

# Optimizing Geographical Indication Protection: Comparative Analysis and Lessons for Indonesia's Legal Framework

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## Abstract

Geographical Indications (GIs) play a crucial role in safeguarding the unique qualities and reputation of products closely tied to their place of origin, extending beyond mere economic considerations to encompass cultural preservation and the maintenance of traditional production methods. Indonesia's current legal framework faces significant challenges and requires review and potential reconstruction to optimize the system and address complex issues such as the potential conflict between exclusive GI rights and trademark rights. This study employs an empirical juridical approach, utilizing field research based on interviews with key informants, and relies on both primary and secondary materials as its foundational sources. The results show that GIs function as powerful tools for product differentiation in both domestic and global markets, helping to highlight the uniqueness of a product, support local economic sustainability, and provide legal protection for a product's authenticity and reputation. However, Indonesia's efforts to achieve food self-sufficiency and strengthen its GI portfolio are hindered by the complex registration process, lack of legal certainty, and low legal awareness among local communities. Legal reform should aim to align with the socio-economic realities of communities involved in GI production, enabling GIs to serve as both legal identifiers of origin and economic tools that boost the market value of local products in domestic and international trade.

**Keywords:** Geographical Indication, Intellectual Property Rights, Trademark, Exclusive Rights.

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## 1. INTRODUCTION

Land cultural creations, ancestral heritage, and regional distinctiveness are assets that warrant formal recognition. The legal acknowledgment of these assets has evolved into mechanisms such as agreements and registrations.<sup>1</sup> This context underscores the necessity for Geographical Indication (hereinafter, GI) to safeguard the interests of local communities. GIs are commonly applied to agricultural products, foodstuffs, wines, handicrafts, and industrial goods that originate from a particular locale and are protected as a form of intellectual property.<sup>2</sup> Consequently, a primary rationale for protecting GIs is the belief that "beyond the private interest and public welfare effects of legal protection, geographical indications are required for the preservation

of local traditions, national culture, and cultural diversity."<sup>3</sup>

Geographical Indications, serve as a crucial mechanism for safeguarding the unique qualities and reputation of products closely tied to their place of origin. This protection extends beyond mere economic considerations, encompassing cultural preservation and the maintenance of traditional production methods. By granting legal recognition to these products, GIs create a framework that allows local communities to benefit from their collective knowledge and practices, often passed down through generations.

The significance of GIs in preserving local traditions and cultural diversity cannot be overstated.

<sup>1</sup> Rahmah, Mas. "The protection of agricultural products under geographical indication: an alternative tool for agricultural development Indonesia." *Journal of Intellectual Property Rights* 22, no. 2 (2017): 90-103.

<sup>2</sup> Farmer, Erica Angele. "Delicious enigmas: Legal geographical indication regimes in Bordeaux and the

United Kingdom." PhD diss., UCL (University College London), 2013.

<sup>3</sup> Broude, Tomer. "Taking trade and culture seriously: Geographical indications and cultural protection in WTO law." *U. Pa. J. Int'l Econ. L.* 26 (2005): 623.

They act as a bridge between the past and present, ensuring that traditional production techniques and regional specialties are not lost to globalization and mass production. Moreover, GIs contribute to the economic development of rural areas by providing a competitive advantage to local producers and fostering sustainable agricultural practices. This dual role of GIs in protecting both economic interests and cultural heritage underscores their importance in an increasingly interconnected world, where the preservation of unique local identities and traditions is paramount.

In essence, GI protection plays a crucial role in fostering and preserving the notion that, beyond merely legal safeguards for individual and collective economic interests, GIs are indispensable for maintaining local traditions, national heritage, and cultural diversity. Given these foundational reasons, the primary objective of GI protection is to safeguard the reputation of products originating from specific regions while promoting and preserving their unique characteristics and associated traditional knowledge. From a consumer perspective, GIs facilitate the identification and differentiation of products based on their geographic origin and quality standards, thereby enhancing value and supporting both the local economy and cultural heritage.

