

Improving Community Welfare Through the Protection of Communal Intellectual Property of Traditional Balinese Fabrics

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ABSTRACT: Intellectual Property can essentially be divided into two categories: personal intellectual property and communal intellectual property. Personal intellectual property is something that should be upheld by individuals or legal entities privately. Communal intellectual property, on the other hand, is the opposite of personal intellectual property. Communal intellectual property does not originate from an individual but from a group of people, a region, or a country. Bali is an island rich in culture and tradition. Not only is it renowned for its natural beauty, but it also boasts a wealth of stunning arts and crafts. One such tradition is Balinese textiles, captivating with their diverse patterns and profound meanings. However, not all Balinese textiles are protected by communal intellectual property. The protection of communal intellectual property currently has specific provisions, namely Government Regulation Number 56 of 2022 concerning Communal Intellectual Property. Prior to this provision, communal intellectual property protection was regulated solely by laws concerning other intellectual property.

KEYWORDS: Community Welfare; Intellectual Property, Traditional Fabrics.

INTRODUCTION

The 1945 Constitution recognizes, respects, and preserves the cultural, linguistic, and customary diversity inherited from the Indonesian people. Article 32 paragraph (1) stipulates: "The state advances Indonesian national culture among world civilizations and guarantees the freedom of the people to maintain and develop their cultural values." Furthermore, Article 32 paragraph (2) of the 1945 Constitution regulates the respect and preservation of regional languages as national cultural treasures.

Bali is a province in Indonesia with its capital city, Denpasar. Bali is an Indonesian tourist destination rich in natural beauty, unique arts, and culture. Bali, as a complete tourist destination, boasts a variety of attractive attractions, including Kuta Beach, Tanah Lot, Lake Bedugul, and Garuda Wisnu Kencana. Bali's arts and culture are also a major tourist attraction. Besides boasting a string of exotic beaches and a rich culture, one cultural heritage we should be proud of is Bali's traditional textiles, which have been recognized internationally. One of these fabrics has even appeared on the runway of world-renowned designer Christian Dior. For those who wear them, traditional Balinese fabrics serve as body coverings in everyday life. Furthermore, these fabrics are also used in traditional ceremonies. They are also used as ornaments to decorate ceremonial venues in temples, homes, and village centers.

Traditional Balinese fabrics have the potential to be registered as communal intellectual property. Intellectual property within communal communities characterizes and identifies a region and possesses cultural values and unique characteristics (Fitri, Rahma, et al. 2022). Communal Intellectual Property Rights (KIK) include Traditional Cultural Expressions (EBT), Traditional Knowledge (PT), Genetic Resources (SDG), and Geographical Indications (GI). The communal principle is characterized by: developing and emerging within the community, ownership and preservation are communal (shared), showing the identity and culture of a particular community (Sudarmanto, 2012).

The protection of communal intellectual property rights has added value because it is not based on the "first-come, first-served" principle used in general individual property registration (Adawiyah, Robiatul, and Rumawi Rumawi, 2021: 16). The value of communal intellectual property extends beyond cultural and moral values to economic ones. This economic value can generate income for regions/villages.

Every region possesses communal intellectual property. Communal intellectual property is intellectual property owned by the general public and is a communal asset. Communal intellectual property is a valuable asset that can advance the economy of a region/village (Makkawaru Zulkifli, 2019: 63-72). Optimal management of regional/village intellectual property resources can provide both material and immaterial benefits. As long as the village is able to manage its communal intellectual property effectively, it will gain economic value.

Communal intellectual property is intellectual property owned by the general public and is communal in nature. Communal

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intellectual property depends on the interests of the community, which are based on togetherness. Intellectual property generated from the community will ultimately lead to community welfare. This is why our concern for communal intellectual property needs to be increased. Caring not only involves preservation but also legal protection. These two different things, but their essence is the same: for the sake of togetherness and shared enjoyment.

Communal intellectual property can be seen in various forms, including traditional village knowledge in herbal remedies or traditional healing procedures, geographical indication products originating from the region and related to natural products, and indications of origin that can become products. Communal intellectual property is the existence of products produced by the community and produced, thus becoming distinctive regional products. We can see indications of origin in various forms of superior regional products. The value of communal intellectual property is not only cultural and moral but also economic. This economic value can generate income for the region/village. The essence of economic rights in communal intellectual property is shared prosperity.

