

Legal Protection Analysis of Geographical Indications as Effort to Preserve Local and Indonesian Products

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ABSTRACT: Geographical indications are a form of intellectual property protection that serve to preserve the authenticity and reputation of a product based on its place of origin. This protection plays a crucial role in maintaining product quality, promoting local economic growth, and preserving the cultural and natural resources unique to a region. This study aims to examine the legal regulations governing geographical indication protection in Indonesia and analyze its implementation in overcoming various challenges. This research employs a normative juridical method by reviewing various laws and regulations, case studies, and the practical application of geographical indication protection in Indonesia. The findings indicate that the protection system for geographical indications is regulated under Law No. 20 of 2016 on Trademarks and Geographical Indications, supported by implementing regulations. However, its implementation still faces obstacles such as low public and business awareness of the importance of geographical indications, a relatively complex registration process, weak enforcement against violations, and competition from imported products that are more accessible and competitively priced. Additionally, this study reveals that government support in terms of assistance, registration facilitation, and promotion of geographical indication products needs further enhancement. Collaboration between local governments, businesses, and communities is essential to ensuring a more effective legal protection system and increasing the economic value of local products registered under geographical indications. Therefore, strategic measures are required to strengthen this protection, including increasing public awareness, refining existing regulations, and leveraging technology to support the registration and monitoring process. With more optimal geographical indication protection, Indonesian local products can achieve stronger competitiveness in both national and international markets. This not only benefits community welfare but also contributes to the sustainability of resources and the cultural values embedded in these products

KEYWORDS: Geographical Indications, Legal Protection, and Local Product.

I. INTRODUCTION

Indonesia is an archipelagic country rich in culture, natural resources, and intellectual heritage that is diverse in each region. This diversity produces various local products with distinctive characteristics, both in terms of raw materials, production techniques, and the reputation attached to their region of origin. These products are not only symbols of cultural identity, but also have high economic value and great potential to develop in national and global markets. However, in the era of globalization and increasingly tight trade competition, local products face challenges to survive and develop. Therefore, effective legal protection is needed so that regional products can remain sustainable and provide economic benefits for The form of protection that can be given to local products is geographical indication.

Geographical indication is a sign that confirms that a product comes from a certain area and has special characteristics that are influenced by geographical factors, the environment, or unique production methods. This protection plays an important role in ensuring the authenticity and quality of products, increasing competitiveness in the international market, and preventing counterfeiting by irresponsible parties. In addition, geographical indications also contribute to improving the regional economy and strengthening the image of local products as part of the national cultural wealth that must be preserved.

Legal protection for geographical indications has been regulated in Law Number 20 of 2016 concerning Trademarks and Geographical Indications. This regulation grants exclusive rights to holders of geographical indications and guarantees that only products from their area of origin can use the name. In addition, the government has also implemented various supporting policies and regulations to encourage the registration and protection of geographical indications in various regions. A number of local products have obtained geographical indication certification, such as Gayo coffee from Aceh, Sumba ikat weaving, and Amed salt from Bali. With strong legal protection, it is hoped that these products can gain wider recognition and provide a greater economic

impact for local communities.

The implementation of geographical indication protection still faces various challenges. One of the main obstacles is the lack of understanding of the community and business actors regarding the importance of geographical indication registration. Many local producers are not yet aware that ownership of a geographical indication certificate can increase the selling value of products, protect against counterfeiting, and expand access to international markets. In addition, the registration procedure, which is considered complex and requires significant administrative support, is often an obstacle for community groups or small businesses in obtaining legal protection for their products.

Supervision of violations of geographical indications is still not optimal. There are many cases of counterfeiting or misuse of geographical indications by unauthorized parties, both domestically and abroad. If not handled immediately, this can harm original producers and reduce consumer confidence in local Indonesian products. Competition with imported products that are cheaper and more easily accessible to the public is also another challenge in maintaining the existence of local products that already have geographical indications. Based on these problems, this study aims to analyze the legal regulations governing the protection of geographical indications in Indonesia and examine their implementation in facing various existing challenges.

