop a modern and sustainable economy in the Regency/City.

In preparing a digital ecosystem, especially in the creative economy sector in Indonesia, creative economy actors are not alone. The government is also helping to take strategic steps to utilize the digital ecosystem. There are six steps that the government is taking in adapting to the digital ecosystem : (<https://kemenparekraf.go.id>, 2023).

1. Improving the quality of digital services to increase efficiency and competitiveness of sectors driving Indonesia's economic growth.
2. Improving the quality of human resources so that they can adapt to future employment needs.
3. Integrating research, design and development with industrial modernization of other productive sectors.
4. Encourage the development of financial technology to support economic growth by maximizing internet connectivity support and mobile phone penetration.

5. Strengthening the innovation ecosystem with collaboration between government, business players, educational institutions and communities
6. The government seeks to encourage collaboration between start-up companies, including ecosystem development, acceleration, incubation, business models and sustainable aspects of start-up businesses..

Meanwhile, from the side of creative economy actors, there are many efforts that must be made apart from adapting to digitalization. For example, carrying out e-commerce management, and registering products in Intellectual Property Rights. It is hoped that collaboration between creative economy players, the government and digital technology developers will be able to realize the digital ecosystem targets in Indonesia. So this can be a momentum for national economic revival, especially in the creative economy sector. The Padangsidempuan City Government strongly supports the development of the creative economy in its area. District/City level socialization was also held in Padangsidempuan City. (Interview with Munawir Ikhsan Lubis, 2023).

The Padangsidempuan City Government is very ready to carry out the mandate of Law Number 24 of 2019 concerning the Creative Economy. This is proven by the policies that have been issued by the Regional Government regarding this matter.

The action plan for In order to create a series and establish a connection between the growth of the creative economy and the development of Padangsidempuan City overall, the creative economy's development in the city has been prepared for and adjusted to the city's development planning. Increasing people's purchasing power is a goal of regional development priorities. This region is being developed by facilitating the growth of creative industrial zones, which in turn is explaining it further into superior and thematic activities for the development of creative industries and young creative entrepreneurs. Following that, a plan of action and policy for the growth of the creative industry in Padangsidempuan City was prepared in detail, broken down into strategies, programs, activities, performance indicators and the person responsible for each activity.

These policies are regulated in several regional regulations, including :

1. Padang Sidempuan City Regional Regulation Number 5 of 2021 concerning Amendments to Regional Regulation Number 2 of 2019 concerning the Regional Medium Term Development Plan for Padang Sidempuan City for 2019-2023.
2. Padang Sidempuan City Regional Regulation Number 1 of 2021 concerning the Master Plan for Tourism Development in Padang Sidempuan City for 2020-2034.
3. Padang Sidempuan City Regional Regulation Number 7 of 2022 concerning Padang Sidempuan City Industrial Development Plan 2022-2042.

Regional regulations issued by the Padang Sidempuan City Government, such as Padang Sidempuan City Regional Regulation Number 5 of 2021, Padang Sidempuan City Regional Regulation Number 1 of 2021, and Padang Sidempuan City Regional Regulation Number 7 of 2022, reflect the city government's commitment to supporting development of the creative economy, especially in the context of digital-based economic development.

In relation to the 2019–2023 Regional Medium Term Development Plan for the City of Padang Sidempuan, Regional Regulation Number 5 of 2021 amends Regional Regulation Number 2 of 2019 by incorporating strategic measures pertaining to the creative and digital economies. To assist the creative and digital economy players in the Padang Sidempuan City region, this could entail setting clear goals, allocating funds, or launching tangible projects.

Regarding the Padang Sidempuan City Tourism Development Master Plan for 2020–2034, Regional Regulation Number 1 of 2021 may also serve as a reflection of the city government's endeavors to fully realize the combined potential of tourism and the creative economy. Local products, art, and culture are examples of creative components that are frequently incorporated into tourism development and can significantly enhance the creative.

Regional Regulation Number 7 of 2022, which stipulates the Padang Sidempuan City Industrial Development Plan 2022-2042, includes strategies to support the growth of the industrial sector, including the potential for utilizing technology and digital innovation in the industry. This initiative involves financial support, infrastructure development, and other

relevant policies. Thus, these regulations can be considered as legal instruments that provide a basis for the city government to take concrete steps to support the development of a creative and digital-based economy in Padang Sidempuan City.

Obstacles in the Development of the Creative Economy in Digital-Based Economic Development in Padangsidempuan City

The development of the creative economy in digital-based economic development in Padangsidempuan City, like in many other areas, is faced with a number of obstacles and challenges. Some of the main obstacles faced in this context are explained in the following table:

Tabel 4. Barriers to the development of the creative economy in digital-based economic development in Padangsidempuan City

