

Micro Medium and Small aEnterprise Human Resources' Creativity in West Java Through Intellectual Property Rights (IPR) License in the Pandemic Covid-19 Situation

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Abstract: The creativity of human resources at Micro, Medium and Small Enterprise (MSME) had an essential part for the development of MSME in recent Covid-19 pandemic situation. The matter of creativity was significantly required through an intellectual property rights (IPR) license agreement support; furthermore, resulted the optimization of economic as its exclusive right equitably protected. Regardless the license agreement owned by West Java MSMEs was inadequately appropriate. This study purposed to find out how the human resources creativity of West Java MSME and human resources creativity through intellectual property rights license agreement in in the Covid-19 situation. This study applied a cross sectional method, qualitative normative juridical and legal interpretation methods. The descriptive research specification was quantitative analysis, implementing purposive sampling technique to obtain thirty MSME respondents specifically in West Java. In addition, the data collection engaged literature study techniques. The results showed that the creativity of human resource at MSME might increase the demand for MSME products. The human resources creativity including person, process, press and product perspectives were fundamental in the development of MSME. It referred to an indication by the frequency of respondents in carrying out each perspective assessed as a necessity in developing MSME. Thus, intellectual property rights license agreement led to be required aspect in improving, protecting and developing the creativity of human resources, especially during the Covid-19 pandemic situation. It was proven by being understood and trusted by West Java MSME; nevertheless, the participation at the time of socialization was not optimal. In the other hand, West Java MSME had been propertied by the intellectual property rights license agreement. It related to procedural constraints, lack of information and also costs.

Keywords: Creativity of human resources, MSME, IPR licenses, Covid-1

1. Introduction

MSMEs are the center of the economy in Indonesia. The presence of MSMEs plays a major role in building state welfare because MSMEs provide opportunities for every business actor. MSMEs contribute 60% to Indonesia's Gross Domestic Product (m.rii.co.id, 2021). Until now, MSMEs provide job opportunities for people to meet economic needs, especially during the Covid-19 pandemic.

Covid-19 has had a significant impact on the number of requests for MSMEs. Based on a survey, the Asian Development Bank found that, "There was a 30.5% decline in domestic demand for MSMEs in Indonesia due to the impact of Covid-19" (m.antaranews.com, 2021). West Java is one of the regions with the largest MSME contribution. Data on the distribution of MSME samples by region, scale, and type of business entity shows West Java contributes to the number of MSMEs by 324 units (aptika.kominfo.go.id, 2021).

One example of a business actor affected by the Covid-19 pandemic is the craft of miniature planes in Bogor. The production of aircraft miniature made of resin in Cikarawang Village, Dramaga, Bogor Regency has decreased by 85% due to the impact of the Covid-19 pandemic from the previous 1000 to 200 miniature aircraft per month (ramadhan.antaranews.com, 2021). The weakening of domestic demand will affect the condition of West Java MSMEs to be able to survive during the Covid-19 pandemic. Human resource creativity is very much needed for every MSMEs actor in West Java to be able to face these conditions.

Human resource creativity is expected to be able to increase demand for MSME products in West Java. Innovation and creativity affect product quality, increase the number of sales, products are difficult to imitate, and can help absorb more labor (Heye, 2006; Loewe & Dominiquini, 2006 in Maskarto). Human resource creativity is an effort that aims to increase the value of an individual or organization, especially MSMEs, which are an important factor in the economy in Indonesia. In realizing this, the creativity of human resources requires support in the form of protection that ensures intellectual work is safe from abuse and forgery.

IPR is a service that provides protection for creative products in the form of patent rights, geographic indication rights, trade secret rights, brand rights, plant variety rights, copyrights, industrial design rights, integrated circuit rights, license and franchise rights. For the business world, IPR provides opportunities for business actors to conduct fair competition where the actors do not need to worry about fraud from other parties. The importance of legal protection for IPR in Indonesia is still not well understood by business actors. This is evidenced by the rampant IPR disputes that have occurred in Indonesia.