Intellectual property rights management is essential for communities, especially those based on local wisdom. Local wisdom is the values that grow and develop within a community, and within this local wisdom, it can be identified as communal intellectual property (Adhi, Yuli Prasetyo, Dewi Sulistianingsih, and Rini Fidiyani, 2021: 18-30). Proper intellectual property rights management will generate income for businesses, through an Intellectual Property Asset Management system. This process begins with identifying intellectual property assets, strategies for acquiring/registering intellectual property rights, and strategies for commercializing intellectual property rights to exploit their economic value (Pratomo, Sigit Adhi; 2017).

Communal intellectual property management is not merely about generating economic value but can also provide a distinctive character for a region or village. Legal protection is necessary in the event of claims against communal intellectual property. These claims can be made by other regions or even other countries. Therefore, the regional government, together with the community, strives to provide legal protection for communal intellectual property in accordance with applicable laws and regulations. Therefore, legal protection is needed regarding Intellectual Property Rights, which are rights arising from the results of brain processing that produces a product or process that is useful for humans. In essence, intellectual property rights are the right to enjoy economically the results of intellectual creativity. One type of intellectual property right that has the attraction of explaining a type of product that indicates the area where the product originates is Geographical Indication.

A Geographical Indication is a sign indicating the origin of a good or product, which, due to geographic environmental factors, including natural factors, human factors, or a combination of both, confers a certain reputation, quality, and characteristics on the resulting good or product. The right to a Geographical Indication is an exclusive right granted by the state to the holder of a registered Geographical Indication, as long as the reputation, quality, and characteristics underlying the protection of the Geographical Indication remain in existence.

The global community has undergone a transformation toward the conceptual age, an era in which creativity becomes a crucial factor driving the economy (Daniel Pink, 2005: 4). The conceptual era has led the global economy to develop toward a knowledge-based economy, a time when economic activity is dominated by activities that increase added value and product sales value.

The era of globalization has brought producers, at the individual, regional, and national levels, into a competitive environment that relies on the ability to attract attention, build influence, leverage market share, business and investment, and creativity in producing creative products. Product creativity can be created from elements related to the product. Examples of these elements include the region of origin, production methods, characteristics, and the producer. Product creativity is crucial in relation to the creation of product identity (branding). In the creation of product branding, geographical indication plays a central role in the conceptual era (Ahmad Ramli and Miranda Risang, 2019: 68).

Indonesia is one of the largest archipelagic countries in the world. Indonesia boasts varied geography, diverse customs, and cultural resources, including traditional knowledge and rich cultural expressions. These geographical conditions and the diversity of customs and cultures play a crucial role in the process of creating products with unique characteristics. Until now, Indonesia is still struggling hard to form an ideal system for optimizing the economic values of local products (Fadilah H. Arief, 2016).

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Law Number 20 of 2016 provides greater protection for Geographical Indication in Indonesia. For a number of products inextricably linked to their region of origin, geographic factors play a significant role in creating their uniqueness. When combined with creativity in production, distribution, and marketing methods, this uniqueness can significantly increase the added value and sales value of a product. Conversely, a high-quality product that promotes regional uniqueness can add value to that region. The mutualistic symbolic process between a product and its region of origin is what forms the image of a city (city branding) or the image of a region (regional branding) (Ahmad Ramli and Miranda Risang, 2019: 68).

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City branding is the process of shaping a city's image so that its identity and distinctive values can be more easily communicated to the target market. City branding commonly uses positioning phrases, slogans, iconic characters, and various other media (Socco van Gelder, 2008: 4). City branding aims to make the city more widely known and highly attractive to outsiders.

Geographical indication products have great potential to act as catalysts for city branding. Furthermore, geographical indications can stimulate regional economic growth. As a concept, the protection of geographical indication products has been practiced globally to prevent misleading information regarding a product's origin. Geographical indications are also used to. Before the enactment of Law Number 20 of 2016 concerning Trademarks and Geographical Indications, the regulation regarding Geographical Indications was regulated in Law Number 15 of 2001 concerning Trademarks and Government Regulation Number 51 of 2007 concerning Geographical Indications. Government Regulation Number 51 of 2007 concerning Geographical Indications can be considered as a resolution of conflicts, especially in the field of trade that occur in society. As an implementing regulation of Trademark Law Number 15 of 2001, especially Article 56 concerning Geographical Indications, Government Regulation Number 51 of 2007 was issued which is expected to be used as a guideline for implementing the registration of Geographical Indications. Several articles have been ratified to regulate the systematic registration of Geographical Indications in Indonesia so that there is an orderly and directed economic system in Indonesia.

