

ABSTRACT

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THE COMPARATIVE STUDY OF UNLAWFUL ACTS BETWEEN INDONESIA AND NETHERLANDS IN THE FIELD OF TRADE SECRETS

(xi+158 pages – 2 tables, 3 appendices)

The current globalization trend which supported by technological advancements has resulted numerous Unlawful Acts occurring in various fields. One of them is in the business sector. With the rapid development of business, many entrepreneurs engage in unfair competition to maximize profits. One of the issues of unfair competition that still frequently occurs in Indonesia is trade secret violations. From a legal perspective, the countries that adhere to Civil Law systems like Indonesia and the Netherlands can categorize trade secret violation as an unlawful act. In this research, the Author employs normative juridical research, which uses existing regulations, legal principles, and theories from legal experts as a foundation to address legal issues. The ideal application of the law to determine the elements of an unlawful act in trade secret cases must meet the criteria that has been set in the legislation. In Indonesia, the criteria for unlawful act must fulfill the five elements which is stated in Article 1365 of Burgerlijk Wetboek. Meanwhile, in the Netherlands, the criteria for an unlawful act must fulfill the five elements which is stated in Article 6:162 of Nieuw Burgerlijk Wetboek. Apart from meeting the elements of an unlawful act, it should also be noted that Indonesia and the Netherlands have different criteria for trade secret violations. In Indonesia, these criteria are regulated by Law No. 30 of 2000 on Trade Secrets. While in the Netherlands, these criteria are regulated in Wet Bescherming Bedrijfsgeheimen. The legal protection which provided by the Indonesian and Dutch governments can be categorized into two types, they are preventive and punitive protection. In this regard, both countries have their own advantages and disadvantages.

Keywords : Legal Protection, Trade Secret, Unlawful Act

References : 78 (1974-2023)