Through this study, it is hoped that deeper insights can be obtained regarding the role of geographical indications in supporting the sustainability of local products and solutions that can be applied to increase the effectiveness of legal protection for geographical indications. With a more optimal protection system, local Indonesian products are expected to be more appreciated at the national and international levels, and be able to improve the welfare of people who depend on the local resource-based business sector. In addition, this study also aims to provide recommendations to the government and other stakeholders in order to strengthen a more inclusive and sustainable geographical indication protection system.

RESEARCH METHOD

The research method used by the author is normative legal research. Research using normative legal research is based on the approach and analysis of legislation. This approach is used by the author in this study is by means of literature study (library research). The data collected comes from scientific works such as scientific journals, books, dictionaries and so on. The writing that has been analyzed will be described to see the relationship between variables. In this case, to analyze legal protection analysis of geographical indications as an effort to preserve local and Indonesian products.

II. DISCUSSION

Regulations of Legal Protection of Geographical Indications in Indonesia in Preserving Local Products

Protection of geographical indications in Indonesia has a strong legal basis through various laws and regulations aimed at maintaining the uniqueness, quality, and sustainability of local products. One of the main regulations governing the protection of geographical indications is Law Number 20 of 2016 concerning Trademarks and Geographical Indications, which replaces Law Number 15 of 2001. In this law, geographical indications are recognized as part of intellectual property rights that are given legal protection to ensure that products that have special characteristics based on their geographical origin can maintain their authenticity, obtain added economic value, and improve the welfare of the producer community in their area of origin. In addition to this law, protection of geographical indications is also strengthened through Government Regulation Number 51 of 2007 concerning Geographical Indications, which further regulates the procedures for registration, protection, and supervision of geographical indications in Indonesia. In this regulation, it is stated that geographical indications can be submitted by individuals, community groups, or institutions that have an interest in the local product in question. This registration aims to provide legal protection for geographical indications so that they are not misused by other parties who do not have the rights, and to ensure that only products that truly originate from a particular area can use the name of the geographical indication.

In order to increase the effectiveness of geographical indication protection, the Ministry of Law and Human Rights through the Directorate General of Intellectual Property (DJKI) acts as an authority that manages the geographical indication registration and certification system. This registration provides exclusive rights to the community or owner of the geographical indication so that their products cannot be used illegally by other parties. This aims to protect the economic value and reputation of local products from the threat of counterfeiting or use that is not in accordance with the provisions.

Indonesia has also ratified various agreements related to the protection of geographical indications, such as the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) under the World Trade Organization (WTO). Indonesia's participation in this agreement reflects the country's commitment to protecting intellectual property rights, including geographical indications, so as to increase the competitiveness of local products in the global market and prevent misuse by unauthorized foreign parties. However, although existing regulations have provided a clear and strong legal basis, the implementation of geographical indication protection in Indonesia still faces various challenges. Several major obstacles include low public awareness of the importance of geographical indications, the registration process which is still considered complex and requires certain costs for small business actors, and weak supervision in taking action against violations of registered geographical indications. The lack of understanding among producers and stakeholders about the benefits of geographical indications is also an

obstacle in implementing this policy.

Therefore, further efforts are needed in the form of more massive socialization and education to the public and business actors regarding the importance of protecting geographical indications. In addition, it is necessary to simplify the administrative procedures in registering geographical indications so that they are more easily accessible to the public, especially for small and medium business groups.

Strengthening cooperation between the government, local communities, academics, and the private sector is also a strategic step to ensure the effectiveness of geographical indication protection and increase the sustainability of local products amidst increasingly tight global competition. With comprehensive regulations and more optimal implementation, the protection of geographical indications is expected to provide a greater contribution to preserving local products, increasing the competitiveness of products in domestic and international markets, and creating sustainable economic benefits for communities that depend on the sustainability of products based on these geographical indications.