No.	Obstacle	Information
1.	Limitations of Digital Infrastructure	One of the main obstacles is limited digital infrastructure which includes slow or unstable internet access. For creative economy sectors that rely on good online connectivity, this limitation can be a serious obstacle. Investment in better digital infrastructure is needed so that creative businesses can operate efficiently
2.	Lack of Digital Creative Skills and Education	A lack of skilled workers in digital creative fields, such as graphic design, animation and game development, can be an obstacle. Special education and training is needed to produce qualified human resources in this field. These resources are the main capital in the digital creative economy
3.	Lack of Awareness of the Potential of the Creative Economy	A lack of understanding of the potential of the digital creative economy among local communities and entrepreneurs can be an obstacle. In many cases, there is a tendency to view this sector as less important or less profitable. The government and related parties need to increase awareness of the benefits and opportunities that exist in this sector
4.	Incongruent Regulations	Another challenge is regulations that are not in line with developments in technology and the digital economy. Regulations that are outdated or do not suit the needs of the digital creative economy sector can slow down growth and innovation. The government needs to ensure that regulations support, not hinder, the development of this sector
5.	Limited Access to Funding	Protection of intellectual property rights is important in the digital creative economy. Lack of adequate protection for creative works can stifle innovation and protect investment. The government needs to ensure that there are effective protection mechanisms
6.	Weak Protection of Intellectual Property Rights	Perlindungan hak kekayaan intelektual adalah hal penting dalam ekonomi kreatif digital. Kurangnya perlindungan yang memadai terhadap karya-karya kreatif dapat menghambat inovasi dan melindungi investasi. Pemerintah perlu memastikan adanya mekanisme perlindungan yang efektif

7.	Low Collaboration and Business Networking	Collaboration and business networks are the keys to success in the creative economy sector. Low collaboration between creative business actors, educational institutions and the government can hamper the growth of this sector. Governments can facilitate events and programs that enable collaboration and the exchange of ideas
8.	Challenges of Market Bargaining Power	In a global digital world, competition can be fierce. Small businesses in Padangsidempuan City face the challenge of competing with large companies outside the city or even abroad. The government needs to help create conditions that enable local businesses to compete better, for example through promotional programs and marketing support
9.	Rapid Changes in Technology	Technological changes in the digital creative economy are occurring rapidly. Businesses and individuals need to continually update their skills and technology to stay relevant. This can be a challenge for business people who may have difficulty keeping up with technological developments

Source: (Interview with Munawir Ikhsan Lubis, Government Padangsidempuan 2023)

To overcome these obstacles, the Padangsidempuan City government needs to work together with the private sector, educational institutions and local communities. Supportive policies, investment in digital infrastructure, and promotion of awareness about digital creative economy opportunities are some of the steps that can be taken to stimulate the growth of this sector and maximize its potential in digital-based economic development.

The Role Played by the Padangsidempuan City Government to Overcome Obstacles in Digital-Based Economic Development in Padangsidempuan City

The Padangsidempuan City area in its strategy strengthens the institutional base and strengthens the regional economic system by improving the business environment for large sectors, empowering cooperatives and micro, small and medium enterprises, empowering and developing small industries and handicrafts that provide added value for tourists. Regional policies issued by regional governments relate to import, export and traffic activities (domestic and foreign), namely regarding the granting of a single license to facilitate the granting of permits.

By investing in the Padangsidempuan City Area, it is hoped that it can stimulate the economy, employ workers, take advantage of technological advances, increase foreign exchange exports and population income and contribute to regional income. The role played by the Padangsidempuan City Government to overcome obstacles in digital-based economic development in Padangsidempuan City, includes Interview with Munawir Ikhsan Lubis, (2023) :

1. Expanding access to technology and infrastructure.

The Padangsidempuan City Government can increase access to the internet and provide infrastructure needed by creative economy actors such as coworking spaces or places for developing digital products.

2. Providing training and workshops on digital technology.

The Padangsidempuan City Government provides training or workshops to creative economy actors to improve their skills and knowledge about digital technology.

3. Increase promotion and branding of local products.

The Padangsidempuan City Government is increasing promotion and branding of local products made by creative economy actors in Padangsidempuan City so that they are better known to the public.

4. Encourage the creation of a conducive business climate.

The Padangsidempuan City Government provides incentives or facilities for creative economy actors such as tax exemptions or providing access to needed infrastructure.

Drawing from the above description, it can be inferred that there are several primary barriers to the growth of the creative economy in Padangsidempuan City within the framework of digital-based economic development. These include inadequate digital infrastructure, a dearth of digital creative skills and education, a lack of awareness regarding the potential of the creative economy, inconsistent regulations, restricted funding availability, a lackluster protection of intellectual property rights, a lack of collaboration and business networks, the challenges of global market competition, and the rapid advancement of technology. In order to overcome these challenges and establish a supportive atmosphere for the development of Padangsidempuan City's digital creative economy, the government and other relevant parties must take calculated action. By implementing these strategic steps, it is hoped that the City of Padang Sidempuan can overcome challenges and usher in a new era in the development of a digital-based creative economy. Active collaboration between the government, business people and society will be the key to success in creating a conducive environment, strengthening competitiveness and making positive achievements for the development of the creative economy in this digital era.

IV. CONCLUSION

A strong legal foundation for the digital creative economy in Indonesia is provided by regulations such as Law no. 24/2019 concerning the Creative Economy and its derivatives, with a focus on incentives, IPR protection, infrastructure and marketing. The role of regional governments such as Padangsidempuan is realized through regional regulations related to creative economic development. However, challenges such as limited digital infrastructure, low digital creative skills, lack of public awareness, unharmonized regulations, limited access to funding, weak IPR protection, low business collaboration, global competition, and rapid technological change hinder the development of the digital creative economy in Padangsidempuan. To overcome this, strategic steps are needed from the government and stakeholders to create a conducive environment for the growth of this sector. Therefore, it is necessary to develop a strategy for a collaborative model of academia, business and government, or what is called the Triple Helix

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