



# CRIMINAL ACCOUNTABILITY FOR TRADE SECRET CRIMINAL ACTIONS IN INDONESIA

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<p><b>Received:</b> 26<sup>th</sup> May 2023 <b>Accepted:</b> 26<sup>th</sup> June 2023 <b>Published:</b> 26<sup>th</sup> July 2023</p>	<p>On the issue of criminal liability for the perpetrators of trade secret crimes in Indonesia, it can be concluded that the handling of criminal liability cases against the perpetrators of trade secret crimes in Indonesia is still not going as well as expected by the owners of trade secrets in Indonesia. The owners of trade secrets who are victims of the perpetrators of trade secret crimes feel that they have not received proper trade secret protection because the trade secrets owned by the owners of trade secrets are obtained through hard work and require special expertise. They spend a lot of time and money, so the secret trade has a sale value. As a result of this, it is necessary to have legal protection for the business owners of trade secrets so that their trade secrets can be properly protected. The formulation of the problem in this research is: what is the scope of trade secrets in Indonesia? And what is the criminal responsibility of the perpetrators of trade secret crimes in Indonesia? The theories used in this study are the theory of trade secrets and the theory of criminal liability.</p> <p>Research methods in this study use normative juridical, being research is legal principles and legal principles that are still valid, and what is studied is data originating from the literature and court decisions.</p> <p>The results of this study indicate that the general public's understanding of Law Number 30 of 2000 concerning Trade Secrets, both from the perspective of ordinary people or owners of trade secrets, namely economic actors or entrepreneurs, as well as from the perspective of law enforcers themselves, still lacks understanding, and many do not even know about the trade secret act. This is evidenced by the several cases analyzed in this study and the results of different judges' decisions. socialization and also a detailed explanation regarding the contents of Law Number 30 of 2000 concerning Trade Secrets must be further moved or developed so that the objectives of the trade secret law, which are to promote industries that are able to compete in the scope of national and international trade, can be achieved or maximized..</p>

**Keywords:** Criminal Acts, Criminal Liability, and Trade Secrets

## INTRODUCTION

Economic development nation in the era of globalization must can support growing business world so that capable produce various goods that have content technology that can increase well-being public many and all at once get certainty on goods and/ or services obtained from trading without resulted loss consumer . In line with matter that , more and more open national market as consequence from the globalization process economy must still ensure enhancement well-being public as well as certainty on quality, quantity and safety goods obtained in the market, and for increase honor and dignity consumer need increase awareness, knowledge , concern , ability and independence consumer For protect himself as well as develop attitude perpetrator responsible business answer , through awareness consumer in determine rights , among others correct information about product the goods he received . in tune with demands reality life public modern the of course will bring up changes in various field , especially increasing progress in the field trading economy both retail and services. Trading economy , fine trading retail nor trading services , is same and grouped to in trade . Business is activity How A company operate For reach goal .

Trade is activity A organization in fulfil need public with create goods or service For get profit in increase quality life them . Considering the business world mature This Lots done with method create product new or produce something product new different with products before and is bulk with objective For get more profit big , then in matter This holder confidential trade hope confidential trade get protection law . For That government Republic of Indonesia on December

20, 2000 formed Law No. 30 of 2000 about Confidential Trade, State Gazette of the Republic of Indonesia Number 242 of 2000.

According to Article 1 Law no. 30 of 2000 about Confidential Trade is information that is not known by the public in the field technology and/ or business, have mark economy Because useful in activity work and take care kept confidential by the owner Confidential trade. The thing meant with right on confidential is right on confidential established trade \_ in accordance with Constitution Confidential trade.