Intellectual property protection, therefore, also aims to augment the value of intellectual assets.<sup>4</sup> In practice, a country's legal system may prioritize GIs over trademarks, particularly in cases of potential conflict. This is because GIs represent communal rights that are not profit-driven like individual trademarks. However, this raises a significant question: Does such prioritization align with the principles of justice and balanced legal certainty? This question invites further examination, especially in situations where a GI could invalidate or override an existing or previously registered trademark.

The potential conflict between GIs and trademarks highlights the complex interplay between collective and individual rights in intellectual property law. It also underscores the need for a nuanced approach that considers the economic, cultural, and social implications of prioritizing one form of protection over another.<sup>5</sup> Policymakers and legal experts must carefully weigh the benefits of preserving traditional knowledge and cultural heritage against the importance of fostering innovation and fair competition in the marketplace.

Indonesia's current legal framework on GIs faces pressing challenges and requires review and potential reconstruction. While the existing structure

provides a foundation for protection, a comprehensive evaluation is necessary to optimize the system. Comparative analysis with international legal practices could offer valuable insights for improving Indonesia's GI framework. Learning from successful approaches in other countries can help avoid mistakes and adopt best practices to enhance current policies. A particularly complex issue is the potential conflict between exclusive GI rights and trademark rights. Hence, a proper legal construction is necessary to balance the rights of GI holders with those of other registered intellectual property owners—considering the principles of legal certainty and equitable justice.

## 2. METHOD

The study adopts a qualitative empirical juridical approach, combining doctrinal legal analysis with field research. The empirical component is implemented through semi-structured interviews with key informants, including legal practitioners, government officials, and community representatives involved in GI registration. These interviews aim to capture practical challenges and stakeholder perceptions related to the implementation and effectiveness of GI protection in Indonesia. By integrating comparative legal analysis, the study evaluates successful GI protection models in countries such as France, Australia, and the European Union. This dual-method approach ensures a comprehensive assessment of both the theoretical and practical dimensions.

### 3. Exclusive Rights of Geographical Indications as Product Origin Identifiers: A Comparative Perspective in Several Countries

The protection of geographical indications under Indonesian regulations serves as a means to differentiate products based on the unique geographical characteristics of a particular region. GIs provide a marketing advantage both locally and internationally, as consumers tend to more readily recognize products bearing such designations. For instance, labels like “*Champagne*” for wine or “*Swiss Watches*” for timepieces convey strong perceptions of quality and exclusivity. Similarly, “*Gayo Coffee*” evokes a powerful consumer perception that it is a distinctive, authentic coffee from Aceh, unmatched by other regional varieties.<sup>6</sup> Overall, GIs function as powerful tools for product differentiation in both domestic and global markets. They help highlight the uniqueness of a product, support local economic sustainability, and provide legal protection for a product's authenticity and reputation.

<sup>4</sup> Besen, Stanley M., and Leo J. Raskind. "An introduction to the law and economics of intellectual property." *Journal of economic perspectives* 5, no. 1 (1991): 3-27.

<sup>5</sup> Cadizza, Riza, and Rizanizarli Rizanizarli. "Perlindungan Hukum Terhadap Indikasi Geografis

Kopi Gayo Di Tanah Gayo." *Jurnal Yustisiabel* 7, no. 2 (2023): 170-184.

<sup>6</sup> Hamidi, Ayu Kumala Sari, and Iyah Faniyah. "Perlindungan Hukum Indikasi Geografis atas Merek Kopi Toraja dan Kopi Gayo yang Didaftarkan Oleh Negara Lain." *UNES Law Review* 2, no. 1 (2019): 35-49.

The advantages of GI protection as a mark of identification and product differentiation in trade include clarifying product identity, preventing unfair competition, and guaranteeing the authenticity and quality of GI-designated products.<sup>7</sup> GIs build consumer trust, empower local producers, boost production, enhance reputation, and elevate the recognition of the regions they represent. For example, *Kintamani Bali Coffee* not only elevates the product but also indirectly promotes the Kintamani region itself, as consumers associate the product with its place of origin.

