

Competence of Human Resources of Small and Medium Enterprises (MSMEs) of West Java through Intellectual Property Rights (IPR) Protection in the COVID-19 Pandemic Era

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ABSTRACT

Micro, Small and Medium Enterprises (MSMEs) have a big role to contribute to the Indonesian economy, it is necessary to develop competencies on environmental turbulence as a result of the covid-19 pandemic. It needs to be supported by innovative and creative human resources have dynamic competencies. Need a conducive atmosphere through the protection of IPR by registering. However, IPR regulation has not been effective in encouraging Micro, Small and Medium Enterprises (MSMEs) in West Java to register their creations/innovations, but HAKI-registered MSMEs are still minimal. This study aims to find out how the competencies of MSMEs in West Java in the Covid-19 Era, and how the competencies of MSME human resources in West Java through the protection of IPR during the Covid-19 pandemic era. This research uses cross sectional method and method of interpretation of law and legal construction. Specifications of descriptive research quantitative analysis, with sampling techniques using purposive sampling with the number of 22 MSMEs Jabar. And juridical normative data collection techniques with literature studies. The results showed that the human resources competencies of MSMEs in West Java have dynamic capabilities in accordance with the demands of environmental turbulence, need to get IPR protection. There are various constraints of MSMEs to carry out IPR registration, among others, awareness is still low, costs and procedures are complicated, so there is still a lack of applicants. It is necessary to optimize the intensive socialization of IPR from the central and local governments and related institutions.

Keywords

Eff Human resource competency, MSMEs, IPR protection, Covid-19 pandemic era

Introduction

MSMEs are one of the supporting and leading sectors in the Indonesian economy. In the 1997 monetary crisis, MSMEs have proven able to survive the crisis, therefore this sector will occupy an important role. Horas bases its predictions on the performance of MSMEs considered stable (Horas Unggul Sinaga, 2020). In the national economy, microeconomics (MSMEs, Creative economy, Cooperatives) have a big contribution to Indonesia's growth and economy, therefore it is necessary to get the government's priority to be developed in order to have competitiveness with other similar businesses (Hadiyati, 2011; Ananda & Susilowati, 2017), as well as the Covid-19 Pandemic situation.

The covid-19 pandemic paralyzes almost all aspects of life. This has an impact on all sectors of the economy (Nasution, 2020; Amri, 2020). Therefore, the role of MSMEs is more appropriate to be developed by the government by prioritizing the potential owned by regions in Indonesia, as well as the potential of the West Java region.

A sample of MSMEs recorded at the Ministry of SME in April 2020 and reported that 56% of MSMEs experienced a decrease in sales turnover results due to the Covid-19 pandemic. The rest is 22% had difficulty in obtaining financing/credit, 15% experienced problems in the distribution of goods, and the remaining 4% reported difficulties obtaining raw materials (www.nu.or.id).

The impact of the covid-19 pandemic is very significant on Indonesia's economic growth. Indonesian Finance Minister Sri Mulyani revealed that gross domestic product (GDP) growth in the second quarter of 2020 contracted to minus 5.32 percent as data released by the Central Bureau of Statistics (BPS) related to GDP in 2018-2020. In 2020, Indonesia's economic growth remained at a positive level, but entered the second quarter of corrected economic growth to a level of -5.32 percent (Maparto, 2020). Therefore, as a positive step for Indonesia is national economy, the government develops MSME activities in the hope that the economic growth rate can improve. It requires competent human resources, namely

having a strong spirit and mental and supported by skills and expertise (Dewi et al., 2019; Agusta, 2013 in Maparto 2020).

Quality human resources in the development of MSME expected to be able to increase innovation and creativity for the products they produce. Therefore, it is necessary to support human resources according to the competencies and abilities needed that are dynamic (dynamic capabilities), so that the business activities carried out can be a winner in the business competition in the era of globalization (Faizal et al., 2018; Kalil & Aenurohman, 2020; Leonandri & Rosmadi, 2018 in Maparto; Saudi, 2018) as well as in the pandemic covid-19 situation.

Quality human resources in the development of MSME expected to be able to increase innovation and creativity for the products they produce. Therefore, it is necessary to support human resources according to competence and dynamic capability (Dynamic Capabilities) is the ability of the company to renew its competencies so that the company is able to achieve competitive advantages all the time and survive in the turbulence of the business environment (Cao, 2011). Similarly, it faced with business turbulence as the impact of the covid-19 pandemic. The dynamic capabilities emphasize that the company's core competencies can change as the environment demands as long as the company has the capability to sensing opportunities and threats, capturing opportunities and managing threats and reconfiguring (Teece, 2007). It needed dynamic (dynamic capabilities), so that the business activities carried out can be a winner in business competition in the era of globalization (Faizal et al., 2018; Kalil & Aenurohman, 2020; Leonandri & Rosmadi, 2018 in Maparto) as well as in the pandemic covid-19 situation.

The growing innovation and creativity of MSME human resources in the pandemic covid-19 situation is as the implementation of dynamic capabilities, considering that the company has the capability of both businesses and employees. It will have an impact not only on the quality of products but on increasing the number of sales, products difficult to imitate, and can absorb more labor (Heye, 2006; Loewe & Dominiquini, 2006

in Maparto). This should be of serious concern to MSMEs as well as the government and related institutions in the province of West Java.

In accordance with the Strategy and Direction of Regional Development Policy of the West Java Provincial Government contained in the Regional Medium Term Development Plan (RPJMD) of West Java. Province Year 2013 - 2018, Chapter VI-4 (Source: Regional Medium Term Development Plan (RPJMD) of West Java Province Year 2013 – 2018, Chapter VI-4). It stated that one of the strategies in the field of industry is to increase industrial competitiveness, with the policy direction (a) improvement of small and medium industrial business units and inter-industrial partnerships; (b) increased production and quality of leading industries (agro industry, creative industries and communication information technology industry). It seems that the creative industry is one of the focuses of the industry program of West Java Provincial Government, played by competent MSMEs.