Perpetrator trade must own findings new or innovation new in scope business Where aim For increase economy. Activity intellectual the done For create something creative thing, where the process of realizing an idea or idea For become riches intellectual. Activity intellectual the covers means infrastructure, cost, time and effort. If all That fulfilled, then activity the will produce riches intellectual, because That need to be kept confidential information findings that is also called a secret trade. No all inventor or circles businessman try disclose his findings. They still want to guard secrecy work intellectual them. In matter This secrecy works intellectual is necessary interests protected. birth Constitution This because competition business No inseparable from the life of entrepreneurs For obtain huge profits or For reach profit. For obtain profit that often happens fraud in the competition business such and many raises conflict between businessman One with another entrepreneur or between businessman with worker or ex- worker company the Where conflict the can raises loss for the parties conflict, so needed the law will arrange every deed cheat competition business the.

Arrangement about confidential trade No only arranged in Constitution Confidential Trade, but also regulated in Law No. 5 of 1999 concerning Prohibition Practice Monopoly and Unfair Business Competition, one of them in Article 23 which says that: the perpetrator business forbidden conspiring with other party for get information activity business classified competitors as confidential company so that can resulted happening competition business No healthy". The more height competition business that doesn't Healthy between company, will raises appearance case violation confidential trade.

According to Article 1 No. 30 Years Year 2000, that is with confidential trade is information that is not known by the public in the field technology and/ or business, have mark economy Because useful in activity business, and also confidentiality by the owner confidential trade.

Basically Confidential Trade own room scope based on Law No. 30 of 2000 referred to in Article 2 of the Law This is scope protection confidential trade covers method production, method processing, method sales, or other information in the field technology and/ or owning business mark economics and no known by the public general.

A country should protect various type confidential trade from abuse perpetrator follow criminal confidential trade. Draft or information received protect is, customer list, market research, research technical, recipe Cook or the ingredients used For produce A product particular, system Work certain enough profitable, idea or underlying concept campaign advertising or marketing, information finance or price list showing margin profit from A product, a method To use change or produce something product with use material chemistry or tool machine if a information trade owned by a person or legal entity what's of value economical, however the owner No make an effort guard secrecy, no can categorized as as confidential trade. There must be " efforts as should " keep secrecy., p This desired by the owner business To use protect whole information in the field technology and trade by nature secret and of great value economical for the owner in operate his company.

For example inside something company must There is procedure raw based on practice generally applicable in other places and / or used to in internal company regulations That alone. Likewise in internal company regulations can set How confidential trade That guarded and pointed someone in charge on secrecy confidential trade the.

Condition Confidential Trade set inside Article 3 UURD. A Confidential Trade get protection if A information fulfil condition as following:

1. Nature secret, a information considered characteristic confidential if information the only known by the parties certain or No is known in a manner common by society.
2. Have mark economics, a information considered own mark economy if characteristic secrecy information the can used For operate activity or nature of business commercial or can increase profit in a manner economy.
3. There is effort guard secrecy, a information considered guarded secrecy if owner or the parties who control it has do effort For guard its secrecy in form fairness, eligibility and compliance. this Can done in form rule standard that is formed and written inside regulation in company, including choosing responsible person on secrecy ( statutory explanation).

Intellectual Property Rights System to confidential trade that is use System Confidentiality, where confidential trade the No need registered to Directorate General of Property Rights Intellectual, however only Enough kept secret. Constitution give period time protection confidential trade. During valuable information economical can kept secret by the owner confidential trade, then Constitution give legal protection for confidential trade the.

Confidential trade can switch or diverted to other party with method inheritance, gift, testament, agreement written or other reasons permitted by law legislation. Special For diversion right with agreement, fixed necessity diversion with deed. it important remember so wide strange accessible aspects. All containing letter diversion must truly noticed so confidential trade No open so that No remove characteristic secrecy.

Secret Rights Holder Trade entitled give Licence keada other party based agreement Licence For carry out deed law like:

“ Using Alone confidential trade have and give licence to or forbid other party for use confidential trade or disclose confidential trade That to party third For interests that have mark economy ”.