The potential benefits of GIs can be fully realized when a country—Indonesia included—implements a robust system to protect its distinctive products. In this context, international GI protection becomes essential. The benefits of international GI protection include:

- a. Using GIs as a strategic tool for domestic and international marketing,
- b. Adding economic value and improving producer welfare,
- c. Enhancing the reputation of GI products in global trade,
- d. Ensuring equal treatment through international recognition and promotion, and
- e. Most importantly, providing origin-based legal protection to prevent unfair competition.

Beyond safeguarding consumers and maintaining product quality and reputation, GIs represent a concrete legal mechanism for protecting geographically indicated products. The exclusive rights of GIs are guaranteed by governments both domestically and internationally. GIs are recognized signs that may be enforced globally, following the applicable legal procedures. This allows businesses and producers to register and sell their GI-designated products in multiple countries. In Indonesia, the protection of GIs is governed under Law Number 20 of 2016 on Trademarks and Geographical Indications, utilizing a *sui generis* and constitutive system for GI protection.

Based on data from the Directorate General of Intellectual Property of Indonesia, Geographical Indications (GIs) in the country are still predominantly composed of agricultural products, especially from the farming and plantation sectors. As of 2024, there are 182 registered GI products in Indonesia, consisting of 167 domestic products and 15 foreign products. Within the agriculture and plantation sectors, 124 GIs have been registered, with coffee leading the list — accounting for

58 GI registrations. This positions coffee as one of Indonesia's most prominent GI commodities.

Notable examples of Indonesian GI coffees that have penetrated global markets and contributed to local economic growth include Gayo Coffee, Toraja Coffee, Kintamani Bali Coffee, Java Preanger Coffee, alongside other GI-labeled products such as Munthok Pepper and Amed Bali Salt.<sup>8</sup> These products not only showcase Indonesia's unique flavors internationally but also have a positive socioeconomic impact on farmers and local communities in their regions of origin.

Globally, most countries adhere to either the common law or civil law systems, which adopt differing approaches in regulating GI protection. Despite these differences, both systems share the fundamental goal of protecting the rights of producers and consumers while preserving product authenticity.<sup>9</sup> With the continued expansion of international trade and globalization, it becomes increasingly important for countries to strengthen and refine their GI protection mechanisms. The common law system, rooted in English legal tradition, emphasizes judicial precedent (jurisprudence) as a key source of law. One hallmark of this system is its flexibility and adaptability to changing circumstances. In GI protection, common law tends to allow greater interpretive discretion by judges, offering adaptable legal responses.

This discussion narrows to specifically examine the differences in GI protection between common law and civil law countries. A notable example is France, a civil law country with a long-standing tradition of producing wine and other agricultural goods. France has established a comprehensive and robust GI protection system, administered by the *Institut National de l'Origine et de la Qualité* (INAO). Key features of the French GI system include:

- a. Strong legal protection: GIs in France are strongly protected both at the national and international levels.
- b. Detailed classification system: GIs are categorized in detail, including *Appellation d'Origine Contrôlée* (AOC) for agricultural products and *Indication Géographique Protégée* (IGP) for processed goods.
- c. Strict quality control: The production of GI-labeled products in France is rigorously supervised to ensure their quality and authenticity.

<sup>7</sup> Hananto, Pulung Widhi Hari, and Rahandy Rizki Prananda. "The Urgency of Geographical Indication As a Legal Protection Instrument Toward Traditional knowledge in Indonesia." *Law Reform* 15, no. 1 (2019): 62-84.

<sup>8</sup> Sudjana, Sudjana. "Implikasi Perlindungan Indikasi Geografis Berdasarkan Undang-Undang Nomor 20

Tahun 2016 Terhadap Pengembangan Ekonomi Lokal." *Veritas et Justitia* 4, no. 1 (2018): 30-58.

<sup>9</sup> Hidayah, Khoirul, and Iffaty Nasyiah. "Potensi pendaftaran indikasi geografis kopi lereng Semeru oleh pemerintah daerah dalam menghadapi ASEAN Economic Community." *Kertha Patrika* 42, no. 2 (2020): 132-149.

