

Legal harmonization of Management Creative Higher Education Media for Creative Industry Development

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Abstract

The development of the Creative industry in Indonesia has made great progress both in terms of the achievements of people, works and creative businesses in Indonesia. This achievement means that the Creative Industry in Indonesia has the potential to continue to be developed. In addition to potential, there are also constraints with existing problems, the availability of creative, professional, and competitive resources. This can be improved by two aspects, namely Education and Capacity Building for creative workers. In addition, the development of creative industries affects interests and hobbies as well as new knowledge that will give rise to new types of education, which in this case is in accordance with Law No. 20 of 2003 concerning the National Education System Article 1 General Provisions Paragraph 2 "National Education is Education based on Pancasila and the 1945 Constitution of the Republic of Indonesia which is rooted in religious values, Indonesian national culture and is responsive to the demands of changing times". Meanwhile, various legal products in the field of education are not entirely in line with the development of globalization. Legal products such as Education Laws and regulations already exist but when a new type of Education created by the development of globalization and technology as well as the development of creative industries appears in society according to the needs of the community, can these regulations be in accordance with that type of education? The purpose of this research is to create "Harmonization of the Legal Management of Creative Media Higher Education related to the fulfillment of the availability of creative resources (Creative People) who are professional and competitive", and "institutions that support the development of creative industries". The type or type of research chosen is normative juridical or empirical juridical which uses existing (explanatory) research and presents an explanation of the problem and tries to formulate a solution to the problem. This harmonization will be a bridge or regulation that can bridge the new type of Education with existing Education regulations and their relation to the regulations of the field itself. The point of view of this research will be focused on "Implementation of Media Creative Higher Education by Higher Education Institutions in the field of creative media. The limitations used by researchers are: 1). Legal harmonization of media creative education management with the development of creative industries. The originality obtained is: How to create a simple, easy, and friendly legal harmonization for the implementation of media creative higher education with laws related to the creative industry in Indonesia?"

Keywords: Harmonization, Creative Industry, Creative Media Education

I. INTRODUCTION

The creative industry aims to create creative work with economic value. One example of the creative industry from photography and videography is the celebrity Instagram profession and YouTuber, whose demand is increasing from various ages. In addition, the existence of the creative industry can introduce views on Indonesian identity in the form of works or products and become a form of promotion to the

international community for the diplomacy of cultural introduction between countries. This situation can strengthen the character of the Indonesian nation as a cultured country.

Achievements in terms of people's works and creative efforts mean that the development of the creative industry has great potential in Indonesia if it is developed properly. Although it can be developed, our country needs to maximize this potential. It still needs to be implemented optimally, and many problems still exist.

Law No. 20 of 2003 concerning National Education Standards states that "Education must be responsive to the demands of changing times," where many new types of education have emerged due to the development of globalization. Consider the Sound design, Music Technology, Digital Creative, Digital law, Creative Media, Digital design, and several other types of education.

Media creative education is education based on technology, arts, and culture that grows and develops due to technological advances and globalization, as well as the development of creative industries. This new type of education is also entitled to be obtained by Indonesian citizens. The implementation of creative educational media will encourage the creation of competitive resources and be able to compete globally. It will directly encourage the development of creative industries and the creative economy in Indonesia.

Higher education in the creative field of media is a type of vocational education that provides creative media education that focuses on the industry that gives birth to future generations of creative professionals. The focus on industry is also one of the Government's efforts to make a big leap in the field of education through the Merdeka Learning Campus Merdeka program or MBKM.

The quality of creative education in Indonesia can still be far behind compared to the methods of other countries, which include adequate teaching, curriculum, and infrastructure. In addition, the education system in Indonesia still needs to prioritize the quality of industrial creativity for students, so creativity capital, such as mindset, still needs to run optimally in increasing industrial creativity in Indonesia. In addition to the lack of creative capital, creative actors also need protection in developing their creativity, such as inviting, documenting, repairing, archiving, and increasing their knowledge.

The challenge that most creative industry players face is that there still need to be more regulations that balance the bureaucracy that is simpler and more friendly to the business environment or small entrepreneurs. Creative education media could be smoother in its implementation, which is related to the many obstacles that exist, including overlapping regulations on education and the creative economy in Indonesia. The disharmony between the Law related to education and the Law related to the creative economy, namely: the Law on Teachers and Lecturers Number 14 of 2005 with the Creative Economy Law Number 24 of 2019, the ITE Law Number 11 of 2008 also with Copyright Law Number 28 of 2018.

The point of view focuses on "Implementation of Media Creative Higher Education by Educational Institutions in the high creative field of media," which includes: 1). Fulfilments of lecturer qualification requirements by media creative education institutions; 2). Implementing university obligations related to practitioner lecturers who must carry out the tri dharma and advance the creative industry; 3). The implementation of learning that is needed by the community with models or teaching materials is related to the freedom of a lecturer.

The legal issues that the author will examine are "harmonization of law management of creative higher education related to the fulfilment of the availability of creative resources (creative people) who are professional and competitive" and "institutions that support the development of creative industries." The goal is to harmonize media creative education regulations to provide compatibility in the implementation

of education following the goals of the creative economy in Indonesia according to the education law and the creative economy law.