Licence is something form right For do One or series action or deeds , given by those in authority in form permission . Without exists permission such , then action or deed the is something actions that are prohibited by law and constitute deed oppose law . Licence There are two known types in practice gift license, namely :

1. License General is known license in a manner wide in practice, that is happening something talks or negotiation between giver licensee and beneficiary license .
2. License forced or licence must is license granted No in a manner voluntarily by the owner or holder a right Riches Licensed intellectual in a manner forced the, but given by a institution that has authority .

According to Article 4 of the Law Confidential Trade , owner confidential trade own right For use Alone confidential trade he owned and gave licence or forbid other party for use it or reveal it to party third For inherent interests commercial . Second party the characteristic exclusive . Obligation owner confidential trade is pay attention and care secrecy confidential trade with right and proper . The more development company service finance in Indonesia especially or specifically financing at this time , make competition business in the field service financing in Indonesia has become very attractive For get promising profits and profits . The rise company financing Now This certainly very impact on very tight competition between perpetrator business financing in Indonesia, either financing vehicle , house stay , and others. one example case problem law criminal confidential trade as happened in the city of Manado. Where in the area This has happen development in matter establish company financing with variation very competitive rates . Competition Very tight funding This make companies financing each other offer ethnic group various flowers variety with hope that it can get consumer or user cost as much maybe , with objective the more Lots consumers who use cost company financing such , then Of course will the more so will the more Lots profit or their profit get .

Problems crime that occurred business financing as happened in the city of Manado is , taking or theft of consumer data by someone employee company so called financing as perpetrator follow criminal , with give it to another company that is competitor from company Where place employee perpetrator follow criminal the work .

Constitution confidential trade this is in fact Little is known about the perpetrators business as owner confidential trade , where impact on the perpetrators no business either own effort law and lack give protection to confidential trade to be done by the owner confidential trade if there is parties who don't responsible answer steal , leak , use or plagiarize in a manner blatantly on confidential trade owned by perpetrator business as owner confidential trade . Confidential trade the naturally own mark economical or mark very high selling or worth Because can give profit more from results sale on confidential trade the .

Can seen in a manner real that Constitution Confidential Trade have role important for something business that can produce must innovation guarded secrecy for some reason profit from everything that has done To use obtain profit the .

Steps For guard secrecy confidential trade should need done by each perpetrator trade for secrecy confidential trade No stolen , leaked , or taken without rights by the parties another , with method give input from the parties related in matter this is related with enforcement law criminal confidential trade as form protection law . For as effort prevention so you can minimize loss for perpetrator business as owner confidential trade , and so that actors business as owner confidential trade can feel can feel protection real law from government, then forward government expected to continue do efforts or steps socialization Again about protection law confidential trade this , as well repair all form or contents written inside articles Law No. 30 of 2000 about Confidential Trade for the sake of giving certainty law for the perpetrators trade in Indonesia.

In accordance with title and summary problem to be writer discuss or thorough in research this , then writer will convey a number of example case accountability criminal perpetrator follow criminal confidential trading in Indonesia . As for some example case accountability criminal perpetrator follow criminal confidential trade that occurred in Indonesia is as following:

1. Case No. 332 K/PID. SUS/2013

Case This is about dispute criminal confidential trade concerns intermediate coffee recipe coffee factory cv. Tiga Putra Berlian Coffee belonging to the victim Jhon Satria Salim with coffee factory cv. Wishing Star belongs to Hi Pin as defendant . Case criminal confidential trade This happened on Jl. Palu Nagaya III No. 43, Tondo Village , District East Palu , Palu City or at least elsewhere in area law Palu District Court . In case No. 332 K/PID.SUS/2013 here The Supreme Court of the Republic of Indonesia stated Defendant Hi Pin proven in a manner valid and convincing guilty do follow criminal “ Without Right to Use Confidential Trade Other Parties ” accordingly Article 17 paragraph (1) of Law no. 30 of 2000 about Confidential Trade , where The Supreme Court of the Republic of Indonesia ruled criminal to Defendant Hi Pin with criminal prison for 1 ( one ) year 6 ( six ) months and a fine 5000,000.00 (five million rupiah), with provision If fine the No paid , then replaced with confinement for 2 (two) months .

