

# Legal Protection of Trade Secrets in Culinary Business Agreements for Micro, Small and Medium Enterprises

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**Abstract :** *All companies have confidential information that is not allowed to be seen by the general public or even known by their employees. In this case, the Indonesian government has enacted laws to protect trade secrets, as local products in Indonesia have high economic value. This article examines the legal protection of trade secrets in culinary business agreements for Micro, Small, and Medium Enterprises (MSMEs). And analyze the challenges faced by MSMEs in the culinary sector in implementing legal protection of trade secrets through business agreements. Also, analyzing the implementation of Law No. 30 of 2003 on trade secrets in protecting against violations of trade secrets. The method used in this research is the normative juridical method by conducting a literature review related to the discussed issues. The research results show that although the law provides legal protection for trade secrets, in reality, there are still many information leaks that occur after an employee leaves the company and joins a competitor. Therefore, it is considered important for business actors to receive legal protection to ensure the implementation of the intellectual property rights system as expected.*

**Keywords :** *Legal Protection, Trade Secrets, Agreements, MSMEs.*

**Abstrak :** Semua Perusahaan memiliki informasi rahasia yang tidak diizinkan untuk dilihat oleh orang umum atau bahkan diketahui oleh pekerjanya. Dalam hal ini pemerintah Indonesia membuat undang-undang untuk melindungi rahasia dagang, yang mana produk lokal di Indonesia memiliki nilai ekonomi yang tinggi. Artikel ini mengkaji perlindungan hukum rahasia dagang dalam perjanjian bisnis kuliner bagi Usaha Mikro Kecil dan Menengah (UMKM). Dan menganalisis tantangan yang dihadapi oleh UMKM di sektor kuliner dalam menerapkan perlindungan hukum rahasia dagang melalui perjanjian bisnis. Serta, menganalisis implementasi UU No. 30 Tahun 2003 tentang rahasia dagang dalam melindungi terjadinya pelanggaran terhadap rahasia dagang. Metode yang digunakan dalam penelitian ini adalah metode yuridis normative dengan melakukan pengkajian kepustakaan terkait permasalahan yang dibahas. Hasil penelitian menunjukkan bahwa meskipun undang-undang memberikan perlindungan hukum terhadap rahasia dagang, faktanya masih banyak kebocoran informasi yang terjadi setelah seorang karyawan keluar dari perusahaan dan bergabung dengan pesaing lainnya. Maka hal ini dianggap menjadi penting agar pelaku usaha/bisnis



mendapatkan perlindungan hukum guna menjamin terlaksananya sistem hak kekayaan intelektual seperti yang diharapkan.

**Kata kunci :** Perlindungan Hukum, Rahasia Dagang, Perjanjian, UMKM

## I. NTRODUCTION

Today's business world is increasingly competitive in the era of globalization. To gain a competitive advantage, all businesses strive to create new products or services. However, confidential information, such as production methods, recipes, formulas, and special designs that make goods or services unique, often contribute to this success.<sup>1</sup> Trade Secret is information that is not known by the public in terms of technology and/or business and has economic values<sup>2</sup>. Trade secrets are part of Intellectual Property Rights that must be protected to create healthy business competition.<sup>3</sup> In trade law, the existence of confidential information is highly protected and classified as an integral part of intellectual property rights and must be protected. as well as why the reason for protecting a secret is to maintain the identity of a product and prevent it from misuse<sup>4</sup>. Law enforcement against intellectual property is very important because it is a reflection of the business culture and consumptive behavior of the people in Indonesia.<sup>5</sup>

Trade Secrets are certainly inseparable from Micro, Small and Medium Enterprises (MSMEs). Indonesia is a country where most of its revenue comes from Micro, Small and Medium Enterprises (MSMEs) so that MSMEs play an important role in increasing the country's foreign exchange. Many products made by MSMEs in Indonesia are also of high economic value and unique, especially when sold to international markets<sup>6</sup>. In the Law of the Republic of Indonesia No. 20/2008 on MSMEs, Article 1 stipulates that a micro business is a productive business conducted by an individual or individual business entity that meets the criteria of a micro business as stipulated in the law. Meanwhile, a small business is a stand-alone productive economic business that carried out by individuals or business entities of persons/individuals who are not part of a government organization<sup>7</sup>.