As rights protected by law, these rights provide guarantees to their holders in the form of exclusive rights to monopolize creative and innovative works, which are a special characteristic. According to Jeremi Phillips and Allison Firth, the monopoly nature of IPR including The Absolute Monopoly of the Market is the right of the IPR owner to prevent anyone from using the property rights in the market which is regulated by the law that protects it The Monopoly of Use of One's Personal Creation (Jeremi Phillips & Allison Firth, 1999 in Nina, 2012), meaning that the party holding the IPR is given several powers of rights (Muhamad Arief, 2011) to use the IPR itself. These rights are to produce, distribute, export, reproduce or announce themselves apart from granting licenses and transferring intellectual property rights to other parties based on a rights agreement to enjoy economic benefits from the intellectual property rights that are protected for a period of time with certain conditions. The legal action in the form of an agreement is justified in accordance with Article 1320 of the Indonesian Civil Code, Article 1338 of the Indonesian Civil Code, Government Regulation Number 36 of 2018 concerning Registration of Intellectual Property License Agreements. can be in the form of grants, wills, inheritance, and sale and purchase.

In the provisions of Article 7 of Law no. 20 of 2008 concerning MSMEs, it is emphasized that the Government and Local Governments foster a Business Climate by establishing laws and regulations which include the following aspects: a. funding; b. facilities and infrastructure; c. business information; d. partnerships; e. business licensing; f. business opportunity; g. trade promotion; and h. institutional support. In addition, the Government and Regional Governments are also ordered by the UMKM Law to facilitate business development in the fields of: a. production and processing; b. marketing; c. human Resources; and d. design and technology.

The existence of an IPR license can help business actors to maintain and develop their business. One example is Ovento, which is an integrated business opportunity marketplace for franchise acquisition needs, agency and licensing. Ovento supports the government's efforts in optimizing the ability of MSMEs as an economic driver in the midst of the Covid-19 pandemic. Based on the Ovento team survey, 96% of survey respondents are interested in using the marketplace to purchase business opportunity and franchise licenses (beritasatu.com, 2021). This shows that there are great opportunities for MSMEs to develop their businesses. HAKI license agreements can help MSMEs to grow by doing franchises or profit sharing with large companies or other investors. The President of the Republic of Indonesia Joko Widodo said that "The partnership between MSMEs and large businesses is very important so that MSMEs can enter the global production chain, increase opportunities for MSMEs to advance in class, and improve the quality of MSME businesses to become more competitive" (presidentri.go.id, 2021). The IPR license agreement is expected to be able to help maintain the creativity of MSMEs in West Java, especially in the era of the Covid-19 pandemic. Against this background, researchers are interested in examining the creativity of the human resources of West Java MSMEs during the Covid-19 pandemic era and how the IPR license agreement was in the era of the Covid-19 pandemic. Based on the background description above, the issues to be discussed in this paper are as follows: first, how was the creativity of West Java MSME HR in the Covid-19 Era and how was the creativity of West Java MSME HR in the Covid-19 Pandemic Era. Second, how was the creativity of West Java MSME HR through the IPR license Agreement in the Covid-19 Pandemic Era.

2. Literature Review

Creativity is an asset that has a great influence in achieving success, especially in organizations (Kilby, 2001; Ruthkowsky, 2000 in Indonesian Entrepreneur Management). Creativity is at the core of HR development. This means that creativity cannot be separated from an individual. Human Resources need creativity to develop and compete, especially in creating something new. Creativity, is the ability to produce something different from the general (Sri Harini et al., 2020).

Levesque (2003 in Indonesian Entrepreneur Management) states that "Everyone is expected to be more creative in thinking and doing things in a different way, because the old way does not function properly and the usual problem solutions used often do not solve problems". Dharma and Akib (2004) state that "Creativity makes people more competitive, productive, and effective". Creativity has a big impact on the survival of an organization, because creativity is the first step in providing added value that differentiates a product.

4Ps of Creativity are four perspectives of creativity that help to see creativity from four points of view. The first perspective discusses the relationship between creativity and people as humans. The second perspective discusses the relationship between creativity and mental processes at work in creating ideas. The third perspective concerns the relationship between creativity and the influence of ecological impulses on a person and his mental processes. The fourth perspective on creativity is related to ideas. Ideas are expressed in the form of language or craft which we call products (Rhodes, 1961). The four perspectives are person, process, press, and products. Here is a definition of four perspectives on creativity based on Rhodes (1961).