The main legal issue examined in this dissertation research is the problem of managing creative media colleges as a tool to improve the creative economy and overcome the knowledge gap in the creative industries. On the one hand, the government hopes and provides a way to improve the economy through the creative economy. Still, on the other hand, the creative economy requires innovative education. This education requires human resources who have academic abilities beyond other competencies, even though someone who has skills in the creative industry is needed in creative media education so that hands-on with the subjects he is pardoning.

Furthermore, in this study, researchers will also focus on the need for synchronization of laws and regulations, both Education Regulations and existing creative industry regulations, so that it is hoped that existing and future creative tertiary institutions will be able to run so that they are in line with the development of the creative industry and produce good human resources. Competitive, which will eventually encourage the growth of the creative industry and preserve the nation's culture.

Apart from that, the research also focuses on the lack of maximum protection for creative workers, such as concerning IPR, with the ITE Law in its freedom to convey information related to learning methods. While the rules or regulations that the author uses as supporting material are the 1945 Constitution Article 28 and Article 31, Law Number 39 of 1999 concerning Human Rights, Law Number 14 of 2005 concerning Teachers and Lecturers, Copyright Law No. 28 of 2014, Law No.11 of 2018 concerning ITE, Law No. 24 of 2019 concerning the Creative Economy. Based on the exposure to the research background above, the formulation of the research is as follows:

- 1) How to create simple, easy, and friendly legal harmonization of the implementation of creative media higher education with laws related to creative industries in Indonesia?
- 2) What is the form of harmonization of law that is simple, easy, and friendly towards implementing creative media higher education with laws related to creative industries in Indonesia?
- 3) How is the protection of institutions implementing creative media higher education before harmonizing education law with laws related to creative fields in Indonesia?
- 4) How is the supervision of creative media higher education implementation after harmonizing education law with laws related to creative fields in Indonesia?

II. LITERATURE REVIEW

The theoretical framework is used to identify legal theories, legal concepts, legal principles, and legal norms that will be used as a rationale regarding legal standing according to the theme and research objectives. The legal theory used as the rationale for this research includes:

1. Theory of Constitutional Law as a Grand Theory

The theory of constitutional law comes from Dutch, with the term *staatsrecht* or state law. The term *staatsrecht* contains 2 (two) meanings, namely *staatsrecht* in *ruimere zin* (in a broad sense) and *staatsrecht* in *engere zin* (in a narrow sense). *Staatsrecht* in *engere zin* or Constitutional Law in a narrow sense, is usually called Constitutional Law or *Verfassungsrecht*, which can be distinguished between broad and

narrow meanings. Constitutional law in a broad sense (in ruimere zin) includes Constitutional Law (verfassungsrecht) in a narrow sense and State Administrative Law (verwaltungsrecht)) (Jimly, 2006).

Mahfud MD divided the terms into two terms of constitutional law, namely "law" and "state." *Law* is defined as regulations regarding the behaviour of people in society that have sanctions that can be imposed. At the same time, the state is the highest organization among one group or several groups of people who aspire to unite, live in a certain area, and have a government Sovereign. Meanwhile, constitutional law is a rule of conduct regarding the relationship between an individual and his country. Industry means changing civilization and feudalism into industrial and modern civilization. Therefore, the industry is not only a matter of technology and capital but attitudes, mentality, way of life, and values that influence all social, political, legal, and cultural areas. Maximum industrial profit can be obtained by empowering industry, which is a primary need. Industrial empowerment is carried out as strengthening national industry and competitiveness, producing competitive goods and services, and increasing business capital toward large-scale industries following the vision of national industrial development (Yunianto et al., 2021).

2. Law Harmonization Theory as Middle Theory

Rudolf Stammeler introduced the theory of harmonization of law in 1902 in Germany. At the same time, fair regulatory standards incorporate harmonization between interests and targets, individual interests, interests, objectives, and public interests. The purpose of the harmonization of law is the harmonization between justice and legal certainty. Where arises because of the understanding that in the world of law, government policy, and the relationship between the two, there is the emergence of various disharmony; they are analysing the synchronization or harmonization of Education Regulations for creative media colleges and creative industries in Indonesia. Later from that point of view, the world will turn into a big city, with the aim that the boundaries of the public will become very blurred. For a while, the world economy (Lance, 2006) understood its reasons. So far, the world has been used, and there has been a strengthening of awareness of the world as a unified whole. However, the globalization cycle considering the barrier-free development of Internet information, as well as the worldwide expansion of product and labour development and support in various associations, has created legitimate problems affecting society, which must be addressed by legal specialists (Masinambow, 2008). Various issues raised by data innovation must be seen by law, must be clear, and can be assumed (David I, 2006).

3. Development Theory as Applied Theory

Mochtar Kusumaatmadja put forward this theory in 1973. He states, "Law is a tool for maintaining order in society, and the role of law in development is to ensure that change occurs in an orderly way." The development of creative industries today requires tools or rules. To maintain and maintain what has been achieved by creative economy actors so that a feeling of security and continuous continuity of their work will be created, Human resources, which will provide education in the field of Creative Media, will be comfortable and protected both in terms of career and workload, with the existence of the development law, the process of changing society following the current development of industry 4.0 will be helped because the legal theory of development is not only conservative but broader. Development law will help the change that occurs in society so fast due to current industrial and technological developments.