2. Case No. 1897 K/ Pid. Sus /2018

In case This happen changeover criminal confidential trade between the accused Diah Nurhayani bint Jaja Junaedi who is employee private as assistant manager production at PT. Shafira Barrel Persada Bandung City which produces fashion Muslim with brand Shafira , Encyclo Zoya, and others. Defendant Diah Nurhayani bint Jaja Junaedi as assistant manager production at PT. Shafira Barrel homeland indicted as has arranged in Article 17 Paragraph (1) of the Law

Republic of Indonesia No. 30 of 2000 about Confidential Trade , that is with intentionally and without right reveal confidential trade or not operate obligation For guard confidential trading PT. Shafira Barrel Persada . In Case No. 1897 K/ Pid. Sus / 2018 this The Supreme Court of the Republic of Indonesia decided that deed the defendant Diah Nurhayani bint Jaja Junaedi No fulfil element follow criminal as intended in Article 17 Paragraph 1 (one ) of the Law Republic of Indonesia No. 30 of 2000 about Confidential Trade , with liberate the defendant Diah Nurhayani bint Jaja Junaedi , charged cost matter throughout level judiciary and at the level cassation to the State.

### 3. Case No. 111/ Pid. Sus /2019/ PN. Mnd

Case This discuss dispute criminal confidential trade between company financing namely PT. Oto Multiartha Manado Branch with defendant named Rico Rewah which is PT employees Oto Multiartha Manado Branch itself . Rico Rewah was indicted in accordance Article 17 paragraph (1) of Law no. 30 of 2000 about Confidential Trade Joe. Article 55 (1) 1st Criminal Code. In case This is Rico Rewah as PT employees Oto Multiartha Manado Branch section Admin Assets ordered the Sultan who has the status of an office boy to provide consumer data to Melki Karinda who is employee competitor from PT. Oto Multiartha Manado Branch namely BFI Finance company . In case Case No. 111/ Pid. Sus /2019/ PN. Mnd This The Supreme Court of the Republic of Indonesia decided and stated that defendant Niko Rewah proven in a manner valid and convincing do deed as charged , however No is crime or transgression , let go defendant from all demands law , restore rights defendant in position , ability as well as dignity dignity , and burdensome cost case to the State.

Based on examples case case criminal confidential the author 's trade convey as the author mention above , the author will also convey a number of results relevant research \_ with title and relevance or in accordance with example case criminal confidential the author 's trade write in a thesis proposal this . As for some results relevant research \_ is as following :

1. Research conducted by Himalay Typhoon (2008, USU, Medan), title study Legal Protection of Confidentiality trade . From the results study is known system protection Confidential Trade own room more scope \_ wide , because there is the provisions therein that the doing party violation can imposed demands Good in a manner civil nor criminal , and for maintain Confidential Trade owner or holder Confidential Trade can do various appropriate way \_ with applicable law . Consists from : a) create agreement written , b) made agreement Work between party company with employees , 3) confidential trade must always entered in group information or data that is secret , 4) parties company load sign identifier for everyone for \_ avoid entry party outside to in company and 5) parties company must also make book go out enter everyone who enters company .

2. Research conducted by Amelia Retno Wulandari (2017, UNDIP, Semarang), with title study Legal Protection Against Existence Method Sale Viewed from the Law Confidential trade . From the results study is known based on decision court level First in case Lunpia Express and Lunpia Delight stated that method the sale in question in lawsuits the No is confidential trade . Whereas in court appellate level stated that method the sale in question the is confidential trade and earn protection law . Up to the point This side won Lunpia Express in action as plaintiff .

3. Hayakal Azmi, et al (2021), with title study Secret Legal Protection Trade ( Studies at PT. Haifa Paraestetiderma ). From the results study is known Director of PT. Haifa Paraestheticerma has do various effort To use protect confidential trade his company so that proper get confession as confidential trade and protection law in a manner maximum .