Referring to the Instruction of the President of the Republic of Indonesia Number 6 Year, in 2009, that the creative industry: consists of Advertising (creation and production of advertising), Architecture (urban planning, gardening, etc.). The Art Goods Market, Handicrafts, Design (interior, exterior, graphics), Fashion (fashion), Video, Film & Photography, Interactive Games, Music, Performing Arts, Publishing & Printing Computer Services & Software, Television & Radio, Research & Development are interesting thing to be observed is that the products produced by the creative industry. It has identity performance for the peculiarities of brands, patents, industrial design, copyrights that should be protected by intellectual property rights (IPR), so that the product gets protection from impersonation, piracy and other actions that are not "fair" that can harm MSMEs as creators or innovators. The protection requires MSMEs to register their rights.

One of the crucial problems faced by the West Java Regional Government in the implementation of the development of the work of regional creative industries is that there are still violations of IPR to the results of creativity and innovative.

Batik Trusmi in Cirebon, which has been pioneered since the 14th century, should have the potential to grow rapidly as well as batik in Yogyakarta, Solo, or Pekalongan, but the batik motif is monotonous since of IPR violations in the form of impersonation, piracy and other adverse actions. This creates demotiation for innovators and creators to develop further innovation and creativity of discovery.

IPR registration is essential to ensure legal certainty of ownership of moral rights and economy rights have important meaning to protect the owner from the actions of others who harm. According to Jeremi Phillips and Allison Firth, the nature of monopolies on IPR includes The Absolute Monopoly of the Market is the right of the human rights. The owner to prevent everyone from using the property on a market governed by the laws that protect it The Monopoly of Use of One's Personal Creation (Jeremi Phillips & Allison Firth, 1999 in Nina, 2013). According to Lawrent Friedman law enforcement is influenced by legal substance, legal structure and legal culture. Based on the background description above, the problems that will be discussed in this paper are how the competence of west Java MSME human resources in the Covid-19 era, and how the competence of human resources of MSMEs in West Java through IPR protection in the Covid-19 pandemic era.

Literature Review

Competence is a basic characteristic of individuals who have a causal relationship to the reference criteria to achieve superior performance in a job or situation. Spancer and Spancer (1983) competency identification is carried out by referring to the competency model to realize superior performance criteria. Then Spencer & Spencer further define competence as: "An underlying characteristic of an individual that is causally related to criterion-referenced effective and/or superior performance in a job or situation". "Underlying characteristics of an individual" Competence is a characteristic that stands out for a person and becomes a way of behaving and thinking in all situations, and lasts for a long period of time (Spencer & Spencer in Uno, 2007).

Competence is formed from a learning process as well as a relatively long experience. This is a plus of someone who supports it as the main capital in order to compete against competitors. An entrepreneur must have an advantage that is a strength for himself and his business and must improve his weaknesses in order to produce competitive advantages for his business (Suryana, 2013). The success of an organization or company is largely determined by the quality or capability of its human resources. Therefore, it requires superior human resource competence. Competence as Dynamic Capabilities as the company's ability to renew its competence so that the company is able to achieve competitive advantages all the time and survive the turbulence of the business environment (Cao, 2011). Similarly faced with turbulence as a result of the covid-19 pandemic. This concept was first introduced by Teece and Pisano (1994), which is one of the continuations of Penrose's Resource-based View (RBV) theory (1959).

Dynamic capabilities of analyzing sources and methods of welfare creation for companies with a focus on the company's internal resources are considered far more important than strategies that focus solely on competitive positions (Teece et al., 1997). The concept of dynamic capabilities in this case emphasizes that the company's core competencies can change in line with environmental demands as long as the company has the capability to sensing opportunities and threats, capturing (permitting) opportunities and managing threats and reconfiguring (Teece, 2007) appropriately used by MSMEs when facing turbulence as a result of the covid-19 pandemic.

Thus, related to the competence of MSME Human Resources in West Java there are three main dimensions of dynamic capability, namely sensing, permission and reconfiguration (Teece 2007 in Cao 2011). Based on these three dimensions, Cao (2011) explores the indicators of these three dimensions through in-depth interviews with business people in China. Cao's research results (2011) for dynamic capability indicators are as follows: (i) Sensing (Market survey, Experimentation, Relationship management with stakeholders, Finding right local partners), (ii) Seizing / shaping (Changes in

consumption practices, Supply network dynamics, Changes in local competitiveness), (iii) Reconfiguration (Decentralization, Governance, Knowledge management, Innovation with local supplier and complementor).

Protogerou et al. (2011) formulate dimensions and indicators emphasizing the learning process of the company. is as follows: (i) Coordination capability (Integration and standardization of business process, Adoption of the latest management tools and techniques, Systematic implementation of business plan), (ii) Learning capability (Organized processes of in-house learning and knowledge development, Systematic on the job training, Efficient team working), (iii) Strategic competitive response capability (Effective benchmarking, Systematic formulation of long term strategy, Timely response to competitive strategic moves, Flexible adaptation of human resources to technological and competitive changes). In this study, the two opinions were combined. The sensing dimension of Cao (2011), for example, has a lot in common with the strategic competitive response capability dimension of Protogerou et al. (2011) and also contains some of the learning capability. The shaping dimension contains several indicators of the three dimensions of Protogerou et al. (2011), as well as the reconfiguration dimension.

With innovation and creativity as the implementation of the Concept of dynamic capabilities (Dynamic Capabilities) both the company's core competencies and competencies that are able to adapt so that it changes with the demands of the environment considering that the company has the capability of both businesses and employees, impacting not only on the quality of products but on increasing the number of sales, products difficult to imitate, and can absorb the workforce, need to be protected through a comprehensive IPR by registering to ensure legal certainty of rights and obligations related to the results of creative work and its innovativeness as its moral right as well as its economic rights, will generate economic benefits from its intellectual work (Sulastri Ringoyato, 2018).

