



## Legal Protection of Ulos Batak Toba Motifs as a Geographical Indication in Preserving Intangible Cultural Heritage

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### ABSTRACT

The traditional motifs of Ulos Batak Toba, as an important element of intangible cultural heritage, hold strong cultural and economic value. However, the absence of optimal legal protection and lack of local regulations make these motifs highly vulnerable to misuse, counterfeiting, and commercialization without benefiting local communities. This study aims to analyze the current state of legal protection for traditional Ulos Batak Toba motifs as potential geographical indications and to identify measures that local governments can take to strengthen such protection for sustainable cultural preservation. This research highlights the urgency of integrating local government regulations with the national geographical indication framework to protect intangible cultural assets, an aspect that has received limited scholarly and policy attention. The study applies a normative juridical approach with data from literature review, analyzed using the Miles and Huberman model through reduction, display, and verification. The findings indicate that although local governments play a critical role in protecting Ulos Batak Toba motifs, limited understanding and weak regulations hinder effective implementation. Stronger local policies and increased public awareness are essential to prevent counterfeiting and promote the cultural and economic value of these traditional motifs.

### INTRODUCTION

Indonesia is a country rich in cultural diversity and natural resources, which has led to the production of many high-quality goods. Geographical indication products have long been recognized by consumers in various countries and continue to be traded today. Tourism access through the Lake Toba region provides an opportunity for local governments to introduce geographical indication products, while the protection and management of geographical indication potential will enhance tourists' interest in visiting the Lake Toba area. In addition, Indonesia has many leading products, especially the traditional woven fabric Ulos Batak Toba, which features a variety of traditional motifs and is in high demand. Consumers from different nations have long been familiar with the geographically indicated traditional woven fabric of Ulos Batak Toba. This presents a great opportunity to boost tourism in the Lake Toba region.

The Ministry of Education and Culture of the Republic of Indonesia, through the Decree of the Minister of Education and Culture Number 270/P/2014, officially designated Ulos Batak Toba as an Intangible Cultural Heritage of Indonesia on October 8, 2014. A year later, on October 17, 2015, the

ministry declared October 17 as National Ulos Day, which is commemorated annually. Ulos Batak Toba, especially its traditional motifs, holds not only aesthetic value but also embodies profound elements of art, history, religion, and culture. Each traditional ulos motif comes with variations in color, type, and usage, reflecting the rich cultural heritage and local wisdom of the Batak Toba community.<sup>1</sup>

The protection of geographical indications does not apply solely to agricultural products but also involves geographical factors, including natural and/or human elements. The key distinction between products with geographical indication potential and those without lies in the dominance of certain characteristics that give the product its uniqueness and specific advantages. If the characteristics and quality of a product are primarily determined by human factors, it cannot be considered a geographical indication product. Therefore, the difference lies in whether the dominant characteristics and quality are shaped by geographical factors. For example, Sumba ikat weaving is a traditional textile produced by the people of East Nusa Tenggara and is recognized as a geographical indication product.<sup>2</sup>

Indonesia needs to establish comprehensive legal measures to effectively address global challenges in international trade. These measures must provide adequate protection for products containing geographical indications while also ensuring legal certainty for authentic Indonesian products in the international market. Although Indonesia has ratified several international agreements—such as the TRIPs Agreement through Presidential Decree No. 7 of 1994 and the Paris Convention for the Protection of Industrial Property of 1883—the current level of protection for Indonesian geographical indication products still falls short of expectations. This highlights the need for further efforts to strengthen regulations and their implementation on the ground.<sup>3</sup>

Local governments must establish specific (*sui generis*) policies to protect products and promote regulations concerning geographical indication products, which are essential for attracting tourists. In addition, local governments should also make efforts to inventory products with the potential to be registered for geographical indication purposes, so that the economic rights of these products can be properly managed. Currently, it is believed that improving product quality alone is not sufficient to prevent geographical indication products from being replaced by similar ones. However, enhancing product quality also helps reduce the circulation of counterfeit products, which would otherwise lead to the loss of the distinctive quality of geographical indication products. A product that is designated as having unique quality and a well-known reputation based on its geographical indication potential is highly likely to be imitated. Therefore, protection and

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<sup>1</sup> R A Hasibuan and S Rochmat, "Ulos Sebagai Kearifan Budaya Batak Menuju Warisan Dunia (World Heritage)," *Patra Widya* 3, no. 1 (2021): 10–12, <http://patrawidya.kemdikbud.go.id/index.php/patrawidya/article/download/346/196>.