The rapid development of this modern era, the protection of trade secrets has always been a top priority for Indonesian businesses<sup>8</sup>. Not all business actors want to disclose or share their findings. Of course, they want to be consistent in maintaining the

<sup>1</sup> (Nurhayati, 2020)

<sup>2</sup> Muhammad Yusuf Ibrahim et al., "PERLINDUNGAN HUKUM TERHADAP PEMEGANG HAK RAHASIA DAGANG SEBAGAI BENTUK PEMBINAAN EKONOMI KREATIF PADA USAHA MIKRO, KECIL," *Unars.Ac.IdMY Ibrahim, I Yulianto, IP Hadiyanto, RP Nabillah, DK Wardani* PROSIDING SEMINAR NASIONAL UNARS, 2024•*unars.Ac.Id*, 2024, <https://www.unars.ac.id/ojs/index.php/prosidingSDGs/article/view/4892>.

<sup>3</sup> (Sosial et al., 2024)

<sup>4</sup> (Arafah et al., 2024)

<sup>5</sup> Hari Sutra Disemadi, "Contextualization of Legal Protection of Intellectual Property in Micro Small and Medium Enterprises in Indonesia," *Law Reform* 18, no. 1 (2022): 89–110.

<sup>6</sup> Zulfikri Toguan, "Problematika Hak Kekayaan Intelektual Di Bidang Merek Bagi Pelaku Usaha Mikro Kecil Menengah," *Uir Law Review* 5, no. 2 (2021).

<sup>7</sup> Syukron Salam et al., "Penerapan Kekayaan Intelektual Bidang Merek Dan Rahasia Dagang Bagi Para Pelaku Umkm Di Desa Lerep Kabupaten Semarang Dalam Meningkatkan Perekonomian Daerah," *Jurnal Pengabdian HukumIndonesia*, 2021.

<sup>8</sup> Tri Yanthi, "Klausul Non-Kompetisi Dalam Perjanjian Kerja Sebagai Bentuk Perlindungan Rahasia Dagang," *Jurnal Ekonomi, Kolerasi & Kewirausahaan* 15 (January 2025): 2.

confidentiality of their intellectual work<sup>9</sup>. In the absence of adequate protection mechanisms, companies may lose the edge they have worked so hard to build. Therefore, trade secret protection includes not only legal regulations, but also broader business approaches, such as internal policies and awareness of the importance of maintaining business secrets.

What is of much concern to the wider community today is culinary. both ordering through the GrabFood application and coming directly to the place. Which is also a form of human life needs. In recent years, the Culinary Business or in this case the food industry has become one of the fastest growing business sectors. This industry has the potential to continue to grow. The culinary business can generate monthly profits ranging from millions to hundreds of millions of rupiah. Data from the Indonesian Creative Economy Agency is comparable to this data. On the same occasion, Fadjar Hutomo, Deputy for Access to Capital at Bekraf, informed that of the 16 creative economy sectors in Indonesia, among them 30% percent for the creative economy include culinary, fashion, and crafts. Culinary business contributes up to 34%. Lifestyle opportunities will increase along with the increase in per capita income levels. Culinary will of course always be sought after, not just eating because you are hungry but eating because it becomes a lifestyle<sup>10</sup>. The culinary business certainly cannot be separated from the ingredients and recipes passed down from the owner.

In this regard, the Indonesian government created a law to protect trade secrets, which have high economic value. This law includes a definition of trade secrets and provides a clear legal framework on how companies especially MSMEs can protect their trade secrets.<sup>11</sup> Trade secrets are valuable assets in a company so that they must be kept confidential and get protection. If the trade secret is revealed to other parties outside the agreement, it can cause losses to the inventor of the trade secret. To reduce losses, according to Law No. 30 of 2000 concerning Trade Secrets, trade secrets are information that is not known to the public in the fields of technology and / or business, has high economic value because it is useful in business activities, and is kept confidential by the owner of the trade secret.<sup>12</sup> However, even though the Act provides legal protection for trade secrets, the fact remains that many information leaks occur after an employee leaves the company and joins another competitor. Therefore, it is considered important that business people get protection.

The solution to maintain confidentiality should have been carried out in accordance with the Trade Secrets Law, so if there is disclosure of confidential information to third parties for commercial purposes, it can be suspected that there has been a trade secret

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<sup>9</sup> Talitha Shabrina Faramukti, "PERLINDUNGAN HUKUM RAHASIA DAGANG ATAS INFORMASI BISNIS DALAM PERJANJIAN KERJA DI KABUPATEN SLEMAN (Studi Cafe 'Ideologi Cafe' Di Sleman)," *Journal of Intellectual Property* 4 (2021).