IPR is the result of the process of human thinking ability that incarnates into a creation or discovery

in the form of creative and innovative work. The work is an implementation of the company's core competencies as well as adaptive competencies to changes in line with environmental demands as a result of the capabilities of businesses and employees (Heye, 2006; Loewe & Dominiquini, 2006 in Maparto) played by MSMEs.

IPR protection aims to protect a creator and innovator from the actions of others that may harm IPR holders. Based on Risk Theory, as Robert M. Sherwood points out, a IPR is a work that contains the risk of other parties using illegally. It demands the increasingly important role of the state/central and local government to strength then IPR regulations that are in favor of creative industry actors (Sulastri Ringoyato, 2018) in accordance with the concept of "modern welfare state" Marbun" that the task of the government should be actively welfare of society according to Jeremy Bentham in the flow of utilitarianism is "the greatest happiness for the greatest number of people" (Marbun & Mahfud in Nina Nurani 2013).

Lawrent Friedman's law enforcement is influenced by legal substance, legal structure and legal culture (Mariana Molmar, 2012). According to Robert M. Sherwood in Public Benefit Theory (Robert M. Sherwood) states that creators and innovators must be valued and protected by the law driven by creativity, the basis of increasing the growth of Indonesia's creative economy. The philosophical foundation of the exclusive right is to monopoly is stated by Jeremi Philips and Allison Firth, in the theory of "The Absolute Monopoly of the Market" states that creative industry owners have the right to prevent everyone from using property rights in the market without rights, played by MSMEs.

MSMEs according to Tambunan (2012) are stand-alone productive business units, conducted by individuals or business entities in all sectors of the economy. According to The Law of the Republic of Indonesia No.20 2008 on Micro, Small, and Medium Enterprises (MSMEs), Chapter I article 1 can be concluded that MSMEs are a form of productive economic business conducted by individuals or individual business entities that

meet the criteria of Micro, Small and Medium Enterprises.

From the following previous research, there are several studies to enrich the authors' study materials as follows: (1) Maskarto Lucky Nara Rosmadi in 2021 with the title "Innovation and Creativity of MSME Business Actors in the Covid-19 Era" (2) Popy Rufaidah and Sutisna, 2015 with the title "Dynamic Capability of West Java Creative Industry MSMEs" (3) Nina Nurani "IPR Protection Over The Merchandise Works of Creative Industry To Improve Indonesia Economic Development" IJRM, Issue 2, Vol 3, Marc 2013 and (4) Yani Restiani Widjaja et al, in 2018 the Role of MSME HR Competence in Improving the Performance of MSMEs in Cilayung Village, Jatinangor District. This previous research enriched the study of this research. There are substantial differences from the three previous researchers with this research. This research focuses more on studying the excellence of HR competencies by synergizing the protection of their intellectual property rights against these HR competency products.

Methodology

This study uses cross sectional methods to explain the frequency of MSMEs in conducting activities that reflect the dimensions of dynamic capabilities such as identifying opportunities and threats, forming new habits to capture opportunities, and strengthening new systems and methods of interpretation of historical laws and legal construction. Descriptive research specification of quantitative analysis and qualitative juridical normative. For descriptive quantitative analysis of population in this study is MSME West Java Sample obtained by 22 MSMEs using purposive sampling, which is a non-probability selection method that selects samples from the West Java MSME population.

Data collection techniques to support quantitative descriptive analysis conducted field studies in the form of data collection through questioner and literature studies, while to support qualitative normative juridical analysis conducted with literature studies to collect and compile data related to the problem studied refers to secondary and tertiary data sources as primary data as its

supporters. This research is expected to review the competencies of MSMEs in West Java with juridical support both in the form of regulations related to MSME namely Law No. 20 of 2008 (Law of the Republic of Indonesia No. 20 2008) on Micro, Small, and Medium Enterprises (MSMEs) and the regulation of repressive legal efforts contained in the regulation on criminal acts in the provisions of legislation as an effort to protect the competencies of MSMEs in the pandemic Covid-19 era. Normative juridical, namely tracing, researching, and reviewing the object through its legal principles through national and international legislation is to support of accelerating creative economic growth. Descriptive research specifications of normative quantitative and juridical analysis with cross sectional method, interpretation of historical law, sociological, and legal construction refer to the principle, norms of national and international law, as secondary primary data and review library data. Primary data clarifies secondary data studies.

Competency of Human Resources of MSMEs in West Java in the Covid-19 Era

The success of the company is largely determined by the quality or capability of its human resources. Therefore, it requires competence of superior human resources, quality. In MSME, activities expected to be able to increase innovation and creativity of the products it produces. it needs human resource to support competencies in the form of required capabilities are dynamic (dynamic capabilities), however, that the business carried out can be a winner in the midst of business competition in this globalization era (Faizal et al., 2018; Kalil & Aenurohman, 2020; Leonandri & Rosmadi, 2018 in Maparto,) as well as in response to the Covid-2019 Pandemic era. Dynamic Capabilities is the company's ability to renew its competencies so that the company is able to achieve competitive advantages all the time and survive the turbulence of the business environment (Cao, 2011). Similarly, WEST Java MSMEs are currently facing business turbulence since of the covid-19 pandemic.

Dynamic capabilities of analyzing sources and methods of welfare creation for companies with a focus on the company's internal resources are

important than strategies that focus only on competitive positions (Teece et al., 1997). Dynamic Capabilities emphasizes that the company's core competencies can change as the environment demands as long as the company has the capability to sensing opportunities and threats, capturing opportunities and managing threats and reconfiguring (Teece, 2007).

