



Protection of Industrial Design Rights against the Imitation of Local Fashion Products

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Info Articles	Abstract
Article History Received: 2026-01-07 Revised: 2026-01-19 Published: 2026-01-30	<p>The rise of design imitation in local fashion products causes losses for creative industry players, especially industrial design rights holders. Industrial design as part of Intellectual Property Rights has an important role in protecting the aesthetic value and innovation of a product. This study aims to analyze the regulation and legal protection of industrial design rights for local fashion products imitated based on Law Number 31 of 2000 concerning Industrial Design. The research method used is normative legal research with a legislative and conceptual approach. The results of the study show that Law Number 31 of 2000 has provided legal protection to industrial design rights holders through the granting of exclusive rights, both preventively and repressively. However, in practice, the legal protection still faces various obstacles, such as low awareness of business actors in registering industrial designs and weak law enforcement. Therefore, efforts to increase legal awareness and law enforcement are needed more effectively to protect local fashion products from imitation of designs.</p>

I. INTRODUCTION

The development of the creative industry in Indonesia in the last two decades shows a significant growth trend, especially in the fashion sub-sector which is one of the main contributors to the national economy (Riswanto et al., 2023). Fashion is no longer understood solely as fulfilling clothing needs, but has transformed into a medium for the expression of creativity, cultural identity, and high-value economic strategies. Local fashion products now come with unique design characters, combining traditional elements, modern aesthetic values, and visual innovations that reflect the richness of Indonesian culture. In this context, design is a central element that determines the attractiveness, product differentiation, and competitive position of local fashion business actors in the national and global markets.

The design of fashion products has a significant economic value because it is directly related to brand reputation, consumer loyalty, and potential commercial profits. The higher the level of creativity and uniqueness of a design, the greater

the chance of the product to be accepted and demanded by the market (Praweswari & Meliana, 2025). However, the high economic value of the design also makes it vulnerable to imitation practices by other parties who do not have rights. Design imitation, both in its entirety and in substantial parts such as shapes, motifs, and visual compositions, is a problem that is often faced by local fashion business actors, especially small and medium-sized businesses that have limited capital and access to legal protection.

The practice of imitation of design in the fashion industry not only harms rights holders economically, but also has the potential to weaken the creative ecosystem as a whole (Fallah, 2025). Imitation products that circulate in the market at cheaper prices can reduce the competitiveness of the original product, obscure the identity of the design, and undermine consumer trust in the quality and originality of local designers' work. Furthermore, this condition can cause a reverse deterrent effect, where business actors become reluctant to innovate because the results of their creativity are easy to imitate without effective

legal protection. Therefore, legal protection of industrial design is an important instrument in maintaining the sustainability and sustainability of the local fashion industry.

In Indonesia's positive legal framework, the protection of industrial design is regulated in Law Number 31 of 2000 concerning Industrial Design. This law gives the exclusive right to designers or holders of registered industrial design rights, to use the design themselves or to give permission to others, and prohibits any form of use without consent (Lainsamputty et al., 2024). Normatively, this regulation aims to provide legal certainty, protection for the results of creativity, and incentives for business actors to continue to innovate. Industrial design is placed as an integral part of the Intellectual Property Rights regime that serves to protect the visual and aesthetic aspects of products that have commercial value.

However, in practice, the legal protection of industrial design rights has not been fully optimal, especially in the context of the local fashion industry. The low level of awareness and understanding of business actors regarding the importance of industrial design registration is one of the main obstacles. Many local fashion businesses have not registered their designs because they are considered complicated, costly, or do not provide direct benefits. As a result, when design imitation occurs, business actors do not have a strong legal basis to demand protection or enforcement of their rights.

In addition, challenges also arise from the aspect of law enforcement. Weak supervision, limited law enforcement officials who have a special understanding of industrial design, and difficulty in proving elements of novelty and design similarity in industrial design disputes cause imitation practices to often go untouched by legal mechanisms. This condition creates a gap between normative arrangements in law and empirical realities on the ground, where the exclusive rights promised by law have not been fully felt by industrial design rights holders.

These problems show that the existence of Law Number 31 of 2000 concerning Industrial Design has not automatically guaranteed effective protection for local fashion products from

imitation acts. A more in-depth study is needed to examine how industrial design legal arrangements are implemented, the extent of their protection effectiveness, and the factors that hinder their implementation in practice. This analysis is important to assess whether the legal regime of industrial design has been able to respond to the challenges of the dynamic and competitive local fashion industry.

Based on this description, this research has an academic and practical urgency to examine the legal protection of industrial design rights against the imitation of local fashion products based on Law Number 31 of 2000 concerning Industrial Design. This research is expected to provide a comprehensive overview of the position of industrial design in protecting the creativity of local fashion business actors, as well as being an evaluation material for strengthening policies and law enforcement in the field of industrial design in Indonesia.

