

LEGAL PROTECTION OF GEOGRAPHICAL INDICATIONS AS AN INSTRUMENT TO INCREASE THE COMPETITIVENESS OF LOCAL PRODUCTS IN INDONESIA

Andry Dwiarnanto¹, Evita Isretno Israhadi²

Borobudur University¹, Borobudur University²

Email : andrydwiarnanto@yahoo.com¹, evita_isretno@borobudur.ac.id²

Citation: Andry Dwiarnanto., Evita Isretno Israhadi. Legal Protection Of Geographical Indications As An Instrument To Increase The Competitiveness Of Local Products In Indonesia. *MALA IN SE: Jurnal Hukum Pidana, Kriminologi dan Viktimologi* 3.1.2026. 41-49

Submitted:02-01-2026 **Revised:**01-03-2026 **Accepted:**01-04-2026

Abstract

Indonesia's juridical safeguards for Geographical Indications expose pronounced disparities between statutory constructs and execution realities. This inquiry dissects GI protection regimes normatively and comparatively, delineates regulation-implementation chasms (das sollen versus das sein) with attendant barriers, and proposes a tactical GI safeguard paradigm elevating Indonesian regional goods' global market prowess. Adopting normative juridical inquiry via statutory, doctrinal, and cross-jurisdictional methods, results affirm Law Number 20 of 2016 on Marks and Geographical Indications furnishes TRIPs-conformant comprehensive protections. Implementation, however, falters amid lax post-grant oversight, producer communities' juridical ignorance, provincial authorities' institutional shortfalls, and vast untapped local product potentials. These deficits curtail GIs' catalytic impact on competitiveness. An encompassing tactical paradigm—fusing registration bolstering, tech-enabled post-registration administration, and enduring multi-actor symbiosis—proves requisite.

Keywords: *Geographical Indication; Intellectual Property Rights; Legal Protection; Local Product Competitiveness*

A. INTRODUCTION

Indonesia is a country with a wealth of natural resources and an extraordinary cultural heritage, giving birth to a variety of superior local products that have distinctive characteristics and are closely related to certain geographical areas. Gayo Coffee, Bangka Pepper, Gringsing Weaving, and Pekalongan Batik are a handful of examples of products whose authenticity value is sourced from geographical, ecological, and cultural factors of their home region. In the context of increasingly intensive global competition, the existence of legal instruments that are able to protect and encourage the competitiveness of these products is an urgent necessity. One of the *Intellectual Property Rights* (IPR) instruments that is relevant for this purpose is *the Geographical Indication* or Geographical Indication (IG), which is a mark used on products that come from a certain region and have quality, reputation, or characteristics that can be attributed to the geographical origin of the product in question.

Theoretically, IG protection is part of the IPR regime which is communal-collective, in contrast to individual copyright or patents. The normative basis for IG protection in Indonesia is based on Law Number 20 of 2016 concerning Trademarks and Geographical Indications, which is a harmonization of international provisions, especially the *Agreement on Trade-Related Aspects of Intellectual Property Rights* (TRIPs). Conceptually, IG functions as a

product differentiation mechanism as well as a tool to overcome market failures due to information asymmetry between producers and consumers. IG protection allows local producers to set premium prices, expand market access, and preserve the cultural identity that is the comparative advantage of their region¹. From the perspective of territorial economic development², products that have received IG recognition have been proven to have a positive impact on the local economy through strengthening *embeddedness* or deep linkages between products and the context of the region that produces them.

However, the reality of the implementation of IG protection in Indonesia is still far from the normative expectations outlined by the regulations. This is the core of the problem that is the focus of this research. Local producers' awareness of the benefits of IG registration is still very low, the post-registration supervision infrastructure is inadequate, and international recognition of Indonesian IG products is still limited³. Data from the Directorate General of Intellectual Property (DJKI) until 2024 notes that although the number of registered IG products continues to increase, the proportion is still very small compared to the potential of local products that deserve IG protection. This paradox shows that the available legal instruments have not been effectively utilized as a catalyst for increasing the competitiveness of local products⁴.