The concept uses to research MSME human resources with business turbulence situation since of the covid-19 pandemic. Respondents as a sample of 22 people sampled MSME Jabar. The sample drawal of techniques used purposive sampling. Respondents' profiles were analyzed based on age, gender, length of time businesses lived in the current place, the origin of the business area. Based on five age classifications the businesses showed that the majority were almost 67% under the age of 35. This shows that the productive age of the millennial category is the main capital in modern and visionary business development. Gender is dominated by female entrepreneurs 68% with the dominant industry of fashion and culinary is a business that has great potential to grow and develop in the covid-19 pandemic. The last education of the majority of S1 and is currently studying S1 of 54.5%, D3 13.6%, shows the quality of education potential education improves and develops the quality of business.

The length of stay of businesses in the current place where it occupies shows the majority of businesses (59%) it has been more than 10 years and the majority of 58% domiciled in Bandung and from outside the city of Bandung (41%). It shows that the business of fashion products it produces still relies on the location of residence in its business and potential businesses develop fashion and culinary products precisely developed during the covid-19 pandemic by adjusting consumer preferences.

The development of MSME performance in producing products is inseparable from the performance of human resources involved in the industry. Human resources engaged in this industry is required to have competencies that need to be developed at all times according to the development of tastes and market demands that are very dynamic with environmental changes. The company's ability to renew its competence so that the company is able to achieve competitive advantages all the time and survive in changing business environment is a dynamic capability concept. This is reflected through three main activities, namely identifying opportunities and threats, forming new habits to capture opportunities and strengthening new systems according to the following table. The assessment can be explained in Figure 2 as follows.

Table 1. Percentage of respondents' responses to indicators

No.	Indicators	Percentage					
		1	2	3	4	5	6
A. Dimensions of Opportunity and Threats							
1	Comparison with other companies/benchmarks	4,5	0,0	13,6	27,3	36,4	18,2
2	Market survey for products, consumer behavior, prices	4,5	4,5	18,2	22,7	27,3	22,7
3	Receipt of complaints or suggestions from customers	4,5	9,1	31,8	9,1	18,2	27,3
4	Search for information about consumer views	4,5	0,0	13,6	27,3	31,8	22,7
5	Assessment of new market opportunities	4,5	0,0	18,2	27,3	31,8	18,2
6	Testing new methods	4,5	9,1	27,3	22,7	22,7	13,6
B. New Dimension of Habits							
1	Competitor strategies	4,5	18,2	22,7	18,2	27,3	9,1
2	Launch a new method,	4,5	18,2	27,3	22,7	18,2	9,1

	service, or new product							
3	Employee training on new ways of working	9,1	18,2	18,2	13,6	36,4	4,5	
4	Socialization of new methods in service to consumers	0,0	13,6	31,8	4,5	36,4	13,6	
5	Socialization to suppliers regarding new and procedures standards	0,0	13,6	18,2	9,1	45,5	13,6	
C. New System Stabilization Dimension								
1	Standardization of business processes	0,0	9,1	18,2	31,8	27,3	13,6	
2	Formal business plan development	0,0	9,1	13,6	45,5	27,3	4,5	
3	Establishment of a work team within the company The establishment of a work team within the company	0,0	4,5	13,6	22,7	36,4	22,7	
4	Implementation of incentive system	13,6	9,1	18,2	22,7	27,3	9,1	
5	Implementation of HR recruitment flexibility	0,0	4,5	45,5	13,6	18,2	18,2	

Description

1 =TP (never), 2 =PSK (been once), 3 =PSS (been once or twice), 4 =PBK (been several times i), 5 =S (often), 6 =SS (too often).

The Dimensions of MSME Opportunities and Threats are as follows:

1. Comparison with other companies / benchmarks both similar products and not similar. frequency more than 2.5 to 6 times by 95.5 %. This shows that MSMEs have a very high sensitivity to competitors. MSMEs have a high ability to renew their competencies in order to continue to survive in the face of turbulence situations due to the covid-19 pandemic with increasingly competitive businesses.
2. Market survey always pays attention to market conditions ranging from products, consumer behavior, prices, and competition frequency more than 2.5 to 6 times by 95.5 %. This shows that MSMEs often conduct market surveys and always pay attention to market conditions ranging from products, consumer behavior, prices, and competition, so that MSMEs are ready to survive turbulence

situations due to the covid-19 pandemic with increasingly competitive businesses.

3. Receiving complaints or suggestions from customers as feedback to make improvements, the frequency is more than 2.5 to 6 times by 95.5%. This shows that MSMEs have concern for the wishes of their consumers ranging from product packaging, product quality, to pricing, in order to continue to survive in the face of turbulence situations due to the covid-19 pandemic with increasingly competitive businesses.
4. Search for information about the consumer's view to increase its output quality and quantity always maintain the loyalty of its consumer frequency more than 2.5 to 6 times by 95.5 %. This shows that MSMEs have a concern to maintain and improve the quality and quantity always maintain the loyalty of their customers that way to survive in turbulence situations due to the covid-19 pandemic with an increasingly competitive business environment.
5. Assessment of new market opportunities by building partnerships, the frequency is more than 2.5 to 6 times by 95.5 %. This shows the attention of MSMEs in seeing new market

opportunities by building partnerships with various parties. This activity if carried out continuously can help businesses in expanding the market of their products and strengthening networking, maintaining partnerships with various parties.

6. Testing of the new method was more than 2.5 to 6 times 86.4 %. Although, it has been 1 times by 9.1% and it never done 4.5%. These shows MSMEs are testing new methods in their production and marketing. There is the ability of MSMEs to innovate.