4. Progressive Legal Theory as Applied Theory

Satjipto Rahardjo initiated progressive law in 2002. This regulation emerged as a result of the need for more results in the legal strategy to help deal with the big problems of our country and our country. The previous arrangements, which only depended on the use of the law, are now being considered for review. So far, the

law has yet to have the option to deal with social problems. Actions have certainly been taken but have not addressed social problems. The connection with this dissertation is that regulations related to creative media education already exist but have yet to accommodate all the needs in terms of implementation, for example, Law No. 14 of 2005 regarding teachers and lecturers where lecturers must have academic qualifications equivalent to Strata two. Then what about the new education where human resources as lecturers do not yet exist in the field even though this education is needed for developing the creative economy?

III. METHODOLOGY

The type or type of research chosen is normative juridical or empirical juridical which uses research (explanatory) that presents the presentation of problems (objects of legal research) and tries to formulate solutions to problems. Where the data sources used are by using legal instruments related to the Government and the national education system and by using the results of studies from library materials. For normative legal research, the data collection technique used is literature study. Interviews with various related parties such as similar universities such as BINUS, IKJ, UPH, and others. Industry players such as Yamaha Music, Production House, Animation Agencies, and others. Government agencies in this case the ministry of education and culture and other educational institutions such as LLDIKTI, the Director General of Vocational Studies.

IV. RESULTS AND DISCUSSION

1. Creative Education as a strategy for developing creative industries in Indonesia

1) Development of creative industries in Indonesia

Understanding the creative industry, in general, is all creation processes, creativity, ideas, and ideas from a person or group that can produce works or products afterward. The creative industry is a combination of two words: industry and creative. In the Big Indonesian Dictionary, the industry is an activity to process or process goods using facilities and equipment. At the same time, creative is an adjective that reflects that a person or group concerned has the creativity and ability to create. The creativity produced by a person or group is later expected to help economic growth and can open new jobs for people in need. Therefore, the creative industry is an important field that must continue to be developed over time and must be built together because it is one of the pillars of the country's economy.

According to Simatupang, the creative industry is an industry that relies on skills, talents, and creativity that have the potential to improve welfare (Bimantara et al., 2021). According to the Ministry of Trade of the Republic of Indonesia in 2009, the creative industry is an industry that originates from the use of skills, creativity, and talents possessed by individuals to create prosperity and employment opportunities. This industry will focus on empowering the creativity and creativity of an individual. According to the UK DCM Task Force: 1998, the creative industry is an industry that originates from the creativity of individuals who are potentially able to create wealth and jobs through the exploitation and generation of the creativity and intellectual property of these individuals.

Beginning in 1990, several cities in the UK experienced a decline in productivity due to the shift of industrial and manufacturing centres to developing countries. The changes in the new place offer cheaper raw materials, production prices, and services. To address this issue, Prime Minister

candidate Tony Blair and the New Labour Party offer a government agenda that aims to improve the morale and quality of life of British citizens and ensure British leadership in world competition in the new millennium, one of which is by establishing the National Endowment for Science and the Art (NESTA) which aims to fund the development of young talent in the UK. Then after winning the 1997 general election, Tony Blair, as Prime Minister of the UK through the Department of Culture, Media and Sports (DCMS), formed the Creative Industries Task Force, which aims to increase public awareness about the contribution of the creative industries to the UK economy. In 1998, DCMS published the results of the first UK creative industry mapping, where the creative industries were defined as: “those industries which have their origin in individual creativity, skill, and talent, and which have a potential for wealth and job creation through the generation and exploitation of intellectual property and content.” This DCMS definition was adopted by many other countries, including Indonesia (IT Telkom, 2022).

According to the Indonesian Ministry of Trade (Rifka, 2021), the creative industry utilizes individual creativity, skills, and talents to create prosperity and employment opportunities through the creation and utilization of the individual's creative and creative power. It makes the creative industry not require large-scale production as well as the manufacturing industry. Because the creative industry relies more on upon and emphasizes the quality and creativity of its human resources. The creative industry is part of the creative economy subsystem consisting of the Core Creative Industry (creative industry whose main added value creation is by utilizing the creativity of creative people), Backward Creative Industry (Industry that is the input of the Core Creative Industry), Foreword Creative Industry (Output from Core Creative Industry which becomes the input for other industries). So that the creative economy is closely related to the creative industry, but the creative economy certainly has a wider scope than the creative industry. Because the creative economy is an ecosystem with a dependency relationship between the creative value chain, the development environment (nature environment), the market (market), and archiving, in addition, the creative economy is not only related to creators of added value economically, but also the creation of added value socially, culturally and environmentally so that the creative economy can increase competitiveness and improve the quality of life for the Indonesian people (Parekraf, 2022).