1. Person discusses personality, intelligence, character, physique, habits, traits, self-concept, assessment systems, defense mechanisms, and behavior. The basic questions in this perspective are: What is the correlation coefficient between the scores of intelligence and creativity? Is everyone potentially creative, to what extent? Is creativity as a function of character as intelligence? Is it more than intelligence? Is it physical or physiological influence on creativity? How important are attitudes, habits, and scoring systems? And what are the types of habits, attitudes, and judgments? In what ways are they influential? What about the neurotic personality - is neuroticism important or is it detrimental to creativity?
2. Process discusses motivation, perception, learning, thinking, and communication. Important questions about process, include: What causes some people to seek genuine answers to questions while being mostly satisfied with conventional answers? What stage of the thinking process? Is the process synonymous with problem solving and creative thinking? If not, what's the difference? Can the creative thinking process be taught?
3. Press refers to the relationship between humans and their environment. Creative production is the result of the power of certain individuals playing on certain types of individuals as they grow and function. Press research tries to measure the suitability and dissonance in a person's ecology. Stren and Pace introduces an instrument designed to take on two characters - (1) the atmosphere of a particular environment, and (2) the reaction of a person to his or her environment. If and when these two values can be obtained, then they can be coordinated to show the suitability and dissonance between the individual and his environment.
4. Products, word ideas that refer to thoughts that have been communicated to others in the form of words, paint, clay, metal, stone, cloth, or other materials. When we talk about original ideas, we mean a degree of novelty in the concept. When an idea is translated into tangible form, it is called a product. Each product of the human mind or hand provides a record of how he thought at one time or another. So an idea for a new machine reflects the specific thinking of the inventor at the time the concept was born. A system is required to classify products according to their scope of novelty.

There are challenges that must be faced in researching the four P's of creativity, namely in learning to identify creative people, in teaching the creative process, in learning how to take the character of each person and their environment under changing circumstances and managing the relationship between the two, in developing a scale for classifying products with the most recent stages in the scheme such as product types. In the end there will be a new perspective of science with a combined background of knowledge. According to Min Tang and Christian H. Werner, "The 4P creativity model can be effectively used to guide researchers to learn more about how to develop creativity in different settings, for example to enhance teaching creativity, to facilitate problem solving in any realm, to increasing economic development, and so on".

The success of companies in developing markets or market expansion is influenced by the creativity and innovation of business actors (Hadiyanti, 2012). This is not only influenced by creativity in the form of the end result of a product, but creativity as in the process, namely the marketing process. Creativity is believed to be able to provide added value which functions in increasing the number of company demands.

According to Tambunan, MSMEs (in Nina Nurani, 2020) are "Independent productive business units, led by individuals or business entities in all economic sectors". Meanwhile, according to Howard et al. (in Dekeng Setyo Budiarto et al., 2020) that "In general, the term MSMEs refers to all independent businesses with less than 250 employees, a capital investment of less than USD \$ 190 million, and an annual turnover of less than USD \$ 70 million".

IPR is the result of the process of human thinking ability incarnate into a creation or incarnation. The creation or discovery is an ownership of it because it comes from human reason (Budi Asri, 2020 in Latipah Nasution, 2020). IPR refers to a set of exclusive rights, each of which is granted to a person who has produced work from his thought, which has a form, nature or meets certain criteria based on the prevailing laws and regulations (hki.co.id, 2021). According to Jeremi Philips and Allison Firth, the philosophical basis of the exclusive rights of the monopoly nature is stated in the theory "The Absolute Monopoly of the Market" which states that creative industry owners have the right to prevent everyone from using property rights in the market

without rights, which is played by MSMEs to use property rights. in a market that is regulated by laws that protect it The Monopoly of Use of One's Personal Creation (Jeremi Phillips & Allison Firth, 1999 in Nina, 2012).

Based on the Guidelines for Introduction to IPR by the Ministry of Industry, "The benefits of IPR for business actors are protection against the misuse or falsification of intellectual works owned by other parties within the country and abroad" (kemenperin.go.id, 2021).

IPR license according to Sulasno (2012), "IPR license is a form of business development that involves granting a license or right to utilize, use or implement intellectual property rights belonging to the licensor including copyright licenses, patents, brands, industrial designs, trade secrets, designs. layout of integrated circuits, and protection of plant varieties". The granting of license rights is followed by an agreement between the licensor and the licensee, which contains terms agreed by both parties, including the sharing of profits. Government Regulation Number 36 of 2018 concerning Recording of Intellectual Property License Agreements describes the terms and processes for intellectual property licensing activities.

A license is a form of granting a license by the license owner to the licensee to utilize or use (not transfer the rights) the intellectual property rights owned by the license owner based on certain conditions and within a certain period which is generally accompanied by a reward in the form of royalties.