II. RESEARCH METHODS

This research is a normative legal research that focuses on the study of legal norms that regulate the protection of industrial design rights in Indonesia's positive legal system. The approach used includes a statute approach to examine relevant legal provisions, especially Law Number 31 of 2000 concerning Industrial Design, as well as a conceptual approach to analyze legal concepts, principles, and doctrines related to industrial design as part of Intellectual Property Rights (Rizkia & Fardiansyah, 2023).

The legal materials used consist of primary legal materials in the form of related laws and regulations, as well as secondary legal materials that include legal textbooks, scientific journals, and academic papers relevant to the research object. The collection of legal materials is carried out through a literature study by tracing legal sources that are directly related to the issue of industrial design protection. Furthermore, legal materials are analyzed qualitatively using descriptive-analytical methods to obtain a comprehensive understanding of the regulation and effectiveness of legal protection of industrial

design rights against the imitation of local fashion products.

III. RESULTS AND DISCUSSION

A. Regulation of Industrial Design Rights According to Law Number 31 of 2000 concerning Industrial Design

The regulation of industrial design rights in Law Number 31 of 2000 places industrial design as part of the Intellectual Property Rights regime that obtains legal protection specifically in the Indonesian legal system (Mokoginta, 2017). Industrial design is understood as the result of human creativity which is in the form of the visual appearance of a product and has aesthetic and economic value. Legal protection of industrial design aims to provide recognition for the intellectual work of designers while creating a healthy business competition climate by preventing the unauthorized use of designs by other parties. In the context of the local fashion industry, industrial design has a strategic role because it is the visual identity of the product that distinguishes it from similar products in the market (Scott, 2015).

Law Number 31 of 2000 defines industrial design as a creation of the shape, configuration, or composition of lines and colors, both in two-dimensional and three-dimensional forms, which provide an aesthetic impression and can be realized in an industrial product or handicrafts. The emphasis on aesthetic aspects shows that industrial design is protected not because of its technical function, but because of the visual value inherent in the external appearance of the product. The object of industrial design protection includes all the visual elements that make up the character of a product, including distinctive combinations of shapes and motifs. In local fashion products, industrial design objects can be clothing designs, accessories, or other visual elements that have uniqueness and commercial value (Labetubun, 2011).

The subject of industrial design rights is the designer as the creator of the design or another party who legally acquires the rights through the transfer of rights (Bintang, 2018). Industrial design rights holders are granted exclusive rights

to use protected designs as well as the authority to prohibit others from using such designs without permission. This exclusive right covers the activities of making, using, selling, importing, exporting, and distributing products that use the same industrial design or have similarities in substance. The granting of exclusive rights is intended to protect the economic interests of rights holders and provide legal certainty for the use of industrial design (Bintang, 2018).

Legal protection of industrial designs is provided on the condition that the design is new and has not been published before (Pakpahan et al., 2025). The element of novelty is the main requirement for a design to be registered and obtain legal protection. The industrial design protection system in Indonesia adheres to constitutive principles, so that industrial design rights only arise after the design is registered and officially recognized by the state. The consequence of this system is that unregistered designs do not acquire legal protection, despite having aesthetic and economic value. This condition is a challenge for local fashion business actors who are not fully aware of the importance of design registration as a preventive protection measure against imitation.

Industrial design rights are granted for a period of ten years from the date of receipt of registration and cannot be renewed. This term limitation reflects a balance between the interests of the rights holder and the public interest, because after the protection period ends, the industrial design becomes public domain and can be used by anyone. In a fashion industry that is dynamic and follows trends, the period of protection is normatively expected to be able to provide optimal economic benefits for rights holders during the period of design commercialization (Ginting et al., 2025).

Law Number 31 of 2000 also regulates the prohibition of all forms of imitation of industrial designs that have been registered. Any party is prohibited from making, using, selling, or distributing products that have the same or substantially similar industrial design without the consent of the rights holder. This prohibition provision provides a strong legal basis for the right holder to demand protection for its design

through civil and criminal law mechanisms. In the context of local fashion products, such arrangements have an important role in preventing the practice of design plagiarism that can harm designers and undermine the competitiveness of the national creative industry. Normatively, the regulation of industrial design rights has provided an adequate legal basis, but its effectiveness is highly dependent on the awareness of business actors to register designs and the consistency of law enforcement against industrial design violations.