From the results observation is known study previously own same study that is about Confidential Trade , in Amelia Retno's research Wulandari (2017), only focused on Method Sale as room scope protection Confidential Trade in case Lunpia Express and Lunpia Delight, next in study Himalayas Typhoon (2008), still characteristic narrow ie only researching protection law on Confidential Trade in accordance with arrangement in Law No. 30 of 2000 about Confidential Trade furthermore in study Hayakal Azmi, et al (2021), stated various efforts made by PT. Haifa Paraestheticerma To use protect confidential trade his company so that proper get confession as confidential trade and protection law in a manner maximum . Whereas in the research studied writer focused on accountability law perpetrator without right use confidential trade the other party follows regulation applicable laws . because \_ it's this proposal can accountable , however if Once done the same research , then study This expected can complete it as well as can become material comparison . Based on background back and problems around accountability law perpetrator without right use confidential trade other side of the author interested For stage study regarding " Responsibility Criminal Perpetrator follow Criminal Confidential Trade in Indonesia".

## RESEARCH METHODS

Method study is method or method used. For collect research data and compare them with size standards that have set . order research This fulfil criteria scientific , then researcher use method that doesn't deviate from existing provisions \_ namely :

### 1. Type Study

Type study law is carried out in study This that is juridical normative . Research law normative discuss about doctrine or principle law . According to Soerjono Soekanto , " research law normative or study law doctrinal is studies literature Because his research based on conditions law written or document law others ". According to



- Amiruddin and Zainal Asikin study normative law conceptualized as what is written in regulation legislation (law in books) or law conceptualized as stipulating rules something draft to behavior suitable human with existing rules .
2. Approach Study  
Approach research used in study This are :
    - a. Approach Legislation (Statute Approach)  
Approach legislation is approach taken with study all regulation relevant laws and regulations cant with issue researched law .
    - b. Approach Conceptual (Conceptual Approach)  
Approach Conceptual (Conceptual Approach) is approach in study the law provides corner view analysis settlement problem in study law seen from aspect concepts the law behind it or even can seen from contained values in normalization A regulation relation with the concepts used .
    - c. Approach Analytical (Analytical Approach)  
Approach Analytical (Analytical Approach) is analysis to material law For know meaning contained by the terms used in regulation legislation in a manner conceptual , all at once know its application in practices and decisions law .
    - d. Approach Case (Case Approach)  
Approach Case (Case Approach) is approach in study law normative researchers \_ try build argument law in perspective case happening concrete \_ in the field .
  3. Source Legal Materials  
For study and discuss existing problems in study this , Researcher use source material law . Source material obtained law expected can support study this . Material law to use in study This is material primary laws and materials law secondary .
    - a. Primary Legal Materials  
According to Peter Mahmud Marzuki , materials primary law is source nature law authoritative possessing understanding authority or authority . In matter This material primary law consists regulation legislation, government - issued records , or rule formation applicable laws and regulations as well as decision court . In study this , Researcher use material Primary law , including :
      - 1) The 1945 Constitution of the Republic of Indonesia .
      - 2) The Criminal Procedure Code .
      - 3 ) Criminal Code .
      - 4) Law of the Republic of Indonesia No. 12 of 2011 concerning Formation Regulation Legislation .
      - 5) Law no. 30 of 2000 about Confidential Trade
      - 6) Law no. 5 of 1999 concerning Prohibition Practice Monopoly and Unfair Business Competition
      - 7) Regulations other related with case follow criminal Confidential trade .
    - b. Secondary Legal Materials  
Material law secondary is the data obtained from various source law that is shaped regulation which legislation relate with Law No. 30 of 2000 about Confidential Trade , books references , magazines , results related research with material research . Material law secondary that is tight materials relation with material primary law and can help analyze ingredients primary law , like literatures or written work scientific experts and others .
    - c. Tertiary Legal Materials  
Material law tertiary is material law support that provides explanation to material primary law and/ or used secondary in study this , ie dictionary law and other related matters with Law No. 30 of 2000 about Confidential trade .
  4. Collection Techniques Legal Materials  
Collection ingredients law done with method identify and inventory rule law positive , research material library ( books , journals scientific reports results research ), and sources material law other relevant with problem studied law . Ingredients existing law collected , next classification , selection and confirmation No contrary One another , use make it easy analysis and research in detail.
  5. Analysis Techniques Legal Materials  
Interpretation technique law used in study This interpretation systematic. Study to systematic law can carried out by law certain or law written. The goal is For stage identification to notions , main / basic in law , that is public law , subject law , rights and obligations , events law , relationship law and object law .  
Interpretation systematic leave from view that law is A system , which consists from a number subsystem . For know something text law in a manner Correct so interpreter must connect One provision with provision other. Something regulation legislation is system unit composed from chapters , chapters and verses . Each rule the No can separated , however is One unit composed from law .