Das sollen, existing regulations, especially Law No. 20 of 2016, have mandated comprehensive legal protection for IG products and their enforcement mechanisms. The state is obliged to provide an accessible registration system, effective supervision, and active promotion of IG products in the international market. However, in a *nutshell*, the reality shows significant gaps: the law enforcement mechanism against IG violations is still reactive and unsystematic; socialization to the *Geographical Indication Protection Society* (MPIG) and local producers is sporadic; and there is no special IPR unit at the local government level tasked with overseeing IG products from the registration stage to commercialization. This inequality between *das sollen* and *das sein* creates conditions where local products are vulnerable to

¹ Leony Vita Artanti, "Penguatan Indikasi Geografis Beras Pandanwangi Cianjur: Kajian Komparatif Standar Indonesia Dan Jepang" *Jurnal Pangan*, Vol. 34, No. 3 (2025) : 245–58.

² "Kue Tompek Selong Sebagai Aset Ekonomi Daerah: Studi Hukum Tentang Perlindungan Kue Tradisional Sebagai Kekayaan Intelektual Komunal Bangka Belitung" 7, no. 4 (2025) : 1973–82.

³ Dharmasisya, "Perlindungan Hukum Dalam Lingkup Pengetahuan Tradisional Dan Ekspresi Budaya Tradisional Atas Soto Sebagai Indikasi Geografis Dan Makanan Khas" *Jurnal Law Reform*, Vol.13, No. 2, (2017).

⁴ Adi Saputro and Teguh Hartono, "Sistem Perlindungan Indikasi Geografis: Perbandingan Antara Indonesia Dan China" *Sapientia et Vitrus*, (2023) : 164–84.

geographical name piracy by foreign parties as well as unfair competition in the domestic market⁵.

The Novelty of the Research Results (*State of the Art*) is that previous research has studied many normative aspects of IG protection based on Law No. 20 of 2016, such as studies that examine registration requirements, as well as those that discuss communal ownership of IG and traditional cultural expressions. At the international level, conducting *a systematic review* of the spatial distribution of IG products registered in Indonesia, analyzing the impact of IG on local economic development in Europe. Another study highlighted the challenges of IG protection for local artisans, but was limited to a case study of Kasongan handicrafts. Analyze the validity of international IG registration for Indonesian products from a comparative perspective. These studies have not specifically examined integratively the correlation between the effectiveness of IG legal protection and the increase in the competitiveness of Indonesian local products as a comprehensive analytical construct.

This investigation's innovation resides in synthesizing normative scrutiny, *das sollen-das sein* disparity evaluation, and GI's tactical role in national competitiveness strategy. Accordingly, it pursues: (1) dissecting Indonesia's GI safeguard architecture normatively against global benchmarks; (2) pinpointing regulatory-implementation divides (*das sollen* versus *das sein*) with impeding elements; (3) devising potent tactical paradigms for GI juridical defense elevating provincial product global viability.

B. RESEARCH METHODS

This inquiry adopts a normative juridical paradigm, scrutinizing law as a coherent normative edifice via methodical appraisal of tenets, precepts, theories, and operative statutes. Selected for its focus on GI protection's statutory architecture and efficacy amid domestic-international norms, it integrates three concurrent lenses. Firstly, statutory scrutiny encompasses GI-linked enactments like Law Number 20 of 2016 on Trademarks and Geographical Indications, Government Regulation Number 51 of 2007, and TRIPs provisions. Secondly, doctrinal analysis probes communal IPR theory, territory-rooted competitiveness paradigms, and *das sollen-das sein* constructs. Thirdly, cross-national evaluation contrasts Indonesia's GI regime with advanced ecosystems in the European Union and India.

⁵ Nur Rochmah, "Perlindungan Indikasi Geografis Terhadap Kopi Gayo: Studi Kasus Di Tanah Gayo, Aceh Dalam Perspektif UU No. 20 Tahun 2016" *Jurnal JHN*, Vol. 1, No.3, (2025) : 343–51.

Legal sources stratify into primaries (statutes, precedents, treaties), secondaries (scholarship, journals, texts, prior studies), and tertiaries (lexicons, compendia, auxiliaries). Procurement entails rigorous bibliographic inquiry of academically robust materials. Prescriptive-qualitative dissection transcends norm depiction to critique lacunae, proffering remedial juridical constructs.

C. RESULTS OF RESEARCH AND DISCUSSION

1. Legal Framework for the Protection of Geographical Indications in Indonesia and Its Conformity with International Standards

Indonesia's GI safeguard framework hinges on Law Number 20 of 2016 on Trademarks and Geographical Indications, supplemented by Government Regulation Number 51 of 2007 for operationalization. Statutorily, it assimilates TRIPs essence, aligning with global IPR norms. Legislation characterizes GIs as identifiers denoting product origins whereat quality, renown, or attributes derive fundamentally from environmental, anthropogenic, or hybrid influences⁶.