Implementation of Legal Protection of Geographical Indications in Facing Challenges to Local Products in Indonesia

Geographical Indication (GI) protection in Indonesia has experienced significant development in recent years. Based on data from the Directorate General of Intellectual Property (DJKI), the number of products registered as GI continues to increase. Some examples of products that have obtained GI certification include Gayo Coffee, Sumbawa Honey, Muntok White Pepper, and Sumba Ikat Woven Fabric. The existence of GI protection provides various benefits for local business actors, including increased economic value, legal protection from counterfeiting, and recognition of the uniqueness of regional products. With this protection, local products have higher competitiveness, both at the national and international levels. In addition, GI protection also opens up wider export opportunities, strengthens marketing networks, and improves the welfare of the community in the product's area of origin. Although GI protection has progressed, there are still various challenges in its implementation. Some of the obstacles faced include low public awareness of the importance of GI, registration procedures that are considered complicated and costly, weak supervision of GI misuse, and increasing competition with imported products. Therefore, a more effective strategy is needed so that GI protection can provide optimal benefits for local business actors. The main challenge in implementing GI protection in Indonesia is the lack of understanding among the public and business actors regarding the benefits of GI and its registration procedures. Many local producers are not yet aware that by registering their products as GIs, they can obtain legal protection and increase their competitiveness. To overcome this problem, wider socialization is needed by the government and related institutions. Local governments also have an important role in encouraging producer communities to register GIs so that local products become better known and receive stronger legal protection.

In addition, the GI registration procedure is often considered too complex and time-consuming. This process requires producers to complete various documents and conduct in-depth studies on the origins and unique characteristics of the product. For small communities or micro businesses, this is often an obstacle due to limited resources and a lack of understanding of the procedures that must be followed. To overcome this problem, the government needs to provide technical assistance and simplify the registration procedure to make it more accessible to small business actors. In addition, providing financial assistance or subsidies for small businesses that want to register their products as GIs can be an effective solution in accelerating the GI protection process.

Another challenge is the weak supervision and law enforcement against misuse of GIs. Even though a product has been registered as an IG, cases of counterfeiting and misuse of the product name by unauthorized parties are still common. This can harm the original producer and reduce the product's reputation in the market. Therefore, there needs to be stricter regulations and tighter supervision to prevent misuse of IG. The government can also collaborate with producer associations and consumer protection agencies to jointly supervise the distribution of IG products so that their authenticity is maintained. In addition, competition with similar products from abroad is also a challenge that cannot be ignored.

Local products often have to compete with imported products that have cheaper prices and wider distribution. To face this competition, it is necessary to implement more effective marketing strategies, such as increasing branding, highlighting the added value of IG products, and utilizing digital technology in marketing. The government can also play a role in opening wider access for local business actors to the international market through trade exhibitions or promotional programs abroad.

Another challenge is limited infrastructure and market access. Many IG products come from remote areas that still have obstacles in distribution due to inadequate infrastructure. This condition is a major obstacle in increasing the competitiveness of IG products. Therefore, investment is needed in infrastructure development, increasing logistics access, and integrating IG products with digital and e-commerce platforms so that local products are more easily accessible to consumers at home and abroad. By addressing these challenges strategically and sustainably, the implementation of IG protection can be increasingly optimal in supporting the sustainability of local products in Indonesia. This step will not only increase the competitiveness of local products, but also strengthen the cultural and economic identity of regions that have a wealth of unique and distinctive resources.

III. CONCLUSION

Regulations regarding the protection of Geographical Indications (GI) in Indonesia are regulated in Law Number 20 of 2016 concerning Trademarks and Geographical Indications. This regulation aims to maintain the sustainability of local products by providing legal recognition and protection for products that have distinctive characteristics based on their region of origin. With this protection, GI products obtain exclusive rights that prevent counterfeiting and misuse by unauthorized parties. In addition, this regulation also contributes to maintaining the quality, reputation, and increasing the economic value of local products so that they remain competitive in the national and international markets.

In practice, GI protection has provided real benefits for local business actors, especially in increasing the added value of products and expanding export opportunities. However, various challenges still need to be overcome, such as the low public understanding of the importance of GI, the registration process which is considered complicated, weak supervision of misuse of GI, and competition with imported products. Therefore, strategic and sustainable steps are needed, such as increasing public education, simplifying registration procedures, tightening supervision, and supporting the marketing and distribution of GI products. With optimal efforts, GI protection can be increasingly effective in maintaining the sustainability and competitiveness of local Indonesian products at the global level.

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