In Indonesia itself, the creative economy has existed since 2006. Various government regulations have also emerged along with developing creative industry growth in Indonesia. In 2006, the Minister of Trade of the Republic of Indonesia, Dr. Mari Elka Pangestu, launched a program that supports the development of the creative industry, namely a program called Indonesia Design Power. This program was initiated to increase the competitiveness of Indonesian products in the domestic and export markets. Indonesia itself has 15 types of industries that can be categorized as creativity produced to grow the economy of the Indonesian people. Therefore, Indonesia is one of the choices of countries that have the potential to grow this industry, the types of which include: Architecture, Advertising, Film / Photography / Video, Music, Publishing, Art and cultural markets, Crafts, Fashion, Interior Design, Design Products, Interactive Games, Web Design, Performing Arts, Publishing and Printing, Research and Development.

The Indonesian government has seriously developed the creative industry since 2009 in Presidential Instruction Number 6 of 2009 concerning Creative Economy Development in Indonesia

(Kemenparekraf, 2009). This regulation was promulgated when President Susilo Bambang Yudhoyono (SBY) led Indonesia. Two years later, in 2011, the Government of Indonesia increased the role of the Ministry of Tourism (Kemenpar) to become the Ministry of Tourism and Creative Economy (Kemenparekraf) based on the Presidential Regulation of the Republic of Indonesia Number 92 of 2011 concerning Changes in the Nomenclature of the Minister of Tourism (Kemenpar) to the Minister of Tourism and Creative Economy (Ministry of Tourism and Creative Economy) (Kemenparekraf, 2011).

Based on the Central Statistics Agency (BPS) in 2013, the creative economy sector grew by 5.76% of the total national economic growth of 5.74%. In terms of gross domestic product (GDP), this sector has contributed to the gross domestic product (GDP) of 7% or US\$ 46,930 billion and has employed or created new jobs for around 11.8 million people to work in this creative economy sector. This figure is significant to prove that the creative economy sector contributes greatly to national economic growth, especially in the uncertain economic situation in Indonesia. Crafts is one of the entrepreneurial-based creative sectors that has achieved national economic growth of 5.76%, while the average national economic growth is only 5.74% (BPS, 2013).

Linear with BPS-derived data, the creative sector reported 11.8 million people working in the creative industries in 2013. Consisting of 3.1 million people working in the craft industry, 3.8 million people working in the fashion industry, 167,000 people working in the design industry, and 43,000 people working in the architectural industry (Kemenparekraf, 2011). This fact indicates that the significance of creating economic growth is dominated by the low-tech sector or products related to tourism and current lifestyles. For example, the culinary sector ranks first among other creative sectors, but this sector still needs improvement due to imprecise calculations and research methods. Culinary is calculated from all food-beverage units spread across various levels such as food streets, small-medium-large restaurants, bakeries, cafes, catering, confectionery and nut shops, and many others.

The monumental policy issued by the Government of Indonesia was when President Joko Widodo (Jokowi), who replaced President SBY, formed and authorized the Creative Economy Agency (Bekraf) in 2015. Bekraf handled the creative economy, replacing the Ministry of Tourism and Creative Economy (Kemenparekraf), which was formed in 2011. When currently, the Ministry of Tourism specifically handles tourism affairs in Indonesia. Bekraf plays a key role in promoting and enhancing creative entrepreneurs in various regions of Indonesia. President Joko Widodo hopes that Bekraf, the leading sector, will revive national economic growth based on new creative sectors.

2) **Obstacles related to the Development of Creative Industries in Indonesia**

Indonesia's creative economy is currently driven by 15 creative industry groups that have contributed 7% to the national economy and still have the potential to be developed as a leading sector that can increase competitiveness and high and inclusive economic growth. In the context of creating creative added value that focuses on creative industries, the creative economy is still faced with several major challenges that can hinder its growth, such as (Kemenparekraf, 2014):

- a) Creative entrepreneurship
- b) Creative business,
- c) Products and creative works,
- d) Funding still needs to be improved in developing Indonesia's creative economy.

In Indonesia, the creative industry nomenclature, especially the creative industries with intangible product outputs, has yet to be included in the list of types of credit in banking, making it difficult for banks to define creative industries and assess their credit risk. Therefore, creative industries need appropriate and competitive institutions, sources, and financing access.

3) **Creative Education as part of the Creative Industry development strategy**

Based on the 2015-2019 Medium-Term Action Plan, the Ministry of Tourism and Creative Economy has revised the creative economy development plan until 2025, translated into a 2015-2019 creative economy development plan and a 2015-2019 creative economy development plan. Based on the master plan for the development of the creative economy until 2025, the direction of the development of the creative economy for 2015–2019 is to strengthen the development of the creative economy by emphasizing the achievement of competitive competitiveness based on the advantages of natural resources, culture, and quality and creative human resources in utilizing science and technology, and strengthening institutions to create a conducive business climate for the development of local creative industries. This strategic direction is the basis for preparing a creative economy development plan for the upcoming 2015–2019 period. To achieve the competitive competitiveness of the creative economy, the creative economy development plan for the 2015–2019 period focuses on achieving several prerequisite conditions for a competitive creative economy, namely:

- a) Increasing the quantity and quality of local creative people supported by appropriate and quality educational institutions;
- b) Increased development and utilization of environmentally friendly and competitive local raw materials;
- c) Increased growth and competitiveness of creative industries;
- d) The creation of appropriate financing institutions and access to financing for local creative entrepreneurs;
- e) Increasing the diversity of segments and market share of the creative economy;
- f) Increased development and access to appropriate and competitive infrastructure and technology for creative industries; and
- g) Creating a conducive business climate and increasing appreciation of local creative works.