Many experts argue that the European Union, France, and numerous countries in Asia, Africa, and Latin America — which are highly reliant on agriculture — possess a relatively strong foundation for developing markets for Geographical Indication (GI) products. This

is due to their relatively rigorous and well-established GI protection frameworks, which enable GIs to significantly influence agricultural economic development in those regions (Table 1).

**Table 1: Comparative Protection of Geographical Indications Across Different Legal Systems**

Country	Protection Focus	Registration System	Quality Control
France	Agriculture, Food	Mandatory	Very Strict
United Kingdom	Agriculture, Food	Voluntary (Developing)	Developing
Thailand	Agriculture	Voluntary	Developing
Malaysia	Agriculture, Handicrafts	Voluntary	Developing
Australia	Various Products	Mandatory	Strict
United States	Various Products	Voluntary	Common Law-Based

In the discussion on the comparison of geographical indication (GI) protections, the following are regulatory frameworks from countries with significant GI systems—namely the European Union, Australia, and China—which can serve as reference points for evaluating and analyzing GI regulations.<sup>10</sup> These countries' rules and systems for protecting GIs can be used as examples to study and compare how GIs are regulated in different parts of the world. This comparison can help understand the strengths and weaknesses of various approaches to GI protection.

The United Kingdom has a relatively new GI protection system compared to France. After exiting the European Union, the UK faced the challenge of rebuilding its own GI protection framework. Currently, the UK is in the process of developing a comprehensive legal infrastructure for GI protection with a focus on the following key aspects:

- Harmonization with the European Union: The UK aims to maintain alignment with the EU's GI protection framework to ensure that local products continue to be recognized and protected in international markets.
- Focus on agricultural and food products: The UK's current GI system emphasizes the protection of agricultural and food products to enhance their quality and authenticity in the marketplace.
- Collaboration with producers: The UK government actively collaborates with producers to develop an effective GI system, ensuring that the voices and needs of industry stakeholders are considered in policy development.

Thus, the UK's efforts to develop its new GI system are directed toward protecting the identity of local products and supporting the sustainability of the agricultural sector. The United Kingdom's development of its new GI protection system represents a significant shift in its approach to safeguarding the identity and

quality of local products. This transition, necessitated by the UK's exit from the European Union, has prompted a comprehensive review and restructuring of the country's legal framework for GI protection. The UK government's focus on harmonization with EU standards demonstrates a strategic approach to maintaining international recognition for British products, particularly in European markets where many UK goods have historically enjoyed protected status.

The emphasis on agricultural and food products within the UK's evolving GI system reflects the importance of these sectors to the national economy and cultural heritage. By prioritizing the protection of such products, the UK aims to enhance their market value and authenticity, potentially boosting rural economies and preserving traditional production methods. The collaborative approach between the government and producers in developing this system is crucial, as it ensures that the resulting policies and procedures are practical, effective, and aligned with the needs of those most directly affected. This inclusive process may lead to a more robust and widely accepted GI protection framework, potentially setting a new standard for how countries can adapt and innovate in the face of significant regulatory changes.

Meanwhile, Thailand is still in the process of developing its GI protection system. Thailand's GI law was enacted in 2006 and has undergone several revisions since. Some key characteristics of Thailand's GI system include:

- Emphasis on agricultural products: Thailand's GI protection primarily focuses on agricultural commodities such as rice, fruits, and vegetables.
- Voluntary registration: GI registration in Thailand is voluntary, although the government provides incentives for producers who register their products.
- Regional cooperation: Thailand actively engages in cooperation with neighboring countries, especially within the ASEAN region,

<sup>10</sup> Magdariza. "Pengaturan Hak Kekayaan Intelektual dalam Masyarakat Ekonomi Asean dan Implikasinya

bagi Indonesia." *UNES Law Review* 6, no. 1 (2023): 2318-29.



to enhance GI protection and mutual recognition.

Thailand's Geographical Indication (GI) protection system, established in 2006, continues to evolve through ongoing revisions. The system primarily emphasizes agricultural products, including rice, fruits, and vegetables, reflecting the country's strong agricultural sector.<sup>11</sup> While registration is voluntary, the Thai government offers incentives to encourage producers to participate in the GI program. This approach aims to balance the protection of traditional products with the flexibility needed for producers to adapt to changing market conditions. Thailand's commitment to regional cooperation, particularly within ASEAN, demonstrates its recognition of the importance of harmonizing GI protection across borders to enhance trade opportunities and protect shared cultural heritage.