Licensing mechanism, gives freedom or permission to someone or other parties to use something that previously was not allowed to be used. According to Widjaja (2001), a license is always associated with the authority of the privilege to do something by a certain person or party.

A license agreement is basically an agreement, then the license agreement is subject to the terms of the agreement in force in the Indonesian Civil Code which includes several principles, namely as follows:

- a. The principle of freedom of contract is contained in Article 1338 paragraph (1) of the Indonesian Civil Code. This principle provides very broad freedom for individuals to regulate the rights and obligations of the parties in an agreement. determine "what" and with "whom" the agreement was concluded.
- b. The principle of consensualism is contained in Article 1320 paragraph (1) of the Indonesian Civil Code, which regulates the validity of the agreement, namely their Agreement which binds themselves; 2. The ability to make an engagement; 3. A certain thing; 4. A cause that is lawful; "Agreed those who tied themselves.
- c. The principle of Pacta Sunt Servanda, it is stated in Article 1338 paragraph (1) of the Indonesian Civil Code, which reads: "All agreements made legally are valid as law for those who make them." This principle is the strength to bind the covenant. This is not a moral obligation, but also a legal obligation whose implementation must be obeyed.

A license agreement includes a minimum of: 1. Determining the coverage area 2. Identifying IPR owners and their rights 3. Explaining IPR holders and their rights to use IPRs 4. Determining who is responsible for registering and protecting IPRs (usually the owners) 5 Determine whether the license is exclusive or non-exclusive 6. Determine the term of the license (for example, one year, three years, etc.) 7. Determine whether the license can be renewed including its terms 8. Describe actions or events that violate the agreement 9. Describe the actions or events that automatically terminate the contract 10. Decide on the dispute resolution procedure 11. Determine regarding the increase, cancellation, violation, and sub-license 12. Determine the law governing the issue of this contract.

Based on previous research, there are several studies that have opened up the writer's insight as an enrichment of research material, as follows: (1) Nina Nurani et al. in 2020 with the title "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 "(2) Andi Hendrawan et al. in 2019 with " Dimensions of Creativity and Development of Micro, Small and Medium Enterprises (MSMEs) "(3) Latipah Nasution in 2020 with the title "The Effectiveness of IPRs as Protectors of Creative Industries and SMEs in the Middle of the Covid-19 Pandemic" (4) Nina Nurani et al. in 2020 with the title Copyright as a Guarantee of Fidusia in The Efforts to Accelerate Indonesia's Creative Economic Growth. The difference between this research and previous research is that research focuses on learning about the creativity of human resources with 4 P's Creativity at MSMEs through HAKI during the Covid-19 pandemic era.

3. Research Method

This research uses descriptive quantitative methods and juridical analysis. The quantitative descriptive method uses field studies in the form of data collection through questionnaires and literature studies, carried out using the 4 P's Creativity perspective to see the creativity of human resources at MSMEs in West Java during the Covid-19 pandemic era through survey data. The population used is MSMEs in West Java with a purposive sampling technique by taking as many as 30 samples of micro, small and medium entrepreneurs from various business activities that produce creative industrial products. Each perspective shows the creativity needed by MSMEs in West Java during the Covid-19 pandemic era. The research specification used descriptive quantitative analysis and qualitative juridical normative. The method of normative juridical analysis is carried out by using literature study to collect and compile data related to the problem under study by referring to secondary and tertiary data sources as supporting data.

This research is expected to examine the creativity of West Java MSMEs human resources with normative juridical support in the form of regulations related to the IPR License agreement, which is based on Article 1320 of the Indonesian Civil Code. Article 1338 of the Indonesian Civil Code, Government Regulation Number 36 of 2018 concerning Registration of Intellectual Property License Agreements, Law No. 20 of 2008 concerning Micro, Small and Medium Enterprises (MSMEs), West Java Provincial Regulation Number 10 of 2018 concerning Intellectual Property Management through secondary data analysis. The juridical analysis carried out aims to support in terms of protecting the creativity of MSME HR in West Java during the Covid-19 pandemic era. The time dimension used in this study is cross sectional data.