Article 1, number 1 of Government Regulation Number 51 of 2007 explains:

"A geographical indication is a sign that indicates the area of origin of a product, which, due to geographical environmental factors, including natural factors, human factors, or a combination of both, gives certain characteristics and qualities to the resulting product." Based on this explanation, it can be said that brands and Geographical Indications are different things. Article 1, number 1 of Trademark Law Number 15 of 2001 defines a brand as a sign in the form of an image, name, word, letters, numbers, color scheme, or a combination of these elements that has distinguishing power and is used in the trade of goods or services. A brand is more of a symbolizing combination of elements—images, names, words, letters, numbers, or color schemes—without regard to the quality of the natural resources of the marketed product. Geographical Indications, on the other hand, emphasize natural products resulting from geographic environmental factors, including natural factors, human factors, or a combination of both.

These two definitions have distinct characteristics. Brands emphasize symbols, while Geographical Indications emphasize natural products produced by a region. Geographical Indications are used in relation to goods (Sudaryat, 2010: 178).

1. Place and region of origin
2. Product quality and characteristics; and
3. The relationship between product quality or characteristics and the geographic conditions and characteristics of the community/region of origin of the goods.

Therefore, it can be said that Geographical Indications (GIs) emphasize products produced by geographic environmental factors, which are a combination of natural and human factors. In the era of global trade, in line with international conventions ratified by Indonesia, the role of trademarks and geographical indication is crucial, particularly in maintaining healthy and fair business competition, consumer protection, and the protection of Micro, Small, and Medium Enterprises (MSMEs) and domestic industries. Geographical indication like other intellectual property, constitute part of the exclusive rights of the intellectual property rights holder. GIs enable potential buyers to identify a product's origin, as each product identifies a specific location, displaying distinctive characteristics and characteristics found only in that specific region.

Geographical indications are a strategic tool for advancing regional or national industry. Geographical indications convey the unique characteristics of a region. Consumers can recognize the uniqueness of a region if a specific group holds exclusive rights to use a particular geographical indication.

Geographical indications can also enhance the dynamic marketing of a product. This is because geographical indications are owned collectively within a region. Local communities can utilize these resources by utilizing geographical indications as a valuable tool for their region, as well as for community-based economic development and local wisdom, as well as for local products native to Bali.

To further improve services and provide legal certainty for industry, trade, and investment in the face of local, national, regional, and international economic developments, as well as advances in information and communication technology, more adequate legislation in the field of Trademarks and Geographical Indications is needed. Law Number 15 of 2001 concerning Trademarks still has shortcomings and fails to accommodate the growing needs of the community in the field of Trademarks and Geographical Indications. It also does not adequately guarantee the protection of local and national economic potential, and therefore needs to be replaced. For these reasons, Law Number 20 of 2016 concerning Trademarks and Geographical Indications was enacted. protect the rights of product producers living in the region where the geographical indication is produced through the use of geographical indications or names that indicate the product's origin (Nicolas Guyot, 2016: 2). These factors make geographical indications highly valuable to a city or region.

Intellectual property is a property right derived from the work of the brain, not muscle, and is the result of human thought and reasoning. The results of the brain's work through thinking and reasoning, coupled with feelings and desires, are still abstract and

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must be expressed or realized into a work called intellectual work, which is an "intangible thing/intangible asset." Intellectual Property among local entrepreneurs regarding works/products that utilize local wisdom is one of the intellectual property issues. Every aspect of life is governed by law, including intellectual property. Laws are created to ensure legal certainty. Regarding tourism, a stable tourism climate is crucial to ensure the continued existence of cultural products, which represent Indonesia's greatest potential, especially for creators involved in the tourism industry. Many people have talked about intellectual property, but many still don't understand it. Protection of intellectual property rights must be given due attention so that the public understands their rights. Bali has had a hard time dealing with numerous cases of piracy of traditional cultural works in the past.

METHODS

This research utilizes normative legal research, as the hallmark of legal science is its normative nature. Normative legal research is often referred to as qualitative research. Normative legal research should not be identified with qualitative research, as legal science is a *sui generis* science. Normative legal researchers are not limited to a single law, nor do they recognize populations and sampling (Philipus M. Hadjon and Tatiek Sri Djatmiati, 2005: 1). The research will be based on existing theories and facts, and in this research, it remains grounded in the discipline of legal science.