Malaysia has a Geographical Indication (GI) protection system that closely resembles that of Thailand. Malaysia enacted its GI legislation in 2000, and it has undergone several revisions since. Key features of Malaysia's GI framework include:

- a. Focus on agriculture and handicrafts: The system covers a wide range of products, including agricultural goods, traditional crafts, and processed foods.
- b. Voluntary registration: GI registration is voluntary, although the government offers incentives for producers who choose to register.
- c. Regional cooperation: Malaysia actively engages in cooperation with neighboring ASEAN countries to enhance and harmonize GI protection.

Malaysia's GI protection system, implemented in 2000, shares similarities with Thailand's approach but encompasses a broader range of products. In addition to agricultural goods, Malaysia's system extends to traditional crafts and processed foods, reflecting the country's diverse cultural and economic landscape. Like Thailand, Malaysia employs a voluntary registration system with government incentives to promote participation. Both countries actively engage in regional cooperation efforts within ASEAN, highlighting the growing importance of GI protection in Southeast Asian trade relations and cultural preservation initiatives.

Australia has a relatively robust and comprehensive GI protection system, governed by national laws and administered by IP Australia (Intellectual Property Australia). The system features:

- a. Broad protection: It covers a wide range of products including agriculture, food, beverages, and handicrafts.
- b. Mandatory registration: GI registration is required for any producer wishing to label products with a GI.
- c. Strict quality control: GI product production is strictly regulated to ensure quality and authenticity.

The United States has a unique GI system, built on common law principles and governed by various federal and state-level statutes. Core characteristics include:

- a. Common law-based protection: Initially developed through judicial precedent, rather than codified statutory law.
- b. Voluntary registration: GI registration is not mandatory, though it provides additional legal advantages.
- c. Trademark focus: GI protection in the U.S. is often integrated within the broader trademark system, treating GIs as a subset of trademarks under the Lanham Act.

In European countries, Geographical Indications represent a widely adopted form of legal protection. This is evident from the large number of GI-registered products published by the European Commission. The popularity of GI protection in Europe can be attributed to the fact that many countries possess distinctive commodities with unique characteristics—such as various dried fruits, diverse cheese types, smoked seafood, different varieties of wine, and other agricultural products.<sup>12</sup> These goods are often produced using specialized techniques and traditional methods, and they typically command high market prices. As a result, the European Union places a high priority on the protection and regulation of GIs.

For EU citizens, particularly producers or groups of producers of GI-designated goods, the registration process involves first defining the product specifications according to categories outlined by regulation. An application is then submitted to the national authority, which, upon review, forwards it to the European Commission for further examination. The Commission must complete this review within six months from the date of receipt.

- a. If objections arise regarding the proposed GI registration, an opposition mechanism is available. Opposition may be raised by EU member state authorities, individuals, or legal entities from third countries with a legitimate

<sup>11</sup> Sari, Mieke Yustia, Nuzulia Kumalasari, Sigit Nugroho, and Yatini Yatini. "The Optimization of Geographical Indication Protection in The Realization of National Self-Sufficiency." *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)* 7, no. 1 (2020): 85-101.

<sup>12</sup> Rifai, Tomy Pasca. "Kesiapan Undang-Undang Nomor 20 Tahun 2016 Tentang Merek Dan Indikasi Geografis Dalam Menghadapi Masyarakat Ekonomi Asean." *Fiat Justisia: Jurnal Ilmu Hukum* 10, no. 4 (2016): 733-776.

interest. These objections must be filed within three months from the date of publication in the Official Journal of the European Union.

- b. If the opposition is deemed valid, both parties—the objector and the producer group—are required to enter consultations to seek a resolution. If no agreement is reached, the European Commission makes the final decision to either register or reject the GI application.