### RESEARCH RESULT

Trade Secret Law No. 30 of 2000 concerning Trade Secrets has explained regarding the scope of protection of

Trade Secrets in CHAPTER 2 Article 2 that the scope of Trade Secrets includes production methods, 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. The information in the Trade Secret itself is grouped into information in the field of technology and information in the field of business.

Trade Secrets are part of Intellectual Property (IP), intellectual property in general is the right to enjoy economically the results of intellectual creativity or human creations. KI is a right that was born as a result of human creativity. If a product is created from the results of human creativity, two rights will be attached to the product, namely moral rights and economic rights. Economic rights are rights to obtain economic value due to the creation of these rights products. Moral rights are the rights of the creator or the owner's rights that will remain and not disappear even though the copyright has been transferred.

Based on the explanation of the scope of trade secrets above and regulated in Law no. 30 of 2000 concerning Trade Secrets in CHAPTER 2 Article 2, owners of trade secrets or business actors are expected to understand what are the boundaries of trade secrets protected by law.

Business actor is any individual or business entity, whether in the form of a legal entity or not a legal entity, which is established and domiciled or carries out activities within the jurisdiction of the Republic of Indonesia either individually or jointly through agreements to carry out business activities in various economic sectors.

In line with the analysis of the Scope of Trade Secrets, TRIP's Trade Related Aspects of Intellectual Property Rights (TRIPs) agreements have influenced commercial law in particular, especially those relating to undisclosed information (trade secrets) in Indonesia. In 2000 the government has issued a package of laws covering the protection of plant varieties, trade secrets, industrial design and integrated circuit layout design (DTLST). Through Law No. 30 of 2000 concerning Trade Secrets, the Government has provided a legal certainty or legal protection to discoverers of trade secrets or business actors who do not want to reveal their trade secrets or the results of their discoveries.

Law No. 30 of 2000 concerning Trade Secrets precisely in Article 1 number (1) explains that the meaning of trade secret is, as information that is not known to the public in the field of technology and/or business, has economic value because it is useful in business activities, and is kept confidential by the owner of the trade secret.

The protection of trade secrets in the TRIP's agreement is based on efforts to guarantee effective protection to regulate unfair competition (Article 10 bis of the Paris Convention). Article 39 paragraph (1) of the TRIP's agreement stipulates that it is the obligation of members to provide protection for their trade secrets to prevent unfair competition, especially with respect to trade secret information and/or data information provided to the government or government agencies/agencies.

Undisclosed information (trade secrets) in essence is about information. Information is an explanation or description of certain ideas, events, situations, activities or processes in several forms. In general, information can be classified into 2 (two) categories, namely:

a. Open information (disclosed information).

Open information is information that is permissible or should be known by anyone as a member of the public because it is useful. Open information is usually published widely so that it is known by every member of the public.

b. Closed/secret information.