<sup>10</sup> Adiguna Tumpuan, "PERANAN APLIKASI GO FOOD TERHADAP PERKEMBANGAN BISNIS KULINER," *Jurnal Pariwisata* 3 (2020): 26–30.

<sup>11</sup> Elly Nurhayati, "AKIBAT HUKUM TERHADAP PELANGGARAN RAHASIA DAGANG PADA INDUSTRI PANGAN," *Jurnal Analisis Hukum* 3, no. 1 (2020): 1–18.

<sup>12</sup> Velliana Tanaya, Jessica Vincentia Marpaung, and Audrea Dindya Djohan, "PERLINDUNGAN HUKUM RAHASIA DAGANG DALAM PERJANJIAN FRANCHISE COCOYO," *Jurnal Ilmu Hukum* 5 (2021).

violation. The owner of the Trade Secret Rights of Micro, Small and Medium Enterprises (MSMEs) can take civil legal action in accordance with Article 11 of the UURD, against any person who intentionally and without right commits a trade secret violation by disclosing trade secrets, renegeing on an agreement or intentionally renegeing on a written or unwritten obligation to maintain the trade secrets concerned. Infringement is also deemed to occur when a person acquires or controls the trade secret in a manner that is contrary to applicable laws and regulations. Contractual efforts are made to protect the confidentiality of recipes for Micro, Small and Medium Enterprises (MSMEs) in the culinary field by using a confidentiality agreement or a special work agreement for agreements made by culinary entrepreneurs with workers at the time the agreement is initially made.<sup>13</sup>

## II. RESEARCH METHODS

In terms of its type, this research is classified as Normative Legal research, namely research conducted by examining secondary legal materials or research based on standard rules that have been booked, also known as library research<sup>14</sup>. Peter Mahmud Marzuki said that legal studies (normative) are the process of looking for legal regulations, legal principles, or legal doctrines that can provide answers to legal problems at hand. Normative legal studies are carried out with the aim of producing new arguments, theories, or concepts in order to provide recommendations in overcoming the problems at hand. The specification of this research is Descriptive Analytical, namely by providing data as accurately as possible about the situation and other symptoms related to the legal consequences of trade secret defaults in culinary business agreements for micro, small and medium enterprises. With the aim of analyzing and understanding the form of legal protection of trade secrets in MSME culinary business agreements. This research was conducted using secondary data obtained from data sourced from primary, secondary and tertiary legal materials<sup>15</sup>.

## III. DISCUSSION

### Legal Protection of Trade Secrets in Culinary Business Agreements for Micro, Small and Medium Enterprises

Today's business world is increasingly competitive in the era of globalization. To gain a competitive advantage, all businesses strive to create new products or services. However, confidential information, such as production methods, recipes, formulas, and special designs that make goods or services unique, often contribute to this success.

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<sup>13</sup> Hani Subagio, "Pentingnya Perlindungan Hukum Terhadap Rahasia Dagang Bagi Pengusaha Kuliner Pengolahan Makanan Dan Minuman," *Jurnal Ideas* 8 (2022), <https://jurnal.ideaspublishing.co.id/index.php/ideas/article/view/726/328>.

<sup>14</sup> Suteki and Galang Taufani, *Metode Penelitian Hukum*, Raja Grafindo Persada (Depok: Raja Grafindo Persada, 2018).

<sup>15</sup> Peter Marzuki, *Penelitian Hukum* (Jakarta: Kencana Prenada Media Group, 2010).

The Indonesian government created a law to protect trade secrets, which have high economic value. This law includes a definition of trade secrets and provides a clear legal structure on how companies especially MSMEs can protect their trade secret recipes.<sup>16</sup>

In Indonesia, the regulation on Trade Secrets is regulated in Law Number 30 of 2000 concerning Trade Secrets. The owner of a trade secret is the person who discovers the trade secret (originator) and holds full rights to the trade secret, which is stated in article 4 which reads for the owner of the secret. The protection of trade secrets provided by the state essentially stems from the civil relationship between the owner of the trade secret and the holder of the trade secret or further recipient of trade secret rights in the form of a trade secret license with third parties who do not have the right to take legal actions which commercially utilize the trade secret, including those who provide trade secret information incorrectly, and who receive it contrary to the law<sup>17</sup>.