Based on the book *Creative Economy: Indonesia's New Strength Towards 2025* (Kemenparekraf, 2014), four main principles form the basis for developing the creative economy. The four main principles that form the basis for the development of the creative economy (Kemenparekraf, 2014) :Mastery of science and technology, vital to economic development. Design thinking is interpreted as a process of solving objective human and environmental problems based on the collaboration of science and creativity by adding values , including cultural identity and added value economically, functionally, socially, and aesthetically. It can provide subjective solutions. Art and culture as inspiration in creating uniqueness as one of the competitiveness of creative works will continue to be encouraged to strengthen the identity, unity, unity, and existence of the Indonesian nation in the international arena.

Media as a channel for the distribution and presentation of creative works and content will continue to be encouraged to communicate quality local creative works so that local creative works can be recognized and appreciated at home and abroad. However, in the creative industry

production process, the main thing is input in the form of ideas, innovation, and creativity because the creative economy is a process of creating added value that is born from the ability of creative people to create works and services from ideas and the use of science, including cultural heritage and knowledge. Technology. Meanwhile, based on the dominant substance, the creative industry groups can be divided into groups based on media, arts and culture, and design. In this research,

From the explanation above, it can be concluded that the creative industry requires education in a similar field, namely vocational education that develops ideas, innovation, and human creativity or human resources that will directly develop the creative industry later. Education will manage and develop the dominant substance in terms of media, art, and culture as well as design so that this education includes a single unit called Creative Media Education, which outside our country is called Creative Media education. Media Creative Education, which will be delivered in this research, is Creative Media Education, which includes Audio Engineering, Interactive Animation, Film Production, and Music Business.

4) **Constraints to the implementation of Creative Education in Indonesia**

The quality of creative education in Indonesia can still be far behind compared to other countries in terms of teaching methods, curriculum, and adequate infrastructure. In addition, the education system in Indonesia still needs to prioritize the quality of the creative industry for students, so creativity capital, such as a mindset, still needs to run optimally in increasing industrial creativity in Indonesia. In addition to the lack of creative capital, creative actors also need protection in developing their creativity, such as identification, documenting, repairing, archiving, and conveying the knowledge they have.

The biggest challenge that creative industry players must face is that there still needs to be more regulations that balance the bureaucracy that is simpler and more friendly to the business environment or small entrepreneurs. Media creative education could be smoother in its implementation, which is related to the many obstacles that exist, one of which is the overlapping education regulations and the creative economy in Indonesia. The disharmony between laws related to education and laws related to the creative economy is:

- a) Law on Teachers and Lecturers Number 14 of 2005 Article 45, Article 46, and Article 72 with Creative Economy Law Number 24 of 2019 article 11, article 12.
- b) Law on Teachers and Lecturers Number 14 of 2005 Article 51 with ITE Law Number 11 of 2008 Article 27 paragraph 1;
- c) Law on Teachers and Lecturers Number 14 of 2005 with Copyright Law Number 28 of 2018 Article 41

Problems in Law No. 14 of 2005 cause legal disharmony in education and the creative economy, such as professional discrimination experienced by students who graduated from educational institutions (LPTK). Due to the enactment of Article 9, Law no 14 of 2005 concerning Teachers and Lecturers to be submitted to the Constitutional Court. The case with Number 95/PUU-X/2012 was filed by LPTK students, namely Aris Winarto, Achmad Hawanto, Heryono, Mulyadi, Angga Damayanti, M. Khoirur Rosyid, and Siswanto (Anjarsari, 2012). The Petitioners argue that their constitutional rights have been violated by the enactment of Article 9 of Law No. 14 of 2005 concerning Teachers and Lecturers. Article 9 Law no. 14 of 2005 concerning Teachers and Lecturers states, "Academic qualifications as referred to in Article 8 are obtained through higher

education undergraduate programs or diploma four programs". According to the applicant, the teaching profession is a special field. Therefore special expertise is needed, which is impossible to obtain in non-LPTK lectures. Article 9 of Law no. 14 of 2005 concerning Teachers and Lecturers does not provide protection and legal certainty to the Petitioners, with no guarantee for all LPTK graduates as the only graduates who can enter teacher professional education, according to the Petitioners. It violates Article 28D, paragraph (1) of the 1945 Constitution. In response to the Petitioner's request, the Chairman of the Panel of Judges, Muhammad Alim, and Members of the Constitutional Justices Ahmad Fadlil Sumadi and Harjono provided suggestions for improvement. Fadlil revealed that the argument of the Petitioner's petition was a concrete case, even though the Constitutional Court did not examine a concrete case. Meanwhile, Harjono said that the Petitioner should clarify the meaning of "professional" in the quo article.