The IG protection mechanism is *constitutive*, meaning that legal protection is only born after the product is officially registered through an administrative system managed by the Directorate General of Intellectual Property (DJKI). The juridical consequence of this principle is that products that have not been registered despite having a strong geographical peculiarity do not acquire any legal certainty. This condition is a fundamental problem considering that there are still many potential local products that have not taken the formal registration route, such as Alor Coconut Mango in Alor Regency which is characteristically worthy of IG protection but has not been registered until now. For this kind of product, preventive protection can only be pursued through juridical reconstruction that integrates *Plant Variety Protection* (PVT) data as technical material for the preparation of the IG Requirements Book. From a comparative perspective, the regulation of IG Indonesia has provided a normative foundation that is quite solid and comprehensive. However, regulatory rigor at *the de jure* level has not automatically resulted in effectiveness at *the de facto* level, considering that field implementation is still faced with various structural and cultural obstacles that will be described in the next subchapter⁷.

⁶ Rifqi Muttaqin, "Analisis Yuridis Peran Pemerintah Kabupaten Gayo Dalam Perlindungan Indikasi Geografis Terhadap Produk Lokal" *Locus : jurnal Konsep Ilmu Hukum*, Vol.2, No.4, (2022).

⁷ Fadhila Awal Ramadhani, Mohammad Wendy Trijaya, and Siti Nurhasanah, "The Urgency of Recognition of Geographical Indications for Lampung Muli Bananas in Increasing Regional Competitiveness," 2025, 11426–36.

2. The Gap between Regulation and Implementation of Geographical Indication Protection (*Das Sollen vs. Das Sein*)

The gap between the aspired legal norm (*das sollen*) and the reality of its implementation (*das sein*) is the most crucial issue in the IG protection ecosystem in Indonesia. Findings from various studies show that these obstacles are multidimensional, including administrative, institutional aspects, human resource capacity, and community legal awareness. First, in terms of registration procedures, regulations require IG applications to be submitted collectively through community groups or local governments, not individuals. This provision on the one hand reflects the communal nature of the IG, but on the other hand complicates the registration process because it requires intensive multi-stakeholder coordination, lengthy procedures, and the fulfillment of quite complex technical requirements related to proving product characteristics and peculiarities⁸. This condition causes many potential IG products, such as Pisang Muli Lampung, to have not received formal recognition even though they have substantially met the IG criteria in terms of unique taste, aroma, and physical quality sourced from the region's typical geographical factors.

Second, after registration, the effectiveness of IG legal protection is not automatically realized. A case study of the "Bima Ntanda Rawo" woven fabric revealed that although the IG status has succeeded in increasing the selling price and added value of products measurably, its implementation is still constrained by bureaucratic administrative obstacles, limited supervision financing, and lack of legal socialization to the artisan community. Furthermore, law enforcement against IG violations faces technical obstacles in the aspect of proof and low *legal literacy* among local producers.

Third, the low active involvement of local governments is a significant inhibiting factor. The role of district/city governments in the IG ecosystem should include three main functions: registration initiation, continuous coaching, and product supervision. However, in practice, these three functions often do not run optimally due to the limitations of the regional budget and the absence of a definitive IPR technical unit at the local level⁹. For coffee products, for example, synergy between local governments and academics in the preparation of IG description documents has only begun to be pioneered, and this shows

⁸ Indrahayu M Umar Gazali and Nurmiati Muhiddin, "Optimalisasi Perlindungan Indikasi Geografis Bagi Produk Ase Lapang: Tinjauan Yuridis Normatif" *Sawerigading Law Journal*, Vol.2, No.2, (2024) : 688–94.

⁹ Lestari Lakalet, "Kepastian Hukum Perlindungan Mangga Kelapa Alor Sebagai Produk Indikasi Geografis Kabupaten Alor" *Jurnal Ilmiah Wahana Pendidikan*, Vol.12, No. 1, (2026) : 202–8.

that multi-stakeholder collaboration is still in its early phases that have not been systematically institutionalized.