The dimensions of the formation of new habits carry out the following activities:

1. Competitor strategy, frequency is more than 2.5 to 6 times by 77.3 %. Although it has been 1 times by 18.2% and it never be done 4.5%. This shows MSMEs are responding to competitors' strategies. This shows the attention and ability of MSMEs to the behavior of their competitors by launching strategies to counteract competitor strategies. This activity if carried out regularly can improve the competitiveness of the company in order to continue to survive the turbulence of an increasingly competitive business environment.
2. Launching new methods, services or new products, the frequency was more than 2.5 to 6 times that of 77.3%. Although it has been 1 times by 18.2% and never done 4.5%, this shows MSMEs are launching new methods, new services, or new products in their production and marketing. There is the ability of MSMEs to innovate and new methods in providing satisfaction to various parties, especially consumers as the main target of production.
3. Employee training related to the new way of working, the frequency is more than 2.5 to 6 times by 72.7 %. Although it has done 1 times 18.2% and only 9.1% of businesses have never conducted employee training. This reflects the ability of businesses to analyze the resources used and create high welfare in their business environment, as well as new ways of working.
4. Socialization of new methods in service to consumer frequency is more than 2.5 to 6 times 86.4 %, although the first is 13.6%, and that does not do 0 %. Data shows that

providing socialization to consumers related to new methods in service, the sensitivity of MSMEs to attract consumers in the midst of very competitive market conditions. This activity if carried out regularly will help businesses in increasing their output quality and quantity known to consumers in order to maintain customer loyalty and survive in an increasingly competitive business environment.

5. Socialization to suppliers related to new procedures and standards, the frequency is more than 2.5 to 6 times 86.4 %, although who 1 time ever did 13.6 %, and who did not do 0 %. This shows the sensitivity of MSMEs in improving the production process to be more effective including relationships with suppliers that support the production process; this activity if carried out sustainably can increase the productivity of the company due to synergies with suppliers so that the production process runs effectively.

The New System Stabilization Dimension performs the following activities:

1. Standardization of business processes, the frequency is more than 2.5 to 6 times by 90.9%, although 1 time 9.1%, and who do not do 0% of businesses never standardize business processes. This indicates the high sensitivity of MSMEs to improve production processes and businesses to be more effective, this activity when carried out regularly will improve the quality of the company's business including production quality so that it is expected to increase the profits of MSMEs.
2. Formal business plan development, the frequency is more than 2.5 to 6 times by 90.9 % although who has done 1 time 9.1% and who did not do 0 %. This shows that MSMEs have a formal business quality by arranging a structured and strategic plan in an effort to achieve goals. This group of business actors does not structure their business development into an activity if carried out continuously can increase the production, marketing, and profits of the company due to the existence of systematic and structured business development.
3. The formation of teams within the company, the frequency is more than 2.5 to 6 times by

95.5 % even though who has done 1 time 4.5 % and who did not do 0 %. This shows that MSMEs have the ability to analyze position evaluations to create credible human resources by creating competent work teams to achieve the company's goals.

4. The implementation of incentive system in accordance with the new method, the frequency is more than 2.5 to 6 times that of 76.2 % even though who has done 1 time 9.1% and who did not do 13.6%. This shows that MSMEs are implementing incentive systems in accordance with new fair methods capable of creating welfare and complying with applicable laws and regulations. This activity if carried out continuously is expected to create a conducive atmosphere in the corporate environment to encourage the workforce to be more creative and productive to achieve the targets that have been set.
5. Application of HR recruitment flexibility, the frequency is more than 2.5 to 6 times by 95.5 % although who 1 time ever do 1 times 4.5% and who do not do 0 %. This shows high flexibility in HR recruitment, for example coming from the nearest environment by prioritizing the ability of the human resources. Competency renewal continues to persist in addressing various changes.

Competence of Human Resources of MSMEs in West Java Through IPR Protection in the Covid-19 Pandemic Era

IPR is the result of the process of human thinking ability that incarnates into a creation or discovery in the form of creative and innovative work. The work is an implementation of the company's core competencies as well as adaptive competencies to changes in line with environmental demands as a result of the capabilities of businesses and employees (Heye, 2006; Loewe & Dominiquini, 2006 in Maparto) played by MSMEs. The work of competence of creation or invention is an ownership since it is derived from human reason (Budi Asri, 2020) as the right to enjoy economically the results of an intellectual creativity. Intellectual Property is the key to competition and development of a business.

In the Covid-19 pandemic, West Java there are

various potential works of creative industries as a form of core competence and adaptive MSME human resources that have the potential of a large market is a business opportunity. Recently is the transition of the fashion industry from conventional products such as clothing to the production of masks and Personal Protective Equipment (PPE), photography, graphic design, video tours or films that sell tourists' longing for a place he has visited. Long-distance music concerts, practical beverage food packed in eco-friendly packaging, goods products related to sports facilities and healthy lifestyles are also very much sought after such as medical and fitness equipment (fitness), sports equipment (shoes, clothing, protective equipment). Similarly, hygiene kits such as soaps, cosmetics made from organic and herbal medicines such as: herbs and cakes are made from healthy ingredients, are needed by consumers today. This is supported by online sales and e-commerce, delivering goods in unusual ways, will be very developed (Tita, 2020). Several types of prospective work in this era, such as tailors, photographers, graphic designers, illustrators, layouters, cameramen, private fitness trainers, marketers (marketing), internet page developers and applications (web and digital developers) potentially growing rapidly as well as the potential for plagiarism, piracy and impersonation by other parties. Therefore, it is necessary to do protection through IPR by registering IPR.

IPR protection is not only in the form of protection of businesses, but also to keep an effort to avoid IPR disputes because of the actions of businesses that are not "fair". Many of MSME's creative products from West Java, among others, from Cirebon Regency are widely known outside the region and even in other countries, but are easily claimed, so that Cirebon MSME entrepreneurs are harmed. Considering that MSMEs in Cirebon regency have marketed abroad but do not register copyrights, patents, brands, and industrial designs. This potential of the product is easily plagiarized by other parties. Other countries can easily take this right without permission, even the product becomes unable to be exported back to the country has been registered haki by other parties, while MSMEs as creators do not register human rights (Kasi

Dissemination and Promotion of Intellectual Property Kemenkumham, Hakim Balhaki, Bisnis.com, 2020).