There are many types of professions in the creative industry, in the fields of film, audio, music, animation, design, and others. When a creative worker carries out the task of being a lecturer, which the creative industry need, is the professional a teacher or a creative worker?. As described above, for example, in terms of education and human resources, it has been clearly stated in Law no. 24 of 2019 concerning Creative Economy Article 12 (Kemenkarekraf, 2019) It means that the government will develop a creative education system that competes on a global scale, can be up to date with industrial and technological developments, and that education is needed. What education? Education needed can compete globally and in line with market developments. Education requires lecturers or teachers who are hands-on with the subjects they teach. In addition, it must follow industrial developments. The problem is that launching a new major in creative media education requires lecturers to teach courses in that department. How to meet the needs of these lecturers, which the provisions of Law No. 14 of 2005 did? Whereas Article 45 of Law No.14 of 2005 It is this academic qualification that creative workers sometimes do not have, namely a master's or Master's education, to become a lecturer, even though creative education needs lecturers with industrial skills. On the other side, according to Law No. 24 of 2019 Article 11, Which provisions will be used as a reference first, whether Law No. 24 of 2019 Article 11 first for the fulfilment of lecturers in creative education, namely from industrial workers who have the ability, or Law No. 14 of 2005 Article 45, namely from educators who have education stratum two. When the problem of fulfilling lecturers occurs, will they follow the requirements of a lecturer or provide lecturers from industry circles with abilities following their industry? Do they only take lecturers with a Master's degree background without being able to work in the industry or take lecturers from practitioners so that they can create and improve the quality of creative economy actors?

Creative media higher education is education with a new major in Indonesia. Indonesia is implementing this education; it is still rare. We can mention, for example, Binus Internasional, Lassale, Raffles, Soka, SSR, Polimedia, and UMN. However, specifically with the creative media majors currently, there is no stand. Due to constraints in fulfilling these lecturers, the fulfilment of lecturers at several tertiary institutions is with a non-linear master's educational background according to the majors opened; the important thing is to be able to fulfil the terms or conditions in Law No.14 of 2005.

Apart from that, Some tertiary institutions open separate creative media departments, for example, animation majors, film majors, and design majors. Difficulties in complying with Law No. 14 of 2005 have caused several tertiary institutions to use lecturers with educational backgrounds that are slightly similar or the same as the majors opened. For example, creative media education with lecturers with a background in communication, music, or culture. Media creative education provides education in leading creative industries, such as film, audio, animation, music,

and game development. Apart from the difficulty in obtaining lecturers following the industry and the prerequisites of Law No. 14 of 2005, universities have finally formed a teaching team, namely a teaching team. Several lecturers are grouped together and headed by a teaching lecturer with a national lecturer identification number. It has cost-effective that is not small, because universities have to recruit several lecturers from industry and permanent lecturers who will later teach lecturers reported. In addition to the cost-effectiveness, there is something else related to protection related to carrying out their duties, as a lecturer and creative actors recognize. Table 1.2 explains that in Article 45 of Law No. 14 of 2005, The two articles are not in line with each other; one states that they can become a lecturer if they meet university requirements, and another requires they to follow government regulations, namely, master graduates. How to realize equitable education, especially in creative media, if the problem of operating higher education is constrained by Law Number 14 of 2005? Is education not part of human rights? As stated in Article 28 of the 1945 Constitution Paragraph 1 concerning Education.

In addition, Table 1.1 regarding Lecturer Workload (BKD), the compensation received by lecturers, and the results of lecturer work are one of the important things that are separated in creating professionalism in the lecturer's competence. A lecturer's performance and the compensation he receives can be seen in how a lecturer is considered professional. BKD is mentioned in the regulation of Law no. 14 of 2005 Article 72 regarding the main activities of the Lecturer Workload are preparing lesson plans in carrying out learning, evaluating, carrying out guidance, teaching, researching, carrying out other additional assignments, and carrying out activities aimed at contributing to society. Lecturer's main tasks are at least 12 Semester Credit Units (SKS) up to 16 SKS. Meanwhile, the creative economy in Law No. 24 of 2019, article 11, paragraph 1 Then what about the teaching profession, which is also a creative worker? How do they manage their time so that they can become a lecturer as well as a creative worker? Because students or students currently need lecturers who are updated on technology and scientific advances so that they can be hands-on with the courses needed by the industry at this time.

The second problem that creative media higher education faces are Copyright and Intellectual Property Rights or IPR. The lack of public understanding of IPR in Indonesia, especially copyright, is a problem from the government's side as the regulator or from the perpetrators of the arts. Talking about art starts with respecting artists' rights, such as in the case of copyright infringement by the Ministry of Education and Culture (Kemendikbud), Television of the Republic of Indonesia (TVRI), and PT.Telkom Indonesia (Telkom) for the film "As far as Kumestep" by Ucu Agustin in 2020 (Dinata, 2020). The Ministry of Education and Culture is known to have fulfilled one demand: publicly apologize for the screening of films without permission on TVRI in the "Learn from Home" (BDR) program. However, an apology without mentioning has also changed the content and form. So the message of many works has been lost without the knowledge of the filmmakers and owners. The output of the creative industry is the work and inherent copyright of each work. Not respecting copyright means sabotaging the existence and progress of the creative industry. The Ucu case is a public lesson because everyone who works should be aware of that, so when someone borrows, rents, or buys the work, they should carry out the discipline outlined in a joint agreement in the form of a contract or agreement.