<sup>2</sup> Anak Agung Ngurah Tresna Adnyana, "Perlindungan Hukum Terhadap Produk Indikasi Geografis Dari Tindakan Peniruan," *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)* 8, no. 1 (2019): 49–58, <https://doi.org/10.24843/jmhu.2019.v08.i01.p04>.

<sup>3</sup> Indra Rahmatullah, "Perlindungan Indikasi Geografis dalam Hak Kekayaan Intelektual Melalui Ratifikasi Perjanjian Lisbon," *Cita Hukum* 2, no. 2 (2014): 306–15, <https://doi.org/10.15408/jch.v1i2.1470>.

management of such products must be carried out in accordance with applicable laws and regulations.<sup>4</sup>

High-quality products can be designated as geographical indication (GI) products to preserve their integrity and reputation, while also preventing counterfeiting efforts that could undermine their value. The inventory of products falling under this category serves as an important indicator for two key aspects. First, it reflects the significant demand for products with geographical indications. Second, it demonstrates the strong desire of producers to protect their products from potential misuse or counterfeiting, which could threaten the sustainability and reputation of those products.

The central government has initiated policies on geographical indications as part of the legal framework of intellectual property rights. These policies aim to involve local governments in the mapping and protection of products with the potential to receive geographical indication status. In accordance with the principle of regional autonomy, local governments have the authority to manage their own administrative affairs. This is carried out by upholding the values of democracy, equality, and justice, with the ultimate goal of improving public welfare through enhanced public services, increased community participation, and greater regional competitiveness. This is in line with the provisions stated in Article 14, paragraph 2 of Law Number 32 of 2004 on Regional Government.

The existence of regional products largely depends on the political will and policies of local governments, which vary from one region to another. In this context, local government authorities-including Governors, Regents, Mayors, and other officials responsible for regional governance-play a crucial role in realizing the potential of geographical indication products. Problems arise when commodities or products that could be recognized as geographical indications are overlooked by local governments. This concern is addressed in the Trademark and Geographical Indication Law, specifically Articles 70 and 71, which mandate that local governments are responsible for maintaining and developing the geographical indication potential within their respective regions.

The existence of a region's flagship products is arguably essential for the development of the local economy, particularly in relation to improving the welfare of the local community. The more unique and distinctive a product is, the more people are likely to be interested in purchasing it, increasing its visibility among consumers. As a result, this can lead to higher product sales and added value, as seen in the case of the Kintamani Bali coffee-a well-known geographical indication product.<sup>5</sup> In addition, Sumba ikat weaving in regional regulations is a declarative effort in accordance with the mandate of Article 63 of Law Number 20 of 2016 concerning Trademarks and Geographical Indications.<sup>6</sup>

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<sup>4</sup> Abdul Atsar, Diman Ade Mulada, and Hera Alvina S, "Implementasi Perlindungan dan Pengembangan Indikasi Geografis untuk Meningkatkan Pertumbuhan Sektor Industri Pariwisata di Lombok Tengah," *Jatiswara* 38, no. 1 (2023): 28–40.

<sup>5</sup> Nizar Apriansyah, "Perlindungan Indikasi Geografis dalam Rangka Mendorong Perekonomian Daerah (Protection of Geographical Indications Within the Scope of Improvement of Regional Economy)," *Jurnal Penelitian Hukum De Jure* 18, no. 4 (2018): 525–42, <https://doi.org/10.30641/dejure.2018.V18.525-542>.

<sup>6</sup> Helitha Novianty Muchtar and Purnama Trisnamasyah, "Indication of Source-The Protection of Tenun Ikat Sumba to Encourage the Economy of the Local Community," *Jurnal Dinamika Hukum* 19, no. 2 (2019): 333–49.