The provisions on trade secrets are not only regulated in this law, but also regulated in Article 23 of Law Number 5 Year 1999 on the Prohibition of Monopolistic Practices and Unfair Business Competition. Because, the legal protection of trade secrets is intended to avoid monopolistic behavior or unfair business competition among business actors<sup>18</sup>. Basically, the protection of trade secrets is a form of state obligation, with the existence of regulations governing trade secrets is one form of legal instrument in carrying out these obligations.<sup>19</sup>

Trade secrets are included in the category of Intellectual Property Rights, which also includes methods, habits, practices, or strategies used by individuals and groups in their business activities. Trade secrets are also referred to as Undisclosed Information (WTO/TRIPs), Confidential Information (UK), or Trade Secret (US). The protection of trade secrets itself includes several things, ranging from the production process to the sales process, and whose economic value is not known by the general public. the protection of trade secrets can be protected if the information is confidential so that the general public cannot know what is contained in it. because the information has a high economic selling value so that it can be protected require clear protection<sup>20</sup>. Trade secrets cover two aspects, the first is the technological aspect which includes model products, computer software, quality product formulas, and production processes. The second is the commercial aspect which includes strong efforts to advance the company/trade, management of the company's production prospects, production and marketing of the company, and computerization of the company's prospect data<sup>21</sup>.

<sup>16</sup> Simanjuntak, "PERLINDUNGAN HUKUM ATAS RAHASIA DAGANG: KEAMANAN INFORMASI DALAM DUNIA BISNIS," LinkedIn, 2023, <https://id.linkedin.com/pulse/perlindungan-hukum-atas-rahasia-dagang>.

<sup>17</sup> Suwardi, "Perlindungan Hukum Terhadap Usaha Waralaba Terkait Rahasia Dagang Pada Perjanjian Dibuat Sesuai UUNo.30 Tahun 2000," *SEIKAT: Jurnal Ilmu Sosial, Politik Dan Hukum* 3 (2024).

<sup>18</sup> A H Sanjaya, A P Salsabila, and ..., "Aspek Hukum Rahasia Dagang Dalam Ekonomi Digital," *Multilingual ...* 3, no. 4 (2023): 479–87, <https://ejournal.penerbitjurnal.com/index.php/multilingual/article/view/619%0Ahttps://ejournal.penerbitjurnal.com/index.php/multilingual/article/download/619/543>.

<sup>19</sup> Lalu Muh Dani Aldi Pranata, "PERLINDUNGAN RAHASIA DAGANG DALAM BISNIS KULINER (Studi Di Bertais Restoran TAMNAKA)" (Universitas Mataram, 2023).

<sup>20</sup> Bilqis Purnomo and Annisa Hikmah, "Upaya Perlindungan Hukum Terhadap Pelaku UMKM Dalam Rahasia Dagang Melalui Perspektif HKI," *Gudang Jurnal Multidisiplin Ilmu* 2 (2024): 88.

<sup>21</sup> Suwardi, "Perlindungan Hukum Terhadap Usaha Waralaba Terkait Rahasia Dagang Pada Perjanjian Dibuat Sesuai UUNo.30 Tahun 2000."

The protection of trade secrets does not need to go through a registration process with the Directorate General of Intellectual Property Rights as implied in the provisions of Article 3 paragraph (2) of Law 30/2000. Based on Article 3 of Law 30/2000, information can be categorized as a trade secret if it meets the following three requirements: 1. The information is confidential, in that the information is only known by certain parties or is not generally known by the public; 2. The information has economic value, in that the confidential nature of the information can be used to carry out commercial business activities or can increase economic profits; and 3. The information is kept confidential, if the owner or the parties who control it have taken feasible and appropriate steps. The scope of trade secret protection according to Article 2 of Law 30/2000 includes “processing methods, sales methods, or other information in the field of technology and/or business that has economic value and is not known by the general public”.

Trade secrets can obtain legal protection if these three conditions are met. If one of the three conditions above is met, trade secret protection itself functions automatically without the need for registration. In addition, trade secret protection does not stipulate a period of validity. The owner of a trade secret also does not need to register it to obtain legal protection, Sudarmanto said that the law directly protects trade secrets if the information is confidential, has economic value, and is kept secret<sup>22</sup>.