RESULTS AND DISCUSSION

The Potential for Advancing the Welfare of Balinese Communities Through Legal Protection of Communal Intellectual Property

Before the enactment of Law Number 20 of 2016 concerning Trademarks and Geographical Indications, the regulation regarding Geographical Indications was regulated in Law Number 15 of 2001 concerning Trademarks and Government Regulation Number 51 of 2007 concerning Geographical Indications. Government Regulation Number 51 of 2007 concerning Geographical Indications can be considered as a resolution of conflicts, especially in the field of trade that occur in society. As an implementing regulation of Trademark Law Number 15 of 2001, especially Article 56 concerning Geographical Indications, Government Regulation Number 51 of 2007 was issued which is expected to be used as a guideline for implementing the registration of Geographical Indications. Several articles have been ratified to regulate the systematic registration of Geographical Indications in Indonesia so that there is an orderly and directed economic system in Indonesia.

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The implementation of Law Number 23 of 2014 concerning Regional Autonomy requires each region to increase its revenue from both tax and non-tax sectors. To this end, each region needs to immediately develop superior products and explore all existing regional potential as optimally as possible. This, if not done properly, will be difficult to achieve, considering that export activities to foreign countries require regions to meet current global issues, one of which is Intellectual Property Rights. One global issue regarding intellectual property rights is its relationship to the development and protection of superior regional products within the framework of increasing regional original income through good intellectual property rights management.

Indonesia is an archipelagic country administratively comprising 17,504 islands and 34 provinces, with a population of nearly 270,054,853 (two hundred seventy million fifty-four thousand eight hundred fifty-three). Indonesia is a country rich in biodiversity, both on land and in the sea. Therefore, each region possesses varying strengths in terms of natural resource wealth, human resources, and the industries that utilize them.

These varying strengths mean that each region has its own leading sector in producing superior products. Broadly speaking, the leading sectors include:

1. Agriculture (food crops, plantations, livestock, forestry, fisheries);
2. Mining and quarrying;
3. Manufacturing industry

In addition, based on the combination of natural resource wealth and human resources, each region has intellectual wealth called traditional knowledge which is the knowledge belonging to the local community of each region which is very beneficial for the community both economically, health and culturally. Traditional knowledge is an important source of inspiration in the development of modern innovation, therefore its existence needs to be properly recognized and protected in the legal order both locally, regionally and internationally. The development of new innovations based on traditional knowledge is a very important right carried out by the local community that owns it, the added value obtained can be fully enjoyed by them.

Strategies that can be taken to protect regional intellectual property include the following:

1. Registering every regional innovation with the Intellectual Property Office. This aims to:
Meet the demands of globalization, especially for export-oriented products.

- 1) Provide legal certainty to potential investors.
- 2) Motivate individuals/groups to produce new innovations.
- 3) Documenting every traditional knowledge owned by the region aims to:
- 4) Claim the types of traditional knowledge owned by the region;
- 5) Prevent the registration of traditional knowledge by foreign parties;
- 6) Disseminate the benefits of traditional knowledge to the wider community.

Proper intellectual property management is essential and key to success in developing and protecting superior regional products with the ultimate goal of increasing Regional Original Income. Therefore, each region must immediately implement this to support the implementation of regional autonomy, which has already begun. The use of communal intellectual property rights can increase the economic value of the community. Therefore, a brand is an intangible asset that holds value for the asset owner.

Statement of Financial Accounting Standards 19 (revised 2010) states that an intangible asset is an identifiable, non-monetary asset that lacks physical substance. The value of an intangible asset derives from the rights or privileges an entity obtains from owning the asset. Some examples of intangible assets include patents, copyrights, trademarks, computer software, franchises, and goodwill. Some types of intangible assets can have a physical form, such as compact discs (which contain computer software) or legal documentation (containing licenses or trademark rights). Due to their intangible nature, accounting for these assets is not as straightforward as accounting for tangible assets. The recognition and measurement of intangible assets often gives rise to problems, some of which are caused by the fact that many intangible assets are generated internally (not purchased from external parties), making it difficult to determine the historical cost that will be used as the basis for measuring the value of these intangible assets.

The concept that must be referred to should include at least the following steps:

- a) Identifying all existing regional potential
- b) Implementing a priority scale in developing superior products
- c) Providing a conducive business climate
- d) Supporting strategic and realistic policies

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- e) Providing adequate facilities and infrastructure
- f) Guaranteeing security and legal certainty

The initial steps that can be taken to realize this concept are as follows:

- a) Commitment to support from all stakeholders
- b) Establishing an Intellectual Property Management Unit in each district or city
- c) Establishing an intellectual property center/intellectual property clinic/existing Intellectual Property Management Unit for its management.

The importance of Geographical Indication protection aims to protect products, their quality, their added value, and also contribute to rural development. Geographical Indications are a crucial component of Intellectual Property Rights in trade activities that are closely linked to the name of the region or place of origin of the goods or products.