B. Legal Protection of Industrial Design Rights to Imitated Local Fashion Products

The legal protection of industrial design rights for imitated local fashion products is a crucial issue in the dynamics of the creative industry in Indonesia. Industrial design serves as the main distinguishing element that represents the creativity, innovation, and distinctive character of a fashion product. The value of design lies not only in the aesthetic aspect, but also in the ability of the design to build a brand image and increase the commercial value of the product. When the design of a local fashion product is imitated, the losses incurred are not only economical, but also touch on the moral and professional aspects of the designer whose work loses its uniqueness and identity in the market (Nadeak & Wauran, 2019).

Law Number 31 of 2000 concerning Industrial Design has provided a normative framework to protect industrial design through the granting of exclusive rights to legitimate rights holders. This exclusive right gives the right holder legal authority to control the use of the design and prohibits unauthorized use by other parties. Normatively, this arrangement is intended to ensure legal certainty and create a fair and competitive business climate. In the context of local fashion products, the existence of exclusive rights should be an effective instrument of protection against the practice of imitation of designs that are rampant in the market (Rahmadini & Jayakusuma, 2023).

The implementation of industrial design legal protection for local fashion products in practice shows that there is a gap between legal norms and

empirical reality. The level of awareness of local fashion business actors on the importance of industrial design registration is still relatively low. Many business actors view design registration as a complex administrative procedure and requires additional costs, so it is not considered a priority in business activities. This condition has an impact on the weak legal position of business actors when facing design imitation cases, because the industrial design protection system adheres to constitutive principles that require registration as the basis for the birth of rights (Murtadho, 2024).

The practice of imitating the design of local fashion products is often done by mimicking the overall visual concept, accompanied by minor changes to certain details to make them look different to the naked eye. This kind of imitation pattern raises legal problems in the evidentiary process, especially in determining that there is a fundamental similarity between the protected design and the allegedly infringing design. Assessing the substantial similarities of design requires a deep understanding of the visual character and aesthetic impression of a product, so it is not uncommon to cause differences in interpretation between law enforcement officials and parties to the dispute (Kurniawan et al., 2026).

Legal protection of industrial design rights against imitation of local fashion products can be pursued through preventive and repressive mechanisms. Preventive protection has a strategic role in preventing violations from the start. Industrial design registration is the main preventive step that provides legal certainty regarding design ownership and strengthens the legal position of rights holders. The existence of an industrial design certificate not only serves as proof of ownership, but also as a means of deterrence that can reduce the intention of other parties to imitate the design that has been registered (Kurniawan et al., 2026).

Repressive legal protection serves as a means of enforcement of rights when industrial design violations have occurred (Imran & Mangesti, 2024). The rightholder has the right to file a civil lawsuit to claim compensation for losses suffered due to imitation of the design. Law Number 31 of 2000 also opens up space for the application of

criminal sanctions against violators as a form of coercive legal protection. The existence of this repressive mechanism aims to provide a deterrent effect and affirm that industrial design violations are unlawful acts that cannot be tolerated.

The effectiveness of industrial design legal protection in practice is still faced with various structural and cultural obstacles. The lack of socialization about the importance of industrial design protection has caused many local fashion business actors to not understand the strategic benefits of design registration. Limited supervision of the circulation of counterfeit products in the market also aggravates this condition, because counterfeit products are often widely circulated without strict action. The capacity of law enforcement officials to handle industrial design disputes is also an important factor, considering that the visual nature of design requires a different assessment approach compared to other types of intellectual property.

The legal protection of industrial design rights to imitated local fashion products requires a comprehensive and sustainable approach. The role of the government is key in increasing legal awareness through education and socialization directed at local fashion business actors, especially micro, small, and medium enterprises. Consistent and fair law enforcement is needed to strengthen business actors' trust in the industrial design protection system. Synergy between the state, business actors, and the community is expected to be able to create a local fashion industry ecosystem that values creativity, protects intellectual works, and encourages sustainable creative economic growth.

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

The legal protection of industrial design rights for local fashion products has an important role in maintaining the sustainability of the creative industry and protecting the creativity of business actors. Law Number 31 of 2000 concerning Industrial Design has provided a clear legal basis through granting exclusive rights to registered industrial design holders, including the right to prohibit imitation and unauthorized use.

Normatively, these regulations aim to create legal certainty, encourage innovation, and realize healthy business competition. However, in practice, the legal protection of industrial design for local fashion products has not run optimally. The low awareness of business actors to register designs, the difficulty of proving substantial design equations, and weak law enforcement cause the practice of imitation of design is still rampant. This condition shows that there is a gap between legal norms and their implementation. Therefore, the effectiveness of protecting industrial design rights is not only determined by the existence of regulations, but also by the level of legal awareness of business actors and the consistency of law enforcement in protecting the design of local fashion products.

B. Suggestion

The government needs to increase socialization and legal education to local fashion business actors regarding the importance of industrial design registration as a form of preventive protection. Law enforcement against industrial design violations must be carried out firmly and consistently to provide a deterrent effect. Local fashion business actors are expected to be more proactive in protecting their product designs through registration so that they have legal force when imitation occurs.