Micro, Small, and Medium Enterprises (MSMEs) play an important role in the ASEAN economy, as 96% of the ASEAN economy comes from MSMEs.<sup>23</sup> The micro, small, and medium enterprise (MSME) industry is one of the sectors that has a high employment rate. These businesses have the largest number of workers.<sup>24</sup> Because Micro, Small, and Medium Enterprises (MSMEs) are the backbone of the world economy, in Indonesia alone, 64 million MSMEs represent 99% of total business activities and have contributed more than 97% of employment in developing countries.<sup>25</sup>

These MSMEs should create a written agreement that obliges the parties. It is intended that MSMEs themselves have an agreement that is binding on both parties by entering into an agreement. In the work agreement, the parties can fill in various matters relating to trade secrets to maintain confidential information that is kept secret. While the agreement is still in progress even after the end of the agreement in accordance with the principle of freedom of contract as well as under the trade secret law, trade secrets are forever and as long as the other party does not know the confidential information will also receive legal protection.<sup>26</sup>

Trade secrets are entitled to be owned and used by the owner or the owner may also grant a license to others to use the trade secret. The owner also has the right to

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<sup>22</sup> Aisyah Thalib, Nabilah Dibah, and Agus Riswandi, “Unveiling the Vital Role of Trade Secrets in Sustaining Culinary Businesses for MSMEs,” *Journal of Judicial Review* 26 (2024): 11.

<sup>23</sup> Salam et al., “Penerapan Kekayaan Intelektual Bidang Merek Dan Rahasia Dagang Bagi Para Pelaku Umkm Di Desa Lerep Kabupaten Semarang Dalam Meningkatkan Perekonomian Daerah.”

<sup>24</sup> (Purnomo & Hikmah, 2024).

<sup>25</sup> Rizkyka Sheline Giovani and Sebastian Stevanno Entoh, “Peran Hak Kekayaan Intelektual Terhadap UMKM Ditinjau Dari Aspek Hukum Dan Ekonomi Indonesia Authors,” *Anthology: Indise Intellectual Property Rights* 2 (2024): 187.

<sup>26</sup> Rivaldo Avianto, Made Mahendrawati, and Dwi Arini, “Perlindungan Hukum Rahasia Dagang Atas Informasi Bisnis Dalam Perjanjian Kerja Di Kota Denpasar (Studi: Street Food Hoki Takoyaki),” *Jurnal Analogi Hukum* 4, no. 3 (2022): 240.

prohibit others from divulging the owner's trade secrets to irresponsible parties. Trade secret rights can transfer to another person by inheritance, grant, will, agreement, or any other reason authorized by law. This transfer of rights must be in writing in the form of a transfer of rights document and must be registered with the Directorate General of Intellectual Property Rights. A trade secret owner who grants a license to another party must also be registered with the Directorate General of Intellectual Property Rights. Therefore, what is recorded is a license agreement. This license is different from the transfer of rights<sup>27</sup>. In Article 1 point 5 of the Trade Secrets Law, a license is mentioned as a permission granted by the holder of trade secret rights to another party in the form of an agreement to grant the licensee the right to enjoy the economic benefits of a trade secret that is given protection within a certain period of time and under certain conditions. Meanwhile, the transfer of trade secret rights means that the trade secret rights are transferred to the new right owner based on inheritance, grants, wills, or written agreements.

The rule of law often protects various trade secrets from misuse by others. Concepts or information that receive protection are as follows: (1) Customer lists, (2) Market research, (3) Technical research, (4) Recipes or concoctions used to obtain products, (5) Ideas and concepts based on marketing or advertising, (6) A way to change or obtain a new product with a machine tool.<sup>28</sup>

Protection of information is basically a very important thing in an effort to ensure the smooth development of business in various aspects in any country. One of the countries that has always been criticized internationally for its frequent violations of intellectual property rights, especially trade secrets, is Indonesia. In addition, concerns about the weakness of intellectual property protection through trade secrets in Indonesia affect how an idea can continue to be developed in the local market and ensure that the idea does not fall into the hands of others, especially outsiders, who have more funds to implement the idea into the real world. If the concept is not implemented properly, it will stifle innovation in Indonesia's existing markets, weaken the creative culture, and increase Indonesia's dependence on foreign technology and innovation.<sup>29</sup>

### **Challenges Faced by MSMEs in the Culinary Sector in Implementing Legal Protection of Trade Secrets Through Business Agreements**

In Indonesia, businesses protect trade secrets by signing agreements with their employees to prevent unauthorized persons from using or disseminating trade secret information without the owner's knowledge. The agreement is made by both large businesses and MSMEs. Legal protection of trade secrets can be provided if the information has confidentiality, economic value, and the owner makes reasonable efforts to maintain confidentiality. Business actors can use confidentiality agreements to bind their employees to protect the company's trade secrets. The legal protection of trade

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<sup>27</sup> Tanaya, Marpaung, and Djohan, "PERLINDUNGAN HUKUM RAHASIA DAGANG DALAM PERJANJIAN FRANCHISE COCOYO."