In line with the theory put forward by Laurance M Friedman in the legal system component, the effectiveness of legal protection based on Risk Theory, as stated by Robert M. Sherwood, an IPR is a work that carries the risk of other parties using it illegally. IPR needs to be supported by three elements (Yunus, 2012). The first is the component of the substance; in the form of the output of the legal system, including the norms and regulations born of this system. Second, structure; i.e. institutions or institutions created by the legal system with a variety of functions in order to support its functions. Third, culture; is a legal culture in the form of a set and values that will determine when, where, why society comes to the law or the government. In this case, it can be behavior related to the legal system. The theory of the legal system is sickening that in the implementation of the law related to the protection of IPR in the first element namely the substance law in the form of efforts to protect IPR law qualified in prevention and suppression efforts.

The prevention of IPR regulation is contained in various laws and regulations: Law No. 30 of 2000 on Trade Secrets, Law No. 31 of 2000 on Industrial Design, Law No. 32 of 2000 on Integrated Circuit Layout Design, Law No. 29 of 2000 on the Protection of Tana-man Varieties. Alignment of laws and regulations in the field of IPR based on trips agreement, in 2001 the ratification of Law No. 14 of 2001 on patents which was later amended into Law No. 13 of 2016 and Law No. 15 of 2001 on brands which was later changed to Law No. 20 of 2016 on Trademarks and Geographical Indications. Law No. 28 of 2014 on Copyright which replaces the old law namely Law No. 19 of 2002. Repressive legal efforts exist in the regulation on criminal acts in the provisions of the regulation of legislation (Kusumastuti).

West Java as a supporting area for the development of inclusive creative industries has published several Regulations related to IPR, among others: West Java Regulation No. 5/ 2012 on Intellectual Property Protection Jo. Governor

Regulation No. 73 of 2015 on Guidelines for Facilitation of IPR Registration Jo. West Java Regional Government No. 10 of 2018 on Intellectual Property Management supported by West Java Regulation No. 15 of 2017 on Creative Economic Development.

Awareness of MSME businesses to take care of IPR registration is still very low, until now the number of MSMEs in Indonesia who have registered their rights and have certificates, with the facilities of the Ministry of Cooperatives and Small and Medium Enterprises (Kemenkop and UKM) has only reached 10 percent (Rully Indrawan Republika, 2019). According to Rully Indrawan, in West Java until now only about 20-30 percent of Jabar MSMEs have registered their rights and have had a certificate of IPR facilitated by the government. Similarly, the number of MSMEs that have IPR certificates independently is not too much and some are still in the process of data collection by the Ministry of Finance (Rully Indrawan, 2019).

Data obtained from the results of the researcher questionnaire shows that until now in the covid-19 pandemic situation, of the 22 MSME respondents in West Java. They have registered haki by 72.7% for government funding facilities 7.7% and 92.3% independent cost, with details of registration of the largest brand rights of 61.9%, copyright of 28.6%, patents of 23.8%, industrial design rights of 14.3%, and integrated circuit layout design rights of 9.5%.

Of all the applicants who have received a certificate of 23.5% and the remaining 82.4% are in the process of not obtaining a certificate. MSMEs of 27.3% have not yet enrolled and 13.6%. MSMEs are not yet interested in registering with cost constraints, time and complicated procedures. Overall (100 %) MSMEs have understood the importance of haki to provide legal protection for the products produced. Media used to register haki online by 76.9%, and using manual by 23.1%.

Another obstacle faced by MSMEs so reluctant to take care of IPR registration is the presence of MSMEs that do not have an understanding of the meaning of registration with comprehensive. The

results showed that 22 respondents of WEST Java MSMEs have not entirely participated in socialization related to human rights. MSMEs that have obtained socialization as many as 31.8% and 68.2% have not followed it.

It is necessary to understand again to MSMEs related to the nominal constraints of costs that must be incurred when compared to the benefits that will be received as economic rights of applicants / owners of IPR certificates are much greater with the costs that have been incurred. For example, for the copyright cost of Rp 200,000, while the brand rights Rp 600,000, ". This IPR will be a strong protection for MSME products from the potential piracy of other parties. Especially in the era of digital disruption, where the threat of piracy is enormous. Other obstacles are primarily due to the low awareness and willingness of MSMEs and the lack of knowledge and information about the process of IPR management procedures.

The latest data shows that during the covid-19 pandemic, IPR registration applications in Indonesia have increased since the online registration system was implemented, the number of IPR applications from January to June 2020 reached 42,501 while applications from January to June 2019 reached 40,961. The most significant increase in new brand registration applications was 33,543 applications, while in 2020 it was 35,980. Similarly, the most significant increase in applications for simple patent registrations was 676 applications, while in 2019, while in 2020 it was 742. For ordinary patent registration applications and industrial design experienced a decline. The number of ordinary patent applicants amounted to 4,801 applications in 2019, while in 2020 it was 3,969. The number of industrial design applicants amounted to 1,941 applications in 2019, while in 2020 it was 1,810.

Related to the second element of Laurance M Friedman related to structure; namely institutions or institutions created by the legal system with a variety of functions in order to support its function, namely west Java Province seeks to form a Regional Creative Economy agency with the supervision of the Central Creative Economy Agency in the form of facilitation of IPR. Thus,

Bekraf and West Java Provincial Government are authorized in the preparation of regulation of IPR protection of creative industries in accordance with mutual agreement (Anonim Pikiran Rakyat, 2018).

The form of commitment to realize the regulation of the region is primarily related to the support of registration facilitation in accordance with article 4 paragraph 1 and paragraph 2 of the West Java Regional Regulation No. 5/ 2012 on Intellectual Property Protection Jo. The article 23 of the West Java Regional Regulation No. 10 of 2018 on Intellectual Property Management, the Province is to provide registration facilities. Another support is that West Java Province will establish creative economy centers in 27 regencies or cities, an effort to advance creative industries as the leading economic potential in the market. Optimization of the effectiveness of haki protection of the province is required the issuance of lower local regulations in the form of regional regulations of the city / district. The commitment has not been implemented by all regions. In West Java as the province with the largest number of MSMEs in Indonesia, the new city of Bandung already has a IPR assistance program.