Intellectual property protection for traditional Balinese fabrics is a crucial issue because fabrics such as endek, songket, and poleng constitute intangible cultural heritage that can be exploited commercially without permission or due respect to their communities. Tunun gringsing received Geographical Indication protection from the Directorate General of Intellectual Property Rights, Ministry of Law and Human Rights, on March 15, 2016, under registration number ID G 000000046.

Kain Endek has also received Communal Intellectual Property Protection for Traditional Cultural Expressions under Inventory Number EBT.12.2020.0000085 from the Directorate General of Intellectual Property, Ministry of Law and Human Rights of the Republic of Indonesia, under the Directorate General of Intellectual Property Number. This, from an economic perspective, can also increase the competitiveness and economic value of the product compared to similar products that have not received geographical indication certification.

Legal protection of Geographical Indication products can be obtained when they have been registered, this is as referred to in Article 53 of Law Number 20 of 2016 concerning trademarks and Geographical Indications, In Geographical Indications, there is a period of protection and deletion of Geographical Indications as stated in Article 61 of Law Number 20 of 2016 concerning Trademarks and Geographical Indications. Specifically, regulations regarding registration of Geographical Indications are regulated in Chapter III of the Requirements and Procedures for Application of Government Regulation Number 51 of 2007 concerning Geographical Indications. Based on this, the protection of Geographical Indications in Indonesia is a constitutive system that requires registration to obtain protection from the State.

Preventive legal protection is legal protection for the people, where the people are given the opportunity to raise objections or opinions before a government decision becomes a definitive form. This is intended to prevent disputes. To obtain Geographical Indication protection. Efforts taken by the Balinese people to obtain legal protection based on Geographical Indications by means of groups or commodities submitting registration of Geographical Indication products at the Directorate General of Intellectual Property in accordance with Law Number 20 of 2016 concerning Trademarks and Geographical Indications and Government Regulation Number 51 of 2007 concerning Geographical Indications, which have been known to have distinctive features, characteristics, reputation, and quality in a product or goods produced in a particular area, become the basis for the implementation of Geographical Indication legal protection.

Potential for Advancing Community Welfare through the Protection of Geographical Indications

In Nusa Penida, weaving isn't just for adults. Elementary school-aged children are also skilled at weaving. After school, they diligently thread threads onto looms. Using non-machine looms, they transform the threads into high-value rangrang cloth. They can also sell their weavings at the market to supplement their family income. However, to date, cepuk rangrang cloth has not received legal protection in the form of intellectual property rights.

Following up on the Directorate of Trademarks and Geographical Indications' letter No. HKI.4-KI.07.01.01-380, and to encourage the growth of One Village One Brand (OVOB) trademark registrations and the inventory of Geographical Indication products in Klungkung Regency, the Bali Regional Office of the Ministry of Law and Human Rights (Kemenkumham), specifically the Legal Services and Human Rights Division, conducted coordination activities and a visit to the Bali Kamasan Painting Geographical Indication Protection Society.

Coordination regarding the potential for Intellectual Property and Geographical Indications in Klungkung Regency has long been carried out by the Bali Regional Office of Kemenkumham. The potential for collective trademarks in Klungkung Regency is to register its Intellectual Property. Furthermore, an inventory of potential Geographical Indications, Traditional Cultural Expressions, and Traditional Knowledge, which are aspects of Intellectual Property in Klungkung Regency, with its diverse cultural traditions and traditional foods, for example, the potential for the Cepuk Rang-rang Geographical Indication in Nusa Penida, is being conducted. Cepuk Rangrang weaving is a woven fabric motif created by the people of Nusa Penida, Bali, which has been widely recognized. Historically, this Rangrang weaving is a type of ancestral woven fabric of the Nusa Penida people, which was previously only used for religious ceremonies. Hundreds of years ago, our ancestors had treasured a woven fabric called Cepuk Rangrang. Cepuk Rangrang was only worn during religious ceremonies. In keeping with the times, this sacred Cepuk Rangrang weaving has been produced by the community. Cepuk Rangrang weaving comes from the words Cepuk and Rangrang, or Cepuk bolongbolong.

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This bolong-bolong Cepuk symbolizes transparency. The industry of this group has begun to develop thanks to assistance and support from Bank Indonesia as a mentor and the high enthusiasm of the Pejukutan Village community.