Closed/secret information is information that should not be known by anyone, except officers or officials who are authorized to carry out and store such confidential information. If the confidential information is leaked or intercepted by another party, then the nature of the secret will be lost, and the owner will experience a loss or loss of profit that is expected to arise from the secret information.

If we look at the formulation above which has explained the meaning of trade secret, then we can conclude that the meaning of trade secret includes the following elements:

- a. There is an understanding of the information;
- b. Such information is information that is not known by the public;
- c. The information is in the field of technology and/or business;
- d. The information must have economic value; And
- e. Such information must be kept confidential by the owner.

1) Information.

The Trade Secret Act provides absolutely no definition or understanding of information. Thus, does this mean that we must be able to find the meaning of information from the general understanding. Does this also mean that the information referred to here is not only information in written form but also oral information.

2) Not Known By The Public.

The Trade Secret Act also provides meaning and is not known by the public. The formulation of Article 2 of the Trade Secret Law only repeats the definition given above. If we read further, the formulation of Article 3 paragraph (2) of Law No. 30 of 2000 even tends to expand the limitations given in the meaning of Trade Secret. The formulation of the provisions of Article 3 paragraph (2) of the Trade Secret Law is as follows: "Information is considered confidential if the information is only known by certain parties or not generally known by the public."

If we read the formulation of Article 3 paragraph (2) we can see that the formulation does not begin with the intention of giving a definition of "not known by the public", but instead provides the formulation of "considered confidential", with an explanation that what is considered confidential is information that is only known by certain parties or not generally known by the public.

### 3) In Technology and/or Business.

The second limitation provided in the definition of Trade Secret by Law no. 30 of 2000 is that information must be in technology or business. The Trade Secret Act also does not provide further formulation or explanation of what it means in the field of technology and/or business. Formulation of Article 2 of the Trade Secret Law, which reads: "The scope of trade secret protection includes production methods, 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."

Means that in line with the explanation given above, information in the field of technology and/or business is information which is a process that can be in the form of a system or procedure or procedure for running a business activity, whether related to technology (in the form of product formulations) or the activity system of running the business itself (in the form of service products).

### 4) Has Economic Value

The third limitation given in the definition of Trade Secret is "having economic value". formulation of Article 3 paragraph (3) of Law No. 30 of 2000 formulated that: "Information is considered to have economic value if the confidential nature of the information can be used to carry out activities or businesses that are commercial in nature or can increase economic benefits."

The meaning of carrying out activities that are commercial in nature, shows that the information will be useful and profitable if it is carried out en masse, and not only intended and used in a limited way. Through a series of activities using confidential systems, procedures, processes, and/or formulas, the products, both goods and services produced, are expected to provide economic benefits.

## CONCLUSION

Based on analysis and discussion on, then obtained conclusion as following :

1. Scope \_ confidential trade in Indonesia based on Constitution Confidential Trade No. 30 of 2000 about Confidential Trade in CHAPTER 2 Article 2 which explains that room scope confidential trade consists from method production , method processing , method sales , or information others in the field technology and/ or owning business \_ mark economy , as well No known by the public general , still Not yet give explanation and understanding in detail and more detail to the owners confidential trade , mainly explanation and understanding in matter method production , processing , sales , or information other in the field technology and/ business , as happened in the case Case Number : 1897 K/ Pid.Sus /2018.
2. Accountability criminal confidential trade in Indonesia based on or in accordance with Case No. 332 K/PID.SUS/2013 and Case No. 111/ Pid. Sus /2019/ PN. Mnd , where decision chairman The Panel of Judges decides amar decision guilty in a manner valid and convincing to the perpetrators follow criminal confidential trade is as proof form accountability punishment of the perpetrators follow criminal confidential trade in Indonesia. it \_ Already prove that every perpetrator follow criminal confidential trade in Indonesia can requested accountability the crime in accordance with Law No. 30 of 2000 about Confidential Trade Article 17 paragraph 1.

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