Small Enterprise provides intellectual assistance quota for about 2,500 MSMEs. The total of 1,500 brand rights quota, 556 copyrights, 330 ISO, and 100 quotas for advice assistance and local governments in order to foster the business climate stated. Article 7 of the SME Law in the form of determination of legislation and policies covering aspects: (1) funding; (2) facilities and infrastructure; (3) business information; (4) partnership; (5) business licensing; (6) the opportunity to try; (7) trade promotion; and (8) institutional support. In addition, the Government and Local Governments are also instructed by the SME Law to facilitate business development in the areas of: (1) production and processing; (2) marketing; (3) human resources; and (4) design and technology. Then in Article 14 paragraph (1) letter d and Article 20 letter e of the SME Law the Government and Local Government are also mandated to facilitate the ownership of intellectual property rights.

Related to the third element of Laurance M Friedman is the cultural element; is a legal culture in the form of a set and values that will determine when, where, why society obeys the law. In this case it can be the behavior of MSMEs related to the enforcement of the applicable legal system.

In some areas of West Java as well as in Bali, there are still those who have cultural values kinship with "mind set haki in the eastern world in the form of values of togetherness / togetherness and sharing / sharing (Rosmawati, 2013). The community has a permissive communal culture or is proud if the process and products are imitated by other parties, since this brings a happiness for its creator. This greatly inhibits the enforcement of the effectiveness of IPR protection for MSMEs especially in the covid-19 pandemic era. For example, batik MSME motifs in Cirebon between entrepreneurs often plagiarize the motives that many fans. It is realized that imitating the motive is prohibited by law since it violates the IPR, but since there is a reluctance to reprimand other entrepreneurs, considering that generally entrepreneurs in this village have kinship relationships.

According to Hegel, wealth at some stage must be a personal one, and personal wealth becomes a universal institution. The theory on which IPR were justified (Sujatmiko, 2011). Efforts in producing intellectual creations are rights that must be respected and directly those efforts have implications for economic compensation. According to Satjipto, legal protection is an effort to organize various interests in the community so that there is no conflict between interests and in order to enjoy all rights granted by the law (Raharjo, 2000). It demands the increasingly important role of the state/central and local governments to strengthen regulation and socialize IPR arrangements. The impartial is to creative industry MSMEs (Mari Pangestu, 2015) in accordance with the concept of "modern welfare state" Marbun" that the government's task must be to prosper the community (Marbun & Mahfud, 2013) according to Jeremy Bentham in the flow of utilitarianism is "the greatest happiness for the greatest number of people" (Mariana Molmar Gabor, 2012 in Nina Nurani, 2013).

Therefore, MSMEs need to be used as objects of legal counseling. The provision of understanding of a prevailing rule of law will arise in the community itself. The concept of protection with the concept of government responsibility is to protect its entire people, this has been explicitly regulated in the Constitution of 1945 which has provided arrangements that are protection and promotion of the welfare of the people (Yanto, et al., 2020). According to Jeremi Philips and Allison Firth in the theory of "The Absolute Monopoly of the Market" states that the rights owner must be protected by human rights. To prevent everyone from using property rights in a market regulated by laws that protect it, violations committed both internally, regionally and internationally that will harm and hinder the survival of MSMEs in the Covid-19 Pandemic era. Therefore, the relevant agencies namely OPD and West Java intellectual right Centers must be more proactive in taking initiatives in providing knowledge about the importance of recording or registering IPR through trainings involving the collaboration of IPR Centers with other parties such as Universities, IPR NGOs, and Professional Associations. Given that registration has a philosophical meaning that inventors have exclusive rights in the form of monopoly properties to prevent actions that are not "fair".

Conclusion

Conclusion

1. The competence of MSME human resources in West Java has the ability to deal with the turbulence of the business environment as a result of the covid-19 pandemic. This is demonstrated by having the capability of sensing opportunities and threats, seizing opportunities and managing threats and reconfiguring. This is evidenced from the results of the study by measuring respondents by various indicators from these three dimensions. From various activities carried out by MSMEs on average have a percentage with high numbers and very high from each indicator.
2. Creativity and innovation as a form of adaptive competency work of MSME human

resources has the potential of a large market as a business opportunity therefore it is necessary to do protection through IPR by registering and recording IPR. In order to get protection not only in the form of protection on businesses, but also to avoid IPR disputes as a result of the actions of businesses that are not "fair". There are various constraints of MSMEs implementing IPR registration, among others, low awareness, cost and complicated procedures, so that there are still innovative MSMEs in West Java that have not been registered. This has an impact on the potential for piracy, impersonation, and other "unfair" actions to prevent MSMEs from competing in the Covid-19 Pandemic era.

Suggestions

1. It is necessary to continuously activity various indicators from the competency dimension as an effort to hone the human resources skills of MSMEs so as to improve the competitiveness of the company in order to survive in overcoming the turbulence of an increasingly competitive business environment in the covid-19 pandemic situation.
2. It is necessary to optimize the socialization of the Central and Regional Governments and related parties to be more proactive in providing socialization to MSMEs regarding the meaning of the benefits and impacts of registration, funding other than technical IPR registration, mainly using online.