4. Results and Discussion

4.1. Creativity of West Java MSMEs human resources in the Covid-19 era

HR creativity is one of the determinants in the business development of an organization. Creativity creates a value for the company. Without creativity, a company will not be able to survive, especially in the Covid-19 era. An organization certainly must be able to see what form of creativity is. 4P's of Creativity is a method to see the form of creativity. This method is used in research to see how creative human resources are in the Covid-19 pandemic era. Based on distributed questionnaires, information has been obtained about the respondents, namely the gender of the male respondents is more dominant with a value of 60%, the most dominant education is Strata-1 with a value of 70%, the dominant respondent's line of business is obtained in the fashion sector with a value 33.33%, the most dominant respondent's business activity duration was 5 years with a value of 16.67%, the most dominant city / regency of respondents was in Bandung with a value of 53.33%. In the next questionnaire, the respondents answered about the Creativity Perspective. The Creativity Perspective Questionnaire is made with indicators 1 to 6, where it is assumed that indicators 4 to 6 indicate the importance based on the frequency of activities carried out by respondents more than twice.

Table 1. Percentage of creativity perspectives based on respondent's data

No.	Question Item	Percentage					
		1	2	3	4	5	6
A. Person Perspective							
1.	Business activities by paying attention to personality traits / uniqueness as a dominant force, in an effort to increase competitiveness to develop managed MSME activities.	0	3,33	6,67	20	40	30
2.	The use of short time in solving problems faced today by taking the right solution in an effort to develop managed MSME business activities.	0	6,67	13,33	30	33,33	16,67
3.	This business activity is always based on persistence, perseverance, self-confidence and is not always satisfied with current abilities and always involves himself in carrying out managed MSME business activities.	0	0	0	13,33	40	46,67

4.	This business activity is always based on enthusiasm, doing a lot of physical energy so that he is able to do interesting things for a long time, remains enthusiastic at all times and motivation is the basis for efforts to develop managed MSME business activities.	0	3,33	6,67	10	36,67	43,33
5.	This business activity is always based on the habit of being curious about various things, taking time to be open to new things, having the courage to take risks and trying all forms of beauty in developing managed MSME business activities.	0	0	6,67	20	50	23,33
6.	Decision making by combining various points of view as a consideration in facing the problems faced in developing managed MSME business activities.	0	3,33	3,33	13,33	53,33	26,67
7.	Human resource management using the performance appraisal system "Reward and punishment" as an effort to encourage employees to develop their creativity in developing MSMEs.	10	0	10	16,67	46,67	16,67
B. Process Perspective							
1.	Training for employees related to new ways of working to improve skills in increasing creativity towards the development of MSMEs.	10	10	10	33,33	20	16,67
2.	Giving encouragement, interest and enthusiasm to employees in order to have the confidence to achieve goals as motivation in increasing creativity towards the development of MSMEs.	10	3,33	6,67	13,33	40	26,67
3.	Giving interpretation and introduction to new things to open and convince employees' thinking about the dynamics of environmental change by using information or language that can be understood so that it can be interpreted according to its aims and objectives.	6,67	3,33	3,33	16,67	50	20
4.	The process of delivering messages, ideas and ideas by providing energy, enlightenment as an effort to encourage increased togetherness in facing various challenges and opportunities as the development of MSME creativity.	3,33	0	13,33	13,33	40	26,67
C. Press Perspective							
1.	The health protocol as the main thing for employees in an effort to increase creativity towards the development of MSMEs.	6,67	0	0	13,33	33,33	46,67
2.	Work environment with a conducive atmosphere so as to secure and comforting and arousing work enthusiasm for employees in facing environmental changes as an effort to develop MSMEs.	6,67	0	3,33	13,33	33,33	43,33
3.	Evaluation of employee responses related to the creation of a conducive environment in point 1 above in an effort to increase creativity towards the development of MSMEs.	10	0	6,67	26,67	36,67	20
4.	Solutions as feedback to employee responses point 3 so that there is synergy between employee adaptability and performance targets in overcoming environmental challenges as an effort to increase creativity towards the development of MSMEs.	10	0	3,33	23,33	36,67	26,67
D. Product Perspective							
1.	Communication of ideas, new thoughts in the form of demands for innovative products according to	6,67	3,33	0	16,67	43,33	30

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	consumer preferences / demands that need to be generated by employees as the main key in competing as the development of MSMEs.						
2.	Accommodation of ideas, thoughts and ideas of employees in an effort to realize the results of innovative products required to increase creativity in the development of MSMEs.	6,67	3,33	3,33	30	26,67	30
3.	The manifestation of employee ideas in the form of superior product work as a tangible manifestation of creativity related to point 2 above in the form of innovative products in an effort to increase creativity towards the development of MSMEs.	6,67	3,33	10	36,67	30	13,33