The registration process for Geographical Indications (GIs) in the European Union involves multiple stages and stakeholders. After producers define their product specifications, the application undergoes scrutiny at both national and EU levels. The European Commission's six-month review period ensures thorough examination of each application. This process reflects the EU's commitment to protecting and promoting regional products while maintaining transparency and fairness in the registration system.

The opposition mechanism adds an additional layer of scrutiny and fairness to the GI registration process. By allowing various parties, including those from third countries, to raise objections, the EU ensures that all potential concerns are addressed before a GI is granted. The three-month window for objections and subsequent consultation process demonstrates the EU's efforts to balance the interests of producers seeking GI protection with those who may be affected by such designations. In cases where consultations fail to resolve disputes, the European Commission's final decision-making authority underscores its role as the ultimate arbiter in GI matters within the EU.

In the EU, GIs are not only popular but also tend to increase product value, as EU regulations place strong emphasis on product quality, leading to the production of premium goods. In contrast, in Indonesia, GI protection has not yet significantly impacted product pricing or elevated product quality to a premium standard. The Geographical Indication (GI) protection system in the European Union (EU) follows a registration procedure that is similar in structure to many other countries, but differs in several key aspects, especially when compared to Asian nations like Indonesia, in terms of the scope of protected products.

Moreover, the EU's GI protection framework is broader. It does not only address GIs themselves but also includes protection for Traditional Guaranteed Specialties (TGS). In contrast, Indonesia and most

ASEAN countries have yet to develop such detailed legal instruments. Their GI registrations primarily focus on agricultural products from member states.

Another notable distinction lies in international accessibility. The EU allows non-EU countries to apply for GI registration within its system. Conversely, the ASEAN framework does not currently provide a pathway for non-ASEAN countries to register GIs within the region, except through mechanisms for foreign GIs already recognized in an ASEAN member state. Finally, in terms of scope, the EU provides GI protection not only for agricultural products and traditional crafts, but also for regionally distinctive foods and culinary items—a coverage area that remains limited in Indonesia and other ASEAN nations.

In Indonesia, incorporating GIs into trademark registrations can, in practice, be misleading for consumers, as it may create confusing similarities between the GI and the disputed trademark. Therefore, a legal reconstruction is urgently needed to address conflicts between GIs and pre-existing trademarks. Reforming the legal substance is a strategic and necessary step in reshaping exclusive rights regulations in Indonesia.<sup>13</sup>

A structured overhaul, beginning with policy makers, and extending to public awareness and education, is essential for successfully reforming existing laws. Even if legal frameworks are ideally revised, they will not function effectively without active involvement from both the government and the community. Hence, any legal reconstruction must be accompanied by the capacity-building of stakeholders involved in implementing GI regulations.

Despite the obstacles to reforming GI law, the potential for GI protection remains strong. In fact, by revising and enhancing the legal framework for GIs, Indonesia can strengthen GI protection and pave the way for a greater number of registered GIs. Currently, the number of GI registrations remains relatively low compared to trademarks, which may be attributed to the complex registration process and lack of legal certainty. Therefore, legal reform could help realize and expand Indonesia's untapped GI potential.

According to presidenri.go.id, Indonesia's current President, Prabowo Subianto, has firmly declared the country's readiness to achieve food self-sufficiency.<sup>14</sup> Based on his evaluation of Indonesia's

<sup>13</sup> Kirana, Raissa Diva, and Hernawan Hadi. "Pemahaman Pelaku Usaha Mikro Kecil Dan Menengah Terhadap Urgensi Penerapan Hukum Kekayaan Intelektual Terkait Merek (Studi Di Dinas Koperasi dan UMKM Surakarta)." *Jurnal Privat Law* 7, no. 1 (2019): 118-123.

<sup>14</sup> Human Development and Cultural Affairs, Presidential Secretariat of the Republic of Indonesia. "President Prabowo Emphasizes Food and Energy Self-Sufficiency as a Top Priority." Presiden RI, January 23, 2024. <https://www.presidentri.go.id/siaran-pers/president-prabowo-tegaskan-swasembada-pangan-dan-energi-sebagai-prioritas-utama/>. Accessed July 16, 2024.

conditions, he aims for this goal to be reached no later than the fourth year of his presidency. Indonesia's efforts to achieve food self-sufficiency represent a significant gateway to a strong national economy, one that can be partially achieved through strengthening its GI portfolio.