REFERENCE LISTAN

Bintang, S. (2018). Desain Tata Letak Sirkuit Terpadu Sebagai Hak Kekayaan Intelektual Dalam Hukum Indonesia. *Kanun Jurnal Ilmu Hukum*, 20(1), 23-38.

Fallah, S. N. (2025). Perlindungan Hukum Kepemilikan Dan Hak Cipta Atas Konten Digital Di Era Ekonomi Kreatif. *Prosiding Seminar Nasional Indonesia*, 3(2), 148-157.

Ginting, Y. S. E. B., Saidin, O. K., & Jelly, L. (2025). Pembatalan Desain Industri Karena Tidak Adanya Unsur Kebaruan Dalam Putusan Pengadilan Negeri Jakarta Pusat Nomor 78/Pdt. Sus-Hak Kekayaan Intelektual/Desain Industri/2022/Pn Niaga Jkt. Pst. *Jurnal Hukum Lex Generalis*, 6(4).

Imran, M. D., & Mangesti, Y. A. (2024). Tindakan Preventif Dan Represif Sebagai Upaya Perlindungan Hukum Tindak Pidana Pemerkosa Anak. *Iblam Law Review*, 4(1),

257-266.

Kurniawan, M. R., Jasia, N., Ramadhan, G. F., Sabrina, A. R., Antony, A. R., Putri, R. K., & Kurniawan, D. (2026). Perlindungan Hukum Desain Industri Dalam Sistem Hak Kekayaan Intelektual Di Indonesia. *Jurnal Sains, Ekonomi, Manajemen, Akuntansi Dan Hukum*, 3(1), 1-10.

Labetubun, M. A. H. (2011). Perlindungan Hukum Desain Industri Di Dunia Maya (Kajian Overlaping Antara Hak Cipta Dengan Hak Desain Industri). *Jurnal Sasi*, 17(4).

Lainsamputty, M., Akyuwen, R. J., & Narwadan, T. N. A. (2024). Perlindungan Hukum Terhadap Hak Kekayaan Desain Industri Yang Ditiru Dan Diedarkan Tanpa Izin. *Pattimura Law Study Review*, 2(1), 61-75.

Mokoginta, Z. A. (2017). Perlindungan Hukum Atas Desain Industri Berdasarkan Undang-Undang Nomor 31 Tahun 2000 Tentang Desain Industri. *Lex Privatum*, 5(5).

Murtadho, N. A. (2024). Perlindungan Hukum Terhadap Desain Tata Letak Sirkuit Terpadu Ditinjau Dari Perspektif Pidana Dalam Hukum Positif. *Jurnal Hukum Bisnis (J-Kumbis)*, 2(1), 1-21.

Nadeak, N. A., & Wauran, I. (2019). Tumpang-Tindih Pengaturan Bentuk Tiga Dimensi Dalam Undang-Undang Merek Dan Undang-Undang Desain Industri. *Jurnal Hukum Ius Quia Iustum*, 26(1), 21-43.

Pakpahan, E. F., Isnainul, O. K., & Wijaya, E. K. (2025). Tinjauan Hukum Bisnis Terhadap Perlindungan Desain Industri Dalam Unsur Kebaruan Yang Telah Terdaftar. *Sibatik Journal: Jurnal Ilmiah Bidang Sosial, Ekonomi, Budaya, Teknologi, Dan Pendidikan*, 4(3), 175-184.

Praweswari, A., & Meliana, V. (2025). Pengaruh Desain Produk Dan Persepsi Harga Terhadap Keputusan Pembelian Di Toko Global Batik. *Streaming*, 4(1), 79-89.

Rahmadini, T. M., & Jayakusuma, Z. (2023). Perlindungan Hukum Hak Pemegang Desain Industri Dikaitkan Dengan Nilai Kebaruan Di Indonesia. *Journal Equitable*, 8(1), 32-50.

Riswanto, A., Zafar, T. S., Sunijati, E., Harto, B., Boari, Y., Astaman, P., Dassir, M., & Hikmah, A. N. (2023). *Ekonomi Kreatif: Inovasi, Peluang, Dan Tantangan Ekonomi Kreatif Di Indonesia*. Pt. Sonpedia Publishing Indonesia.

Rizkia, N. D., & Fardiansyah, H. (2023). *Metode Penelitian Hukum (Normatif Dan Empiris)*. Penerbit Widina.

Sinaga, N. A. (2015). Perlindungan Desain Industri Sebagai Bagian Dari Hak Kekayaan Intelektual Di Indonesia. *Jurnal Teknologi Industri*, 4.