The third problem faced by creative media higher education is in the form of electronic information and transactions. Various activities can be carried out using internet technology facilities, such as e-mail which often creates a legal issue. For example, the case that happened to a high school student in East Nusa Tenggara (NTT). The initials SN was reported to the police by

an honorary teacher with the initials WU on suspicion of defamation and was named a suspect using the Electronic Transaction Information Law (ITE) (A. Santoso & Dirgantara, 2021). This case started with the suspect SN's post on July 16, 2020, on a social media group. SN suspected that there were illegal levies with the words 'The head of Bestobe SDN ordered a WU teacher to go to the bank to accompany the PIP recipient students and collect money for each student's PIP beneficiary in the amount of Rp. 25.000,-. The reported post needed to be received by the school, which reported this case on October 23. On behalf of SDN Bestobe, WU, who has the status of an honorary teacher, made a report to the police. SN, as the reported party, was subject to Article 45 paragraph 3 in conjunction with Article 27 paragraph 3 of Republic of Indonesia Law No. 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning ITE junto Article 310 of the Criminal Code. However, the NTT Regional Police Chief stopped the case, which was resolved using a restorative justice approach.

2. Harmonization of law as a bridge to facilitate the implementation of creative education and support the growth of creative industries in Indonesia

Based on the background and problems that have been described, it can be seen that Education Regulations already exist, but when a new type of education created by globalization and technological developments and the development of creative industries appears in society according to the needs of society, can these regulations be following that type of education, for example, type of education? Audio Engineering requires Lecturers with a Bachelor's educational background, but there are no lecturers with an Audio Engineering background with a Master's degree in the community. For this reason, a bridge or regulations are needed to bridge the new type of education with existing educational regulations and their relation to the regulations in the field. Therefore, Indonesia requires synchronization of laws and regulations, both the Education Regulations and existing creative industry regulations, so that it is hoped that existing and future creative tertiary institutions will be able to run so that they are in line with the development of creative industries and produce competitive human resources, where will eventually encourage the growth of creative industries and preserve the nation's culture.

The establishment of legal harmonization of the management of creative media education with the Creative Economy Law follows the theoretical basis of constitutional law, harmonization, development law, and progress. The relationship with research is that the rules contained in the Theory of Constitutional Law, according to Mahfud MD, namely that "the meaning of constitutional law is a rule of conduct regarding the relationship between individuals and their country." Education regulations already exist, as well as regulations regarding the creative economy already exist, and what will be examined here is the relationship with each other so that the country's goal is created, namely economic growth.

Harmonization of regulations against world regulations due to globalization cannot be debated. As a global local area, Indonesia cannot close itself to the changes in world events, especially following regulations that help change these events. Therefore, the harmonization of regulations with the improvement of regulations around the world is a decision that must be taken. Because it is well understood that to formulate a separate regulation, apart from being an indirect cycle, it must also go through very long and layered stages. The cost is certainly not small. When the law was finalized and then promulgated, the current reality and demands of the powerful society changed. For this reason, it is necessary to harmonize regulations on education in the creative field of media with the development of creative industries. Where

education has its regulations and goals, so does the creative industry, in this case, under the regulation of the creative economy. How to harmonize the two regulations so that educational goals can be achieved and simultaneously foster the development of creative industries in Indonesia.

The third is this theory put forward by Mochtar Kusumaatmadja in 1973. He states, "Law is a tool for maintaining order in society, and the role of law in development is to ensure that change occurs in an orderly way." In this digital era where technology and industrial progress are growing rapidly, the conservative function of law is not enough to keep up with these developments. The law must also help the process of change in today's society. Based on the Theory of Development Law initiated by Mochtar Kusumaatmadja, good law is a dynamic law (moving), so do not let the law that is made hinder development in human life. Laws must not be anti-development and support the status quo, and laws must be fostered and developed to provide space for development (Asril et al., 2021). The connection with this research is that changes in society require information and additional knowledge related to the development of creative industries, which can be achieved with creative media education. Management of creative media education so that it is in line with the development of creative industries requires regulations that support each other. Therefore, a law is needed to regulate the management of education.

Ahmad M. Ramli said that the Application of Progressive Legal Principles is Very Relevant in the Industrial Revolution Era in his April 22, 2019, seminar at Unpad (Hendriyana, 2019). In the industrial era 4.0, advances in information technology must also comply with licensed innovation guarantees. If creation is protected, it will help innovative approaches. Suppose that when this image has been made up, its commercialization could be better because privateers use it. Simultaneously the maker loses enthusiasm or energy to create new manifestations. Progressive Legal Theory should be applied in Indonesian laws and regulations as one of the guidelines for establishing and enforcing the law.

A. What form of harmonization of law is simple, easy, and friendly towards implementing creative media higher education with laws related to the creative industry sector in Indonesia?

The proposed form of Harmonization of Laws to facilitate the implementation of innovative education so that the growth of creative industries goes well is to provide a bridge between the two laws that will be harmonized.