With its vast natural resources, diverse geography, and abundant human capital, Indonesia is uniquely positioned to develop and protect a wide array of GI products. Strong GI protection will clarify product identity, prevent unfair competition, and ensure the authenticity and quality of geographically indicated goods—ultimately enhancing the global competitiveness of Indonesian GI products.

Several examples of potential Geographical Indications (GIs) in Indonesia include *Beras Mentik Wangi Susu Sawangan* from Magelang Regency, Central Java, and Gula Aren Kenohan, a type of palm sugar from Kenohan District, Kutai Kartanegara Regency, East Kalimantan. Additionally, Indonesia possesses a vast number of GI potentials across both the agricultural and tourism sectors.

From the Riau Islands Province, notable GI prospects include Natuna Island Honey, Natuna Durian, Salak Sari Intan from Bintan Island, and Lingga Pepper. In East Java, the city of Malang is closely associated with apples (*Apel Malang*), which could become a strong GI candidate.<sup>15</sup> However, its GI registration is hindered by a lack of commitment from the Batu City Government and low legal awareness among the local community regarding the importance of GI protection. In the tourism sector, Central Lombok also holds GI potential with products like Lombok Pearls, Lombok Water Spinach (*Kangkung*), and various traditional carvings. Yet, these have not been formally registered as GI products.

To address these gaps, a reconstruction of the legal substance is essential to improve GI protection in Indonesia. This reconstruction would encourage both communities and regional governments to register their potential GI products. Furthermore, legal reform is expected to minimize conflicts between GIs and trademarks, ensuring a more equitable and balanced legal framework.<sup>16</sup> Ultimately, legal reform that integrates the principles of justice and legal certainty can help fulfill the fundamental objective of Indonesia's Geographical Indication Law: to provide legal protection and to strengthen the national economy.

This legal reform should also focus on streamlining the registration process for GIs, making it more accessible and less time-consuming for local

communities. Additionally, it should establish clear guidelines for the coexistence of GIs and trademarks, addressing potential conflicts before they arise. Finally, the reformed legal framework should include provisions for ongoing education and support to help communities maintain and leverage their GI status effectively.

#### 4. CONCLUSION

Indonesia's legal framework for Geographical Indications operates under a "first-to-file" registration system, wherein legal protection is conferred exclusively to the initial applicant registering a GI. Subsequent applicants for the same or similar indication are precluded from receiving protection, as precedence is given to prior registration. This system highlights the exclusivity of rights in both trademarks and GIs, thereby safeguarding registered products against imitation, infringement, unauthorized use, and related violations. However, the current legal framework lacks a balanced mechanism to reconcile the protection of GI rights with trademark rights. In the context of GI protection, Indonesia continues to encounter challenges in fully embodying the principles of a rule-of-law state. This deficiency has led to a diminution of legal certainty and the erosion of justice, fundamentally contradicting the ideals of the legal state that Indonesia aspires to uphold.

Reconstructing exclusive rights over geographical indications as identifiers of origin in commerce is crucial. This need stems from the lack of clear regulations in the current legal framework, especially regarding the requirements and procedures for trademark invalidation when conflicts with GIs arise. In revamping the exclusive rights framework for GIs, the government should recognize Indonesia's untapped GI potential and learn from developed countries that have successfully established robust GI systems. The goal of such legal reform should go beyond mere legal refinement; it should also aim to align with the socio-economic realities of communities involved in GI production. By doing so, GIs can serve not only as legal identifiers of origin but also as economic tools that boost the market value of local products in both domestic and international trade.

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<sup>15</sup> Hidayat, Fitri. "Penerapan Perlindungan Hukum Terhadap Produk Potensi Indikasi Geografis di Indonesia." *Risalah Hukum* (2014): 72-83.

<sup>16</sup> Karim, Asma, and Dayanto Dayanto. "Perlindungan Hukum Dan Pengembangan Potensi Indikasi Geografis

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