The next international agreement that protects geographical indications is the Madrid Agreement (Madrid Agreement Concerning the International Registration of Marks), which was signed in 1981. Article 1 of the Madrid Agreement states that:<sup>7</sup>

“All goods bearings a false or deceptive by which one of the countries to which this agreement applies or a place situated therein, is directly indicated as being the country or place of origin shall be seized in importation into any of the said countries”

In general, the protection provided by various international conventions is based on a common foundation: the origin of a product. Prior to the TRIPs Agreement, international conventions that closely regulated the protection of origin included the Paris Convention for the Protection of Industrial Property of 1883 and its revisions, the Madrid Agreement of 1891 and the Madrid Protocol of 1989 concerning the international registration of marks, the Madrid Agreement of 1891 on the repression of false or misleading indications of source (counterfeit goods), the GATT (General Agreement on Tariffs and Trade) of 1947, and the Lisbon Agreement of 1958 on the international registration of names and indications. The sole objective of these agreements was to establish requirements for seizing any product bearing deceptive or false geographical indications. However, as stated by Rahmatullah citing Zen Umar Purba, the Madrid Agreement did not introduce any additional measures or details related to the protection of products with potential geographical indications, as already outlined in the Paris Convention. In the Indonesian context, such protection has been further reinforced through Government Regulation No. 56 of 2022 on Communal Intellectual Property, which recognizes *Indikasi Asal* (indication of origin) and *Potensi Indikasi Geografis* (potential geographical indications) as part of communal intellectual property to be inventoried, safeguarded, and maintained by the state in collaboration with local communities.<sup>8</sup>

Another form of unfair competition related to Geographical Indications (GIs) is the act of misleading consumers when certain producers deliberately advertise a product using indications or labels that imply it originates from a specific producer or geographical area, when in fact it does not. There are two main objectives in safeguarding Intangible Cultural Heritage (ICH) through trademarks and geographical indications. First, the use of trademarks and geographical indications aims to protect signs, symbols, and names that have evolved as part of the intangible cultural heritage passed down through generations. Second, the utilization of trademarks or geographical indications serves to identify traditional arts or crafts that originate from a specific region, thereby distinguishing them from similar products.<sup>9</sup>

The Paris Convention regulates unfair competition by requiring its member countries to provide fair and effective protection for producers in the fields of industry and commerce. This protection aims to help producers avoid harmful marketing practices. Moreover, consumers must also be protected from the negative impacts resulting from competition carried out in bad faith. Such protection is essential to ensure that consumers do not fall victim to detrimental practices.

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<sup>7</sup> Rahmatullah, “Perlindungan Indikasi Geografis dalam Hak Kekayaan Intelektual Melalui Ratifikasi Perjanjian Lisbon.”

<sup>8</sup> Presiden, “Peraturan Pemerintah Republik Indonesia Nomor 56 Tahun 2022,” 2022.

<sup>9</sup> Andrie Soeparman, *Kekayaan Intelektual Komunal (KIK)* (Depok: Indie Book, 2021).

The Lisbon Agreement of 1958 is one of the international treaties concerning the protection and registration of Appellations of Origin. Although it has a relatively small number of member states, it remains highly significant and worthy of discussion. This agreement is the only one specifically designed to regulate the registration of Appellations of Origin. As previously mentioned, Appellations of Origin-when referring to the concept of Geographical Indications as defined by the Paris Convention-constitute one type of Geographical Indication (GI) in a broad sense, which also includes Indications of Source.<sup>10</sup>

One of the key differences between geographical indications and other intellectual property rights is that, in this case, the applicant-representing the community or institution to be identified-is typically a regional government body at the provincial or district level. Referring to the interpretation of Article 2(1) of the Lisbon Agreement, several meanings or concepts can be drawn as follows: a) The naming of goods or products must use the geographical name of a country, region, or locality; b) To ensure that the goods or products originate from a particular country, region, or locality, the place of origin must be clearly identified; and c) The naming of the place of origin of a good or product is primarily based on two fundamental aspects: quality and characteristics. These features are determined by factors such as natural conditions, human intervention, and various other influences.