Notes:

1 = TP (Never), 2 = PSK (Been Once), 3 = PSS (Been Once or Twice), 4 = PBK (Been Several Times), 5 = S (Often), 6 = SS (Too Often)

4.1.1. Person perspective

Perspective Person based on business activities by paying attention to personality traits / uniqueness as a dominant force, in an effort to increase competitiveness to develop managed MSME activities, it has a value of 90% based on indicator values 4 to 6 of the respondents. Person's perspective based on the use of short time in solving problems faced today by taking the right solution in an effort to develop managed MSME business activities has a value of 80% based on the indicator value of 4 to 6 from the respondents. Person's perspective based on this business activity is always based on persistence, perseverance, self-confidence and is not always satisfied with current abilities and always involves himself in carrying out managed MSME business activities have a value of 100% based on indicator values 4 to 6 of the respondents. Person's perspective based on this business activity is always based on enthusiasm, doing a lot of physical energy so that he is able to do interesting things for a long time, remains enthusiastic at all times and motivation is the basis for efforts to develop managed MSME business activities have a value of 90% based on indicator value 4 to 6 of the respondents. Person's perspective based on this business activity is always based on the habit of being curious about various things, taking time to be open to new things, having the courage to take risks and trying all forms of beauty in developing managed MSME business activities have a value of 93.33% based on indicator value 4 to 6 of the respondents. Person's perspective based on decision making by combining various points of view as a consideration in facing the problems faced in developing managed MSME business activities has a value of 93.33% based on the indicator value of 4 to 6 from the respondents. Person's perspective based on human resource management using the performance appraisal system "Reward and punishment" as an effort to encourage employees to develop their creativity in developing MSMEs has a value of 80.01% based on the indicator value of 4 to 6 of the respondents. Based on these results, it shows that points 1 to 7 from the perspective of the person get a score above 50%, which shows that the creativity of the person who discusses the creativity of people or human resources is very important to develop MSMEs during the Covid-19 pandemic.

4.1.2. Process perspective

The Perspective Process based on training for employees related to new ways of working to improve skills in increasing creativity towards the development of MSMEs has a value of 70% based on the indicator value of 4 to 6 from the respondents. The Perspective Process based on giving encouragement, interest and enthusiasm to employees in order to have the confidence to achieve goals as motivation in increasing creativity towards the development of MSMEs has a value of 80% based on indicator values 4 to 6 of the respondents. The Process perspective based on giving interpretation and introduction to new things to open and convince employees' thinking about the dynamics of environmental change by using information or language that can be understood so that it can be interpreted according to its aims and objectives has a value of 86.67% based on indicator value 4 to 6 of the respondents. The Perspective Process based on the process of delivering messages, ideas and ideas by providing energy, enlightenment as an effort to encourage increased togetherness in facing various challenges and opportunities as the development of MSME creativity has a value of 80% based on indicator values 4 to 6 of the respondents. Based on these results, it shows that points 1 to 4 from the process perspective score above 50%, which shows that process creativity regarding motivation, perception, learning, thinking, and communication is very important to develop MSMEs during the Covid-19 pandemic.

4.1.3. Press perspective

The Press perspective based on the health protocol as the main thing for employees in an effort to increase creativity towards the development of MSMEs has a value of 93.33% based on the indicator value of 4 to 6 of the respondents. The Press perspective based on a work environment with a conducive atmosphere so as to secure and comforting and arousing work enthusiasm for employees in facing environmental changes as an effort to develop MSMEs has a value of 89.99% based on the indicator value of 4 to 6 from the respondents. The Press perspective based on an evaluation of employee responses related to the creation of a conducive environment in point 1 above in an effort to increase creativity towards the development of MSMEs has a value of 83.34% based on the indicator value of 4 to 6 from the respondents. Press perspective based on solutions as feedback to employee responses point 3 so that there is synergy between employee adaptability and performance targets in overcoming environmental challenges as an effort to increase creativity towards the development of MSMEs has a value of 86.67% based on indicator values 4 to 6 from respondents. Based on these results, it shows that points 1 to 4 from the press perspective score above 50%, which shows that press creativity refers to human relations and the environment is very important to develop MSMEs during the Covid-19 pandemic.