Various types of Rangrang woven fabrics in Pejukutan Village, Nusa Penida District, Klungkung Regency, Bali. The Cepuk Rangrang woven fabric symbolizes transparency. Our community aspires to develop and produce reliable industrial products, but funding has been a challenge. Cepuk Rangrang woven fabric is characterized by small, perforated spaces in the fabric. Its motifs also differ from Balinese woven fabrics in other regencies, such as Klungkung, Karangasem, Jembrana, Tabanan, and others. Besides the perforated designs and distinct motifs, the colors are also brighter than other woven fabrics, with red, orange, and purple predominating. This intellectual property potential should be registered for legal protection and greater public awareness.

Nusa Penida is an island within the province of Bali, separated from Bali by the Badung Strait. Rangrang artisans are readily found on this island, located in Klungkung Regency. Weavers are found in nearly every settlement. Banjar Karang Village and Pejukutan Village in Nusa Penida, for example, are best known for their production of rangrang. When compared to the effectiveness of Law Number 20 of 2016 concerning Trademarks, which relates to the legal protection of rangrang woven fabric in Pejukutan Village, Nusa Penida, and the theory of effectiveness, Soerjono Soekanto identified several factors that can be used to measure the effectiveness of the law.

Several factors influence the success of the law, including (Soerjono Soekanto, 2007: 110).

1. Legal Factors. Law encompasses elements of justice, certainty, and benefit. In its implementation, conflicts often arise between legal certainty and justice. Legal certainty is concrete, concerning concrete application in individual cases, while justice is abstract. As is known, the Government has enacted a special regulation, namely Law Number 20 of 2016 concerning Trademarks and Geographical Indications.

2) Law Enforcement Factors

Law enforcement is greatly influenced by these law enforcement officers. These officers have their own roles and positions. With their roles and positions, these law enforcers are required to exhibit professional behavior and actions when carrying out their duties, such as providing guidance or outreach to residents of Pejukutan Village, Nusa Penida, regarding laws and regulations that can protect the rangrang woven cloth in Pejukutan Village from being imitated by individuals or parties with malicious intent.

3) Facilities or Infrastructure Factors

Supporting facilities can be simply described as infrastructure for achieving specific goals. This primarily encompasses various physical facilities that serve as support. These supporting facilities include skilled and trained human resources, an efficient organizational system, adequate equipment, sufficient finances, and other aspects. Beyond the availability of these facilities, the importance of maintenance must also be considered to prevent disruptions that should support a smooth process from becoming counterproductive. Without these facilities, law enforcement cannot function smoothly. These facilities or infrastructure include a skilled and educated workforce, a well-organized organization, and adequate equipment. In this regard, these facilities include outreach or information, such as print, electronic, and other media, which are easily accessible to residents with limited knowledge and understanding of regulations that protect intellectual property, specifically the rangrang woven cloth in Pejukutan Village, Nusa Penida. In this regard, the government is still lacking in providing information facilities to Pejukutan Village residents to provide essential knowledge regarding intellectual property protection.

4) Community Factors

Public opinion regarding the law significantly influences the efficiency of the legal system itself. Therefore, increasing legal awareness among the public is crucial for effective law enforcement. One strategy that can be adopted is conducting outreach involving various social strata, community leaders, and law enforcement officials. Furthermore, the formation of legal regulations must take into account the dynamics of social change so that they can function optimally as regulators of community behavior. In this regard, existing laws and regulations are adequate, namely the enactment of Law Number 13 of 2016 concerning Trademarks and Geographical Indications. Among economically disadvantaged communities, the problem faced in Pejukutan Village is a lack of public awareness and understanding of the importance of legal protection and fair trade competition, largely due to a lack of public knowledge and curiosity regarding these matters.

5) Cultural Factors

Cultural Factors Cultural and societal factors are actually combined with a deliberate distinction. This discussion highlights issues of systemic values that are the essence of spiritual or non-material culture. In this context, law encompasses structure, substance, and culture. Cultural factors are also related to public awareness. Legal culture also fundamentally encompasses the values underlying the enactment of the law. Values are abstract concepts regarding what is considered good and therefore adhered to, and what is considered bad and therefore avoided. In this case, public awareness is also a factor in the success or effectiveness of a law in providing protection, namely public awareness to protect rangrang woven cloth in Pejukutan Village, Nusa Penida.

In accordance with the provisions of Article 61 of Law Number 20 of 2016 and Government Regulation Number 51 of 2007 concerning Geographical Indications:

1) Geographical Indications are protected as long as the reputation, quality, and characteristics that form the basis for granting

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Geographical Indication protection to a product are maintained.