References

- [1] Barker, Chris., Pistrang, Nancy & Elliot, Robert., 2002., *Research Methods in Clinical Psychology: An Introduction for Students and Practitioners*. John Wiley & Sons.
- [2] Cao, Lanlan., 2011, *Dynamic Capabilities in a turbulent market environment: Empirical evidence from international retailers in China*, *Journal of Strategic Marketing*, Vol.19, No. 5.
- [3] Hakim Balhaki, *Bisnis.com 2020 Banyak Pelaku UMKM di Cirebon tidak Lakukan Pencatatan Hak Cipta*, <https://bandung.bisnis.com/read/20200206/550/1198203/banyak-pelaku-umkm-di-cirebon-tidak-lakukan-pencatatan-hak-cipta>.
- [4] Horas Unggul Sinaga, 2020 *Horas Unggul Sinaga, SARIAGRI.ID - 2 APRIL 2020 UMKM Sektor Pertanian Didorong Berperan di Tengah Pandemi Corona*, <https://www.google.co.id/amp/s/m.sariagri.id/article/amp/55363/umkm-sektor-pertanian>.
- [5] Maskarto Lucky Nara Rosmadi, 2021, *Inovasi dan Kreativitas Pelaku Usaha UMKM di Era Covid-19*. *IKRA-ITH EKONOMIKA*, 4(2), 87-94.
- [6] Marbun and Mahfud, 2006, *Pokok-Pokok Hukum Administrasi Negara*, Liberty, Jogjakarta
- [7] Mariana Molnar Gabor, 2014. "Efektivitas Perlindungan Hukum Indikasi Geografis di Indonesia". Depok, Universitas Indonesia.
- [8] Mari Elka Pangestu, *Pengembangan Ekonomi Kreatif Indonesia 2025. "Rencana Pengembangan Ekonomi Kreatif Indonesia 20015-2019"*.
- [9] Kemenparekraf, R. I. (2014). *Ekonomi kreatif: Kekuatan baru indonesia menuju 2025*. Jakarta: Kementerian Pariwisata dan Ekonomi Kreatif RI.
- [10] Nina Nurani "IPR Protection Over the Merchandise Works of Creative Industry to Improve Indonesia Economic Development" *IJRM*, Issue 2, Vol 3, 2013.
- [11] Nina Nurani, *Protection of Industrial Design Creativity for Micro Small and Medium Industry as an Effort to Improve National Competitiveness in Free Trade*. *Journal of Business and Economics*, Volume 8, Number 1, 2014. 91.
- [12] Nina, *Effort to Improve National Competitiveness in Free Trade*. *Journal of Business and Economics*, Volume 8, Number 1, 2014. 91.
- [13] Popy Rufaidah and Sutisna, *Kapabilitas Dinamis UMKM Industri Kreatif Jawa Barat*, *Sosiohumaniora*, Volume 17 No. 1 2015: 60 – 66
- [14] Hamel, G., & Prahalad, C. K. (1990). *The*

core competence of the corporation. Harvard Business Review, 68(3), 79-91.

- [15] Protogerou, A., Caloghirou, Y., & Lioukas, S. (2012). Dynamic capabilities and their indirect impact on firm performance. *Industrial and Corporate Change*, 21(3), 615-647.
- [16] Rosmawaty Sidauruk, Peningkatan Peran Pemerintah Daerah Dalam Rangka Pengembangan Ekonomi Kreatif di Provinsi Jawa Barat, *Jurnal Bina Praja*, Volume 5 No. 3, 2013, 142.
- [17] Rully, 2019, Sinergi Penguatan dan Peningkatan Daya Saing Usaha KUMKM Melalui Fasilitasi Hak Kekayaan Intelektual dan Pengembangan Kemitraan, di Kota Bandung, *Jumat* (28/6).
- [18] Sajipto Rahardjo, Arsenal Hukum Progresif, <http://supanto.staff.hukum.uns.ac.id/2010/01/12/hukum-progresif-prof-sajipto-rahardjo>.
- [19] Saudi, M.H.M, Sinaga, O. Jabarullah, N.H., The Role of Renewable, Non-renewable Energy Consumption and Technology Innovation in Testing Environmental Kuznets Curve in Malaysia, *International Journal of Energy Economics and Policy*, 9(1):299-307, 2018.
- [20] Sekaran, Uma & Roger Bougie., 2013., *Research Methods for Business: A skill-building approach*. John Wiley & Son Ltd
- [21] Spencer, L. M., & Spencer, S. M. (1993). *Competence at Work: Model for Superior Performance*. John Wiley & Sons Ltd.
- [22] Dampak Pandemi Covid-19 terhadap UMKM di Indonesia. <https://www.nu.or.id/post/read/123247/dampak-pandemi-covid-19-terhadap-umkm-di-indonesia>.
- [23] Sulasi Rongiyati, *Perlindungan Hukum Hak Kekayaan Intelektual Produk Ekonomi Kreatif*, Pusat Penelitian Badan Keahlian DPR RI, 2018.
- [24] Teece, David J., 2007, Explicating dynamic capabilities: the nature and microfoundations of (sustainable) enterprise performance., *Strategic Management Journal*., Volume 28, Issue 13, pages 1319–1350.
- [25] Teece, D. J. (2011). Dynamic capabilities: A framework for profitability. *Ivey Business Journal*, 18(7), 509-533.
- [26] Teece, David J. and Pisano, Gary., 1994., *The Dynamic Capabilities of Firms: An Introduction*., http://secure.com.sg/courses/ICI/Grab/Reading_Articles/L03_A02_Teece.pdf.
- [27] Teece, David J., Pisano, Gary., and Shuen, Amy, 1997., *Dynamic Capabilities and Strategic Management*, *Strategic Management Journal*, Vol. 18, No. 7, pp. 509-533.
- [28] Tita, Ketua Bandung Creatif City Forum /BCCF, 2020, *Industri Kreatif Andalan Jawa Barat di Era AKB*, <https://jabarprov.go.id/index.php/news/38076/2020/06/11/Industri-Kreatif-Andalan-Jawa-Barat-di-Era-AKB>.
- [29] Yani Restiani Widjaja, 2018 *Peranan Kompetensi SDM UMKM Dalam Meningkatkan Kinerja UMKM Desa Cilayung Kecamatan Jatinangor*, Sumedang, *Jurnal ABDIMAS BSI, Jurnal Pengabdian Kepada Masyarakat* Vol. 1 No. 3 2018, 465-476.