4.1.4. Product perspective

Product perspective based on communication of ideas, new thoughts in the form of demands for innovative products according to consumer preferences / demands that need to be generated by employees as the main key in competing as the development of MSMEs has a value of 90% based on indicator values 4 to 6 from respondents. Product perspectives based on accommodation of ideas, thoughts and ideas of employees in an effort to realize the results of innovative products required to increase creativity in the development of MSMEs have a value of 86.67% based on the indicator value of 4 to 6 from the respondents. The product perspective based on the manifestation of employee ideas in the form of superior product work as a tangible manifestation of creativity related to point 2 above in the form of innovative products in an effort to increase creativity towards the development of MSMEs has a value of 80% based on indicator values 4 to 6 of the respondents. Based on the results above, it shows that points 1 to 3 from the product perspective score above 50%, which shows that product creativity which refers to thoughts that have been communicated to others is very important to develop MSMEs during the Covid-19 pandemic.

4.2. Creativity of West Java UMKM human resources through HAKI licenses in the Covid-19 pandemic era

IPR, which is the ownership right of creative ideas or products when creating or finding an original idea or product, can help West Java MSME HR to survive during the Covid-19 pandemic. One of the efforts to encourage MSME HR to increase their creativity, especially in developing their business to be more optimal in competitiveness, is through an IPR license agreement. From the results of research on 30 MSME respondents in West Java, 90% of MSMEs believe that the importance of IPR as a legal protection for their creative work products so that there is no imitation / piracy or other acts as fraudulent acts by other parties without rights, as well as when covid-19 pandemic. According to Jeremi Philips and Allison Firth in the theory "The Absolute Monopoly of the Market" states that rights owners must be protected by intellectual property rights, so that they have the right to prevent everyone from using their property rights in the market which is regulated by the laws that protect them. and internationally (Jeremi Phillips & Allison Firth, 1999 in Nina, 2012).

Ownership of IPR certificates is carried out by registering and recording IPR protection for creative works or products that are able to produce creative works more optimally and with healthy / fair competitiveness by 80%, even though those who participate in training socialization related to the importance of IPR as an effort to protect legal products are only 30% of respondents.

A license agreement is an agreement between two or more parties which includes the recipient of IPR and the recipient of the rights to use IPR. The agreement is supported by the Government and Local Government in accordance with the provisions of Article 7 of Law no. 20 of 2008 concerning MSMEs emphasizes that in order to foster a business climate for MSMEs, aspects that need to be facilitated through development include partnerships, as business opportunities, trade promotion and institutional support. In addition, the Government and Regional Governments are also assigned to facilitate the development of businesses in the fields of production and processing, marketing and human resources as well as design and technology.

As an effort to make this happen, MSME HR as IPR holders have the right to grant licenses to other parties to exercise their exclusive rights given based on the agreement (article 3 of Government Regulation No.36 of

2018). The license in question is a license based on Government Regulation Number 36 of 2018 concerning Registration of Intellectual Property License Agreements, namely trade secrets, industrial designs, integrated circuit layout designs, copyrights, patents, brands, and geographical indications.

In Article 7 paragraph 1 of Government Regulation it is stated that the license agreement must be registered at the Directorate General of IPR at the Ministry of Law and Human Rights of the Republic of Indonesia, and if it is not recorded, the license agreement will not have legal consequences for third parties. According to Article 5 of the Government Regulation states that the license agreement is made in writing between the licensor and the licensee. The case of the license agreement for Affandi's painting artwork based on the underhand deed is declared valid by the Court and binds a third party as long as the agreement is made in accordance with the prevailing laws and regulations. Legal protection for licensees can be provided based on the law and from the contents of the license agreement made based on the principle of freedom of contract (Juwita Aria Kasih, 2009). The results showed that the IPR license agreement that was believed by the West Java MSMEs from 30 respondents was very helpful in developing a business in the form of partnerships with other organizations / individuals as much as 77%, but only 37% had already had an IPR license agreement. This is because there are still obstacles in the effort to register IPR and carry out the IPR License agreement. These obstacles include complicated procedures, lack of information, and costs.