2) Geographical Indications can be revoked if:

- a. the provisions referred to in point (1) are not met; and/or.
- b. the provisions referred to in Article 56 point (1) letter a are violated.

Geographical indications, like other intellectual property rights, serve to convey a message about the product. With geographical indications, potential buyers can identify the product's origin because each product produced identifies a specific location by displaying distinctive characteristics and traits that can only be found in that particular location. Geographical indications are a strategic tool for advancing regional or national industry. This is because geographical indications convey the unique characteristics of a region. Customers can see the uniqueness of a region if there is a regional group whose members have exclusive rights to use a particular geographical indication (Erlina B and Melisa Safitri, 2019: 11).

The Geographical Indication Protection Society (MPIG) still has many shortcomings, which are the reason for its underdevelopment. Despite the numerous benefits of registering Geographical Indications as a basis for enforcing legal protection for Geographical Indications, most Balinese farmers are still unaware of the existence of Geographical Indication protection due to the lack of outreach by certain institutions related to Geographical

The Balinese people must continue to protect and preserve their natural resources. Indonesia, as an archipelagic nation rich in traditional knowledge, traditions, and culture, and its tropical climate, produces a wide variety of products with significant economic potential. These products should be protected and utilized optimally. Many still have the potential to become Indonesian Geographical Indications, given Indonesia's abundant natural resources.

There are still many shortcomings in the Geographical Indication Protection Society, which is the reason for its underdevelopment. Despite the numerous benefits of registering Geographical Indications, the Balinese public is still unaware of the existence of Geographical Indication protection due to a lack of outreach by specific institutions related to Geographical Indications. Therefore, the Balinese people must continue to protect and preserve their natural resources. Indonesia, as an archipelagic nation rich in traditional knowledge, traditions, and culture, and its tropical climate, produces a wide variety of products with significant economic potential. These products should be protected and utilized optimally. Many still have the potential to become Indonesian Geographical Indications, given Indonesia's abundant natural resources.

Several crucial points to understand regarding the inventory of Communal Intellectual Property (Directorate General of Intellectual Property, 2019) include:

1. The primary purpose of the Communal Intellectual Property inventory is to protect the rights of indigenous communities to prevent unauthorized exploitation of Communal Intellectual Property and/or unfair distribution of benefits.
2. If possible, information is required regarding the needs of interested parties interested in utilizing Communal Intellectual Property, both commercially and non-commercially.
3. It is important to ensure that data regarding inventoried Communal Intellectual Property cannot be accessed arbitrarily, especially in digital form. This is an effort to prevent exploitation by third parties without fair distribution of benefits and to maintain the trust of indigenous communities in the sacred and confidential nature of Communal Intellectual Property.
4. It is important to clearly communicate to indigenous communities that if Communal Intellectual Property is documented for inventory purposes, it will become Conventional/Modern Intellectual Property.
5. Determining which indigenous community owns or holds economic and moral rights to Communal Intellectual Property cannot be separated from the geographic scope of the distribution of the Communal Intellectual Property itself.
6. Determining the owner or party entitled to economic and moral rights to the protection of Communal Intellectual Property is not easy, especially in the communal context of Indonesia. Therefore, it is highly possible that the state or local government could act as a "guardian" or representative acting for and on behalf of the owner or party holding economic and moral rights to the protection of Communal Intellectual Property.

The legal basis for communal intellectual property includes:

1. Law of the Republic of Indonesia Number 11 of 2013 concerning Ratification of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization to the Convention on Biological Diversity;
2. Law of the Republic of Indonesia Number 28 of 2014 concerning Copyright;
3. Law of the Republic of Indonesia Number 20 of 2016 concerning Trademarks and Geographical Indications;
4. Law of the Republic of Indonesia Number 13 of 2016 concerning Patents;
5. Law of the Republic of Indonesia Number 11 of 2019 concerning the National System of Science and Technology;
6. Government Regulation of the Republic of Indonesia Number 48 of 2011 concerning Animal Genetic Resources and Livestock Breeding
7. Regulation of the Minister of Agriculture Number: 67/Permentan/OT.140/12/2006 concerning the Preservation and Utilization of Plant Genetic Resources
8. Regulation of the Minister of Law and Human Rights Number 13 of 2017 concerning Communal Intellectual Property

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Data;

9. Regulation of the Minister of Environment and Forestry of the Republic of Indonesia Number P.2/Menlhk/Setjen/Kum.1/1/2018 concerning Access to Wild Species Genetic Resources and Benefit Sharing from Their Utilization As a communal intellectual property, Geographical Indications have their own unique characteristics compared to other forms of communal intellectual property. A Geographical Indication is a sign indicating the origin of a good or product, which, due to geographic environmental factors, including natural factors, human factors, or a combination of both, confers a certain reputation, quality, and characteristics to the resulting good or product. The sign used as a Geographical Indication can be a label or label attached to the product. The sign can be the name of a place, region, or area, a word, an image, a letter, or a combination of these elements. Objects of Geographical Indication Protection include natural resources, handicrafts, and industrial products owned by one region but not by other regions within the territory of the Unitary State of the Republic of Indonesia.