Based on the explanation above, legal protection for the traditional motifs of Ulos Batak Toba as a potential geographical indication has not yet been optimally implemented by the local government, resulting in a lack of serious attention toward preserving these cultural assets. Previous studies have shown that geographical indications play a significant role in safeguarding intangible cultural heritage, particularly by linking products to their geographical origins and strengthening community-based identity.<sup>11</sup> For instance, research on batik motifs demonstrates how copyright protection can prevent unauthorized use and strengthen cultural preservation efforts.<sup>12</sup> These findings suggest that the potential of geographical indications is not limited to agricultural products but also extends to traditional woven fabrics, which are recognized as part of Indonesia's cultural and economic identity. However, unlike batik, the Ulos Batak Toba motifs have not yet been formally regulated under regional legal frameworks, leaving them vulnerable to misuse and counterfeiting. Therefore, this study seeks to explore how legal protection through geographical indications can be established for Ulos Batak Toba motifs by strengthening local regulations to preserve cultural heritage and empower indigenous communities.

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<sup>10</sup> Ahmad M. Ramli, et al., *Kekayaan Intelektual Pengantar Indikasi Geografis*. (Bandung: PT. Alumni, 2018).

<sup>11</sup> T.-F. Ma, C.-W. Chai, and T.-W. Chao, "On the Study of the Sustainable Development of Intangible Cultural Heritage of Indigenous Peoples' Diets-Take the Protection of Geographical Indications as an Example," *Sustainability (Switzerland)* 14, no. 19 (2022), <https://doi.org/10.3390/su141912803>; Z Beňušková and J Oravcová, "Intangible Cultural Heritage as Part of Industrial Property: Geographical Indications," *Slovensky Narodopis*, 70, no. 1 (2022): 114–42, <https://doi.org/10.31577/SN.2022.1.08>.

<sup>12</sup> S Mulyani, L H T Hieu, and B Trisnawati, "Cultural Heritage Legal Protection of Batik Motif Cipta Karya (Case Study of Claims for Cancellation and Compensation for Infringement of the Copyright 'Motif Tunas Harapan' No. 04 / Pdt.Sus.Hki / Hakcipta / 2020 / Pn.Niaga.Jkt.Pst)," in *AIP Conference Proceedings*, vol. 2406, 2021, <https://doi.org/10.1063/5.0067291>; D T Untari, "Legal Perspective of Intellectual Property Rights in Protecting Betawi Batik Motif," *BiLD Law Journal*, 7, no. 1 (2022): 164–68.

## METHODS

This study uses a normative juridical approach to examine the legal protection of geographical indications for traditional Batak Toba Ulos motifs. Normative legal research primarily analyzes legal materials and secondary data, often referred to as doctrinal or library-based research, and extends to broader legal aspects explored through academic literature and relevant sources.<sup>13</sup> Data were collected from primary sources, including Law Number 20 of 2016 concerning Trademarks and Geographical Indications<sup>14</sup> and the book *Mengenal Ulos* published by the Center for the Preservation of History and Traditional Values,<sup>15</sup> as well as secondary sources such as books, scholarly journals, and related documents. The analysis was conducted using the Miles and Huberman technique, which involves data reduction to filter irrelevant information, data display to organize essential information systematically, and data verification to identify patterns and draw conclusions.<sup>16</sup> This method ensures a rigorous and systematic analysis, enhancing the scientific validity of the research findings.

## DISCUSSION

### **The Role of Local Government in Providing Legal Protection for Traditional Ulos Batak Toba Motifs as a Potential Geographical Indication.**

Role theory is a concept derived from the integration of various theories, orientations, and academic disciplines. According to Bruce J. Cohen, the concept of "role" encompasses several meanings: (1) enacted roles, (2) prescribed roles, (3) role conflict, (4) role distance, (5) role failure, which refers to the inability of an individual to effectively perform a specific role, (6) role model, referring to someone whose behavior is emulated or followed, and (7) role set, which pertains to the network of relationships an individual maintains while performing a given role. Roles are influential constructs that carry specific functions. These functions are expected to yield outcomes as they are inherently linked to one's position or status in achieving certain objectives.<sup>17</sup> These concepts are particularly relevant in assessing the performance of local governments in implementing Article 70 of Law Number 20 of 2016 concerning Trademarks and Geographical Indications.