Table 1. Comparison of *Das Sollen* and *Das Sein* Geographical Indication Protection in Indonesia

Aspects	<i>The Ought (Norma)</i>	<i>Being (Realitas)</i>	Source
IG Registration	Collective, accessible, and standardized procedures	Long, bureaucratic, difficult to access procedure for local communities	Muttaqin (2022); Gazali et al. (2024)
Post-registration supervision	Active and systematic supervision by MPIG and local governments	Reactive, sporadic, and unstructured surveillance	Aryani et al. (2025)
The role of local governments	Active coaching and full facilitation	Budget constraints and no dedicated IPR unit	Muttaqin (2022); Dewi et al. (2024)
Legal certainty of the product	Full protection after registration	Many potential products are not yet listed, without protection	Lakalet (2026); Ramadhani et al. (2025)
Community legal awareness	Adequate IPR literacy among producers	Low legal understanding and minimal socialization	Angita et al. (2026); Shawn (2025)
Law enforcement	Effective and measurable sanctions mechanism	Weak proof of violations and lack of enforcement	Aryani et al. (2025)

3. Strategic Model for Geographical Indication Protection as an Instrument to Increase the Competitiveness of Local Products

Based on the findings of the above gaps, this study formulated an integrative strategic model oriented towards strengthening IG as a real instrument to increase the competitiveness of local products. The model rests on three main pillars that complement each other.

First Pillar: Institutional Strengthening and Registration Capacity, IG Registration must be facilitated through the establishment of an IPR technical unit in each local government that is specifically tasked with assisting local communities in the process of preparing required documents to registration. Especially for products that have not been registered but are substantially eligible for protection, preventive protection mechanisms based on PVP data integration need to be implemented as a short-term solution ¹⁰. The submission of IG for potential products such as Ase Lapang from Pangkep Regency shows that local agricultural products with distinctive aroma and taste characteristics normatively

¹⁰ Siti Rahma Anggita et al., "Legal Protection of Geographical Indications as Part of Intellectual Property Rights," 2026, 115–23.

have met the elements of IG as stipulated in Law No. 20 of 2016, so all that is needed is structured administrative facilitation.

The second pillar: Strengthening post-registration governance. The effectiveness of IG protection does not end at the time the certificate is issued, but rather starts from that point. A simple and easily accessible violation reporting system for the artisan community, a digital technology-based supervision mechanism, and *a continuous* legal literacy improvement program¹¹ are needed. IG managed with good governance has been proven to be able to increase producer income, expand market access, and strengthen bargaining positions in national and international markets.

Third pillar: Multistakeholder Collaborative Ecosystem. Effective IG protection requires synergy between the central government, local governments, producer communities (*Geographical Indication Protection Society*/MPIG), academics, and industry players. IG registration for coffee products in various regions shows that cooperation between local governments and academics in the preparation of IG description documents is a good practice that needs to be replicated systematically¹². On the upstream side, IG protection integrated with local community empowerment policies including equitable distribution of benefits and strengthening collective capacity will result in sustainable territorial economic development¹³ impacts. Thus, IG is not just a protective legal instrument, but a strategic catalyst that is able to elevate local products to the global competition stage if supported by an institutional, regulatory, and collaborative ecosystem that strengthens each other.

D. CONCLUSION

Indonesia's normative GI safeguards rest on robust foundations via Law Number 20 of 2016 on Trademarks and Geographical Indications, TRIPs-compliant, yet implementation efficacy evinces stark *das sollen-das sein* divides: deficient post-grant monitoring, producer juridical deficits, provincial institutional constraints, and unregistered local potentials. These erode GIs' catalytic competitiveness role domestically and abroad. An encompassing tactical

¹¹ Feni Aryani, Hanifah Muthiah, and Nur Khusnul Hamidah, "The Effectiveness of Legal Protection of Geographical Indications of 'Bima Ntanda Rawo' Post-Registration Study on Economic Impacts and Law Enforcement Challenges," 2025, 1409–21.

¹² Rizkyah Ahdiyati, "Pendaftaran Indikasi Geografis Sebagai Perlindungan Hukum Dan Peningkatan Ekonomi Masyarakat Daerah" *Jurnal Tana Mana*, Vol.6, No. 2 (2025) : 321–28.