Intellectual property protection is not only a matter of justice for creators but also a strategic tool for national economic development. A country that is able to protect, manage, and commercialize intellectual property will be able to increase innovation, create new jobs, attract investment, and enhance global competitiveness. Pancasila as the foundation of the Indonesian state, the state philosophy that became the basis of ideology is a national agreement among the founding fathers when proclaiming the establishment of the Indonesian state. Pancasila which consists of five principles contains universal values needed for the establishment of a modern state: the value of inclusive diversity (Belief in the One Almighty God), humanism (Just and Civilized Humanity), nationalism (Unity of Indonesia), democracy (Democracy Led by the Wisdom of Deliberation/Representation), and welfare (Social Justice for All Indonesian People). The last value, about welfare is explicitly contained in the fifth principle of Pancasila which reads "Social Justice for All Indonesian People" (Darwin, 2009:412).

The concept of a welfare state, for the Indonesian state, is contained in the Preamble to the 1945 Constitution of the Republic of Indonesia (hereinafter abbreviated as the 1945 Constitution of the Republic of Indonesia), the fourth paragraph of which reads: "Then, to form an Indonesian state government that protects all the Indonesian people and all of Indonesia's homeland and to advance general welfare, to educate the nation's life,..." (Suharto, 2014:2). The concept of a welfare state is then used as the basis for the position and function of government (*bestuurfunctie*) in modern states. In the concept of a welfare state, the state is required to expand its responsibilities to social problems faced by society (Hamidi, 2009:297).

The substance of the concept of a welfare state is that the state is obliged to provide welfare to its people, by providing services, facilities, and infrastructure for the community. All basic needs of the people such as education and health services are the duty and responsibility of the state, and the reflection or symbol of an independent state is the Government, in this case represented by the President (Hamidi, 2009:121). Thus, the Government, according to the state constitution, has the authority and function to realize general welfare, as referred to in the Preamble to the 1945 Constitution of the Republic of Indonesia. The Government will certainly be consistent and strive to provide respect, protection, and fulfillment of the rights to the basic needs of its citizens. These efforts must be carried out by the Government as a top priority by grounding the universal values of Pancasila, such as social equality and justice, which are the spirit of welfare development. The Government must be based on a welfare state approach that prioritizes empowerment and social protection.

The desired state structure, based on the 1945 Constitution of the Republic of Indonesia, is a welfare state. In this concept, the state is not only tasked with maintaining order but also plays an active role in efforts to improve the welfare of the people. Consequently, the state operates not only in the political realm but also in the economic and social spheres. From a human rights perspective, the state is not only obliged to respect and protect but also to make efforts to fulfill and advance human rights (Asshiddiqie, 2007:296).

CONCLUSION

Based on the Directorate of Trademarks and Geographical Indications Number HKI.4-KI.07.01.01-380, and to encourage the growth of One Village One Brand, trademark registrations and the inventory of Geographical Indication products in Klungkung Regency, the potential for advancing Balinese community welfare through Geographical Indications can be seen, namely the potential of Collective Trademarks in Klungkung Regency for registration of their Intellectual Property. Furthermore, an inventory of the potential for Geographical Indications and Traditional Cultural Expressions and Traditional Knowledge, which are aspects of Intellectual Property in Klungkung Regency, with its diverse cultural traditions and traditional foods, for example, the potential for the Cepuk Rang-rang Geographical Indication in Nusa Penida, is being conducted.

The communal intellectual property inventory activity is a government effort to implement a defensive protection system for communal intellectual property. This is based on the fact that even though communal intellectual property does not meet the element of novelty, its existence is the result of the intellectual power of indigenous communities and has the ability to survive for a very long time. Furthermore, it has been proven that communal intellectual property also benefits human life, so we need to appreciate the creative work of indigenous communities. Countries with strong intellectual property systems tend to attract more foreign direct investment because investors feel more secure. Intellectual property protection can also increase the economic value of intangible assets, such as traditional Balinese fabrics, particularly the rangrang woven fabric from Pejukutan Village, Nusa Penida.

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