As only an agreement, the license agreement adheres to the principle of consensualism as stated in Article 1320 paragraph (1) of the Indonesian Civil Code which regulates the validity of the agreement, namely their Agreement which binds themselves; 2. The ability to make an engagement; 3. A certain thing; 4. A cause that is lawful; "Agreed those who tied themselves. According to Article 6 of Government Regulation Number 36 of 2018, it explains that the IPR license agreement is prohibited from containing provisions that can harm the state, create restrictions that hinder the ability of the Indonesian people, result in unfair competition, and are contrary to the provisions of laws and regulations, religious values, morals and public order. The license agreement at least contains information about:

1. The date, month and year where the license agreement was made;
2. Name and complete address and signatures of the parties entering into a license agreement;
3. The object of the license agreement;
4. The term of the license agreement;
5. Whether or not the period can be extended;
6. The exercise of the license for all or part of the exclusive rights;
7. Amount of royalties and payments thereof;
8. Whether or not the licensee can grant further licenses to third parties;
9. Area boundaries for the validity of the license agreement, if agreed; and
10. Whether or not the licensor can carry out the licensed work himself.

Basically, the parties in conducting a license agreement are based on the consensual principle, the principle of freedom of contract and the principle of *pacta sunt servanda* as stated in article 1338 of the Indonesian Civil Code paragraph 1 states that the agreement made legally applies as law for those who make it, and paragraph 2 states that the agreement can be canceled on the agreement of both parties. Furthermore, article 1266 of the Indonesian Civil Code stipulates that the cancellation of the agreement must be unilaterally submitted to the court.

The Brand Rights license case that occurred PT Sinda Budi filed a lawsuit against Wen Ken who had unilaterally terminated the license agreement as of February 7, 2008 and intended to transfer the Cap Kaki Tiga brand license to another party. PT Sinda Budi considered the termination invalid. As a result of the cancellation of the agreement, Sinda Budi claimed to have suffered a loss of IDR 200 billion as compensation for promotion costs and loss of profit for 10 years, namely IDR 200 billion, and an immaterial loss of IDR 200 billion. So that the total compensation amounted to Rp. 800 billion (License Agreement Stamp Foot Tiga Remain Legal, <http://www.hukumonline.com>, accessed on 20 July 2011). The Nganjuk Regency Farmers Plant Variety Protection license agreement named Pak Tukirian, is suspected of having committed theft of the parent seed by a hybrid corn seed producer company, PT. BISI, a subsidiary of Charoen Pokphand and allegedly illegally certified the corn seed that has been registered for a patent. Another case is the Integrated Circuit Layout Design license agreement.

From this case, it is necessary to continue to optimize the socialization of a comprehensive understanding of the importance of intellectual property management and the terms of a license agreement in order to avoid legal violations that can distort efforts to develop the creativity of MSME HR in overcoming competitive business continuity in the pandemic-19 situation. This can be done more optimally considering that the local government

supports the management of intellectual property in an effort to increase creativity and innovation. West Java Provincial Regulation Number 10 of 2018 concerning Intellectual Property Management explains the objectives of intellectual property management, namely to encourage increased and develop productivity, creativity, and innovation and provide legal certainty for the intellectual property provided. West Java Provincial Regulation Number 10 of 2018 concerning Intellectual Property Management also explains, among other things, Copyright License.

5. Conclusion

5.1. Conclusion

1. Creativity of MSME HR can increase demand for products from MSMEs. Human resource creativity which includes Person's Perspective, Process Perspective, Press Perspective, and Product Perspective is very important in the development of MSMEs, especially during the Covid-19 pandemic. This is indicated by the frequency of respondents in carrying out each perspective which is considered as a need or interest in developing MSMEs, especially during the Covid-19 pandemic.
2. The IPR license agreement which is very important in helping to improve and protect and develop the creativity of human resources, especially during the Covid-19 pandemic, has been understood and believed by West Java MSMEs. This can be seen based on the results of the respondents' questionnaire regarding the understanding of the benefits of IPR protection regarding the importance of the IPR license agreement, although participation during the socialization was not optimal. There are still West Java MSMEs actors who have not registered IPR and the minimum number of them already has an IPR agreement license, considering that there are still obstacles in registering IPR and carrying out the IPR agreement. These obstacles include complicated procedures, lack of information, and costs.

5.2. Suggestions

1. It is necessary to optimize HR creativity training and optimize socialization related to the importance of registration and a comprehensive understanding of the license agreement as an effort to develop creativity, especially during the Covid-19 pandemic era, in addition to the need for the initiation of West Java MSMEs in an effort to search for partners to participate in business development activities.
2. The government is expected to be able to bridge and facilitate West Java MSMEs actors in developing human resource creativity through simplifying the administration and information system and optimizing socialization activities regarding the IPR license agreement.

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