¹³ Marini Citra Dewi, "Peran Merek Dan Indikasi Geografis Dalam Mendukung Industri Produk Kopi Untuk Mendukung Ekonomi Daerah Yang Berkelanjutan" *Suloh : Jurnal Fakultas Hukum Universitas Malikussaleh*, Vol.12, No. 2 (2024) : 481–95.

paradigm—merging registration fortification, tech-driven post-registration oversight, and symbiotic government-academia-MPIG collaborations—proves vital for substantive, enduring GI defense.

E. ADVICE

Central authorities must promptly institute dedicated IPR operational entities per district/municipality as vanguard aides for GI registration and oversight. Violation enforcement warrants bolstering via streamlined, digitally-tracked evidentiary protocols facilitating artisan reporting ease. Systematic, enduring socialization—locally attuned to GI merits—must permeate producer strata, prioritizing high-potential yet under-mentored locales.

BIBLIOGRAPHY

- Ahdiyati, Rizky. “Pendaftaran Indikasi Geografis Sebagai Perlindungan Hukum Dan Peningkatan Ekonomi Masyarakat Daerah” *Jurnal Tana Mana*, Vol.6, No. 2 (2025).
- Artanti, Leony Vita. “Penguatan Indikasi Geografis Beras Pandanwangi Cianjur: Kajian Komparatif Standar Indonesia Dan Jepang” *Jurnal Pangan*, Vol. 34, No. 3 (2025): 245–58. <https://doi.org/10.33964/jp.v34i3.936>.
- Aryani, Feni, Hanifah Muthiah, and Nur Khusnul Hamidah. “Efektivitas Perlindungan Hukum Indikasi Geografis ‘Bima Ntanda Rawo’ Pasca Pendaftaran Studi Tentang Dampak Ekonomi Dan Tantangan Penegakan Hukum,” 2025, 1409–21.
- Dewi, Marini Citra. “Peran Merek Dan Indikasi Geografis Dalam Mendukung Industri Produk Kopi Untuk Mendukung Ekonomi Daerah Yang Berkelanjutan” *Suloh : Jurnal Fakultas Hukum Universitas Malikussaleh*, Vol.12, No. 2 (2024): 481–95.
- Dharmasisya. “Perlindungan Hukum Dalam Lingkup Pengetahuan Tradisional Dan Ekspresi Budaya Tradisional Atas Soto Sebagai Indikasi Geografis Dan Makanan Khas” *Jurnal Law Reform*, Vol.13, No. 2, (2017).
- Gazali, Indrahayu M Umar, and Nurmiati Muhiddin. “Optimalisasi Perlindungan Indikasi Geografis Bagi Produk Ase Lapang: Tinjauan Yuridis Normatif” *Sawerigading Law Journal*, Vol.2, No.2, (2024).
- Lakalet, Lestari. “Kepastian Hukum Perlindungan Mangga Kelapa Alor Sebagai Produk Indikasi Geografis Kabupaten Alor” *Jurnal Ilmiah Wahana Pendidikan*, Vol.12, No. 1, (2026).
- Muhamad Aziz Zulkifli. “Kue Tompek Selong Sebagai Aset Ekonomi Daerah: Studi Hukum

Tentang Perlindungan Kue Tradisional Sebagai Kekayaan Intelektual Komunal Bangka Belitung” 7, no. 4 (2025): 1973–82.

Muttaqin, Rifqi. “Analisis Yuridis Peran Pemerintah Kabupaten Gayo Dalam Perlindungan Indikasi Geografis Terhadap Produk Lokal” *Locus : jurnal Konsep Ilmu Hukum*, Vol.2, No.4, (2022).

Rochmah, Nur. “Perlindungan Indikasi Geografis Terhadap Kopi Gayo: Studi Kasus Di Tanah Gayo, Aceh Dalam Perspektif UU No. 20 Tahun 2016” *Jurnal JHN*, Vol. 1, No.3, (2025).

Saputro, Adi, and Teguh Hartono. “Sistem Perlindungan Indikasi Geografis: Perbandingan Antara Indonesia Dan China” *Sapienta et Vitrus*, 8 (2023).

Sholiha, Tasya. “Efektivitas Hukum Terhadap Perlindungan Indikasi Geografis Dalam Hukum Kekayaan Intelektual” *JHN : Jurnal Hukum Nusantara*, Vol.1, No.3, (2025).

Undang-Undang

Indonesia, Undang-Undang No. 20 tahun 2016 tentang Merek dan Indikasi geografis.