<sup>28</sup> Rizkia Dwi Nanda and Ferdiansyah Hardi, *Hak Kekayaan Intelektual Suatu Pengantar* (Bandung: Widina Bhakti Persada Bandung, 2022).

<sup>29</sup> (Sudirman & Disemadi, 2023).

secrets is loaded directly by the owner of the trade secret as long as it is kept confidential, because the intellectual property law system, especially trade secrets in Indonesia, does not need to register the right. *Klik atau ketuk di sini untuk memasukkan teks.*

Meanwhile, the concept of small and medium enterprises (MSMEs) is a group of businesses that originate from the will and efforts made by the community and utilize the potential and capital owned by the community. Businesses are developed through community efforts, and in this case the role of the government is actually not too large in MSME businesses. The government only intervenes in capital, marketing, and management issues on certain topics and activities. Meanwhile, MSMEs are the type of business that absorbs the most labor, more than 90% of business forms in Indonesia are MSMEs. Therefore, this group should receive greater attention. When linked to Article 33 of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), which states that the Indonesian economy is built on collective efforts and is based on the principle of kinship. Small and medium-sized businesses (MSMEs) are considered to have the ability to become a strong economic center in Indonesia, with the ability to develop into companies while driving the people's economy in various sectors.<sup>30</sup>

The number of MSMEs in Indonesia reaches 64.2 million, according to data released by the Indonesian Ministry of Cooperatives and SMEs. With a labor absorption of 97% and the ability to raise up to 60.4% of total investment, the MSME sector has contributed to an increase in Indonesia's GDP in 2020 by more than 8,000 trillion rupiah or 61.07%. The government certainly wants to encourage the use of MSMEs as one of the ways to recover the economy after the pandemic. because they are a big factor in increasing labor absorption and foreign exchange. The Indonesian economy benefits from the presence of MSMEs in terms of monetary and human resources. The more MSMEs, the more jobs available to the community as well as new job opportunities. The emergence of new types of business ventures certainly makes several types of businesses diverse in various sectors. As business competition is getting tougher, businesses face the challenge of staying creative so that their products can compete with other businesses.<sup>31</sup>

The development of the business industry and technology, MSMEs are facing more challenges, the first in terms of trademark registration, which is very important in the modern era. the second, MSME owners face the challenge that many MSMEs do not understand the existing legal rules. the third is the lack of information about conflict handling and trademark registration. The Fourth, limited resources and budget constraints. Fifth, high competition encourages MSMEs to innovate frequently and maintain confidential information. And finally, the risk of violation by employees, where employees can leak confidential information that is not properly protected.

### **Implementation of Law No. 30 of 2003 concerning Trade Secrets in Protecting the Occurrence of Violations of Trade Secrets**

According to Article 1 of Law No. 30 of 2000, a trade secret is information that is not known by the public in the field of technology or business that has economic value because it is used in business activities and is kept confidential by the owner of the trade

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<sup>30</sup> (Putri Hidayat Dwithia Febriena, 2022).

<sup>31</sup> Rahmawati Dyah.



secret. In addition, according to Article 3 Paragraph 1 of Law No. 30 of 2000, trade secrets will receive protection if the information is confidential, has economic value and is kept confidential and is used in business activities. Meanwhile, we need to know, why Indonesia needs to have a law that specifically protects and regulates Trade Secret rights, namely: (a). To build a competitive industry, in this case being able to compete in domestic and international markets, intellectual property rights must provide legal protection for trade secrets to encourage creativity and innovation of business actors. (b). To meet the demands of the Agreement Establishing the World Trade Organization, which includes the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRPs Agreement), ratified by Law No. 7 of 1994. Therefore, it is clear that the UURD was established and promulgated to achieve the following objectives: a. Improving Indonesia's industry;

b. Fostering the development of new inventions that can improve the industry; c. Protecting the legal interests of inventions, especially new inventions; and d. Ensuring legal certainty that inventions are not discarded. Ensure legal certainty that an invention does not infringe trade secret rights.

#### **IV. CONCLUSION**

The existence of discretion should be used as well as possible by the tools for urgent problems for which there are no rules; 3) Must be accountable.

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