Table 1.1
Form of Harmonization of Law No.14 of 2005 concerning Teachers and Lecturers
With Law No. 24 of 2019 concerning the Creative Economy

Main Discussion	Law No.14 of 2005	Law No.24 of 2019	Gap
Actor	Article 46 (Lecturer academic qualifications as referred to in Article 45 are obtained through higher education postgraduate programs that are accredited according to their field of expertise) Academic Qualifications	Article 5 (Every Creative Economy Actor has the right to receive support from the Government and/or Regional Government through the development of the Creative Economy Ecosystem.)	<ul style="list-style-type: none"> It often happens that a lecturer is competent in the industrial field but does not have academic competence or vice versa Creative education

		Industrial Competence	requires hands-on lecturers.
Harmonization: There is a regulation that organizers in the field of new types of education are given time until they graduate first to be able to carry out education with lecturers who have industrial qualifications.			
Creative Industry Development (workload)	Article 72 (The main activities of the Lecturer's Workload are preparing lesson plans in carrying out learning, evaluating, conducting guidance, teaching, researching, carrying out other additional additional assignments, and carrying out activities aimed at contributing to society) Must fulfill the lecturer's workload	Article 11(1) "Government and/or Regional Government is responsible for the development of Creative Economy research". Research development	<ul style="list-style-type: none"> • How does a lecturer who is also a creative industry player divide his time with requirements that are quite time-consuming? • It's often difficult to tell which one to choose first
Harmonization: There is a rule that a practitioner lecturer can carry out the tridharma activities at different times so that research development can be carried out and teaching can also be carried out. For example, the obligation to teach falls on the odd and even semesters to conduct project research on his works while at the same time providing information to the public about the results of his work.			

Table 1.2
Harmonization of Law No. 14 of 2005 concerning Teachers and Lecturers
With Law No.11 of 2008 concerning ITE

Main Discussion	Law No.14 of 2005	Law No.11 of 2008	Gap
Communication Media	Article 51 In carrying out their duties, lecturers are entitled to protection in carrying out their duties. Article 75 (6) In the context of academic activities, lecturers receive protection for using data and sources that are categorized as	Article 27 (1) Everyone intentionally and without rights distributes and/or transmits and/or makes Electronic Information and/or Electronic Documents accessible that have content that violates decency.	<ul style="list-style-type: none"> • It is often difficult to explore creative ideas or works • Use of technology as an advertising medium and creative media which includes photography, videography, article writing, and interactive games

	prohibited by laws and regulations.		
Harmonization There are clear and transparent assessment standards as well as delivery or outreach to all academics regarding the dissemination of electronic information.			

Table 1.3
Harmonization of Law No. 14 of 2005 concerning Teachers and Lecturers
With Law No. 28 of 2014 concerning Copyright

Main Discussion	Law No.14 of 2005	Law No.11 of 2008	Gap
Copyright	<p>Article 51</p> <p>In carrying out their duties, lecturers are entitled to protection in carrying out their duties.</p>	<p>Article 41</p> <p>Works that are not protected by copyright include:</p> <p>a. works that have not been realized in a tangible form.</p> <p>b. every idea, procedure, system, method, concept, principle, findings or data even though they have been disclosed, stated, described, explained, or combined in a Creation; and</p> <p>c. tools, objects, or products created solely for solve technical or form problems intended only for functional requirements.</p>	<ul style="list-style-type: none"> • It is often difficult to explore creative ideas or works • Today's world industry has entered the era of digital generation or industrial generation 4.0. Industry 4.0 is a trend in the industrial world that combines automation technology with cyber technology. Therefore, creativity and innovation need to get legal protection in the era of information technology, instant gratification, industry 4.0 and society 5.0. The legal protection in question is the legal protection of intellectual property. • the impact of the instant gratification era on

			ideas or creativity by students and lecturers in the Creative Media
<p>Harmonization There is a standard for evaluating works that are still in the form of drafts even though they have not yet become works, but there is protection for these works. The power of creative work is because it was born from a creative idea or notion.</p>			

Harmonization of the law on management of creative media education with the development of creative industries, bringing harmonization between Law No. 14 of 2005 concerning Teachers and Lecturers, Law No. 24 of 2019 concerning the creative economy, Law No. 11 of 2008 concerning ITE, and Law no. 28 of 2008 concerning Copyright. Harmonization is achieved, and the Creative Economy acts as an economic principle to create imaginative resources that can generate financial development and improvement through innovative businesses. The creative industry will grow and develop following Law No. 24 of 2019 by implementing education in the creative media field. Apart from that, the protection of the rights of lecturers and creative industry players is also protection for creative media educational institutions that carry out this operation.

V. CONCLUSION

The existence of harmonization of the management of higher education in the creative field of media for the development of creative industries by using the legal theory of Harmonization, Development, and Progressive then legal protection for Educational Institutions in the creative field of media as a means of building creative human beings following the creative industry and can compete globally internationally. Moreover, an embodiment that education carried out in this field is to fulfil human rights, especially Indonesian citizens, to get an education in the desired field, the creative field of media.

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