In this context, the prescribed role of local governments is clearly defined by Article 70, which mandates them to conduct public outreach, provide assistance, and ensure legal protection for potential geographical indications. However, empirical conditions indicate a gap between prescribed roles and enacted roles. Local governments often fail to actively disseminate information and assist communities, which reflects a form of role failure. This failure is not merely technical but also structural, as it is influenced by limited institutional capacity, lack of expertise in intellectual property

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<sup>13</sup> Nurul Qamar and Farah Syah Rezah, *Metode Penelitian Hukum Doktrinal dan Non-Doktrinal* (Makassar: Social Politic Genius, 2020); Bachtiar, *Metode Penelitian Hukum*, (Pamulang: Unpam Press, 2018).

<sup>14</sup> Pemerintah Pusat, "Undang-Undang (UU) Nomor 20 Tahun 2016 tentang Merek dan Indikasi Geografis," *JDIH BPK RI*, no. 1 (2016): 1–51, <https://peraturan.bpk.go.id/Home/Details/37595/uu-no-20-tahun-2016>.

<sup>15</sup> Titit Lestari, *Mengenal Ulos* (Aceh: Balai Pelestarian Sejarah dan Nilai Tradisional, 2010).

<sup>16</sup> John W. Creswell, *Research Design Pendekatan Penelitian Kualitatif, Kuantitatif, dan Mixed*. (Surakarta: Pustaka Pelajar, 2013).

<sup>17</sup> Muhammad Syafi'i, "Peran Hak Kekayaan Intelektual Komunal dalam Pengembangan Ekspresi Budaya Pacu Jalur di Provinsi Riau," *Journal of Intellectual Property* 6, no. 1 (2023): 31-46.

administration, and insufficient prioritization of geographical indication protection in regional development agendas.

Moreover, role conflict can also be identified. Local governments are simultaneously expected to drive economic development and manage administrative governance with limited resources. As a result, the protection of geographical indications-such as Ulos Batak Toba-tends to be marginalized. This condition leads to weak community awareness and participation, as local communities, who function as custodians of cultural and natural resources, do not receive adequate guidance. Consequently, the inability of local governments to fulfill their prescribed roles under Article 70 demonstrates a systemic role failure that directly impacts the protection and economic utilization of geographical indications.

In this regard, the concept of custodianship becomes central to the protection and management of communal intellectual property, where local communities act as the rightful holders and transmitters of traditional knowledge, skills, and natural heritage. To ensure this custodianship is effectively institutionalized, local governments bear a facilitative role in assisting communities to meet administrative and technical requirements for geographical indication registration. As stipulated in Government Regulation No. 56 of 2022 on Communal Intellectual Property, local governments, in collaboration with the central government and relevant stakeholders, are expected to support the establishment of description documents detailing the unique characteristics, history, and geographical boundaries of local products. Additionally, they are mandated to facilitate the formation of a representative body through the Geographical Indication Protection Society (Masyarakat Perlindungan Indikasi Geografis-MPIG), which serves as the institutional custodian responsible for managing, maintaining, and promoting geographical indications at the community level.<sup>18</sup>

This facilitation not only bridges the gap between local custodianship and formal legal protection but also strengthens the participatory framework of geographical indication governance in Indonesia. By empowering MPIG as the community-based representative structure, local governments ensure that the process of recognition, registration, and management of geographical indications aligns with both national intellectual property law and the social-cultural values of the communities that sustain them. Consequently, the collaboration between the state, local authorities, and community custodians embodies a holistic approach to preserving Indonesia's communal intellectual heritage while fostering sustainable local economic development.

One of the key regional potentials for building a distinctive local identity lies in products rooted in intangible cultural heritage, such as traditional handwoven textiles, which require legal protection and serve as valuable marketing tools. Creative efforts invested in these works entitle individuals to intellectual property rights, granting recognition and financial opportunities that can strengthen the local economy and improve community welfare.<sup>19</sup> However, disparities in natural and human

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<sup>18</sup> Presiden, "Peraturan Pemerintah Republik Indonesia Nomor 56 Tahun 2022."

<sup>19</sup> Ranitya Ganindha and Sukarmi, "Peran Pemerintah Daerah dalam Mendukung Potensi Indikasi Geografis Produk Pertanian," *Jurnal Cakrawala Hukum*, 11, no. 2 (2020): 211–20, <https://doi.org/10.26905/idjch.v11i2.3970>.

resources, along with the level of political will, influence whether such products gain legal protection. Local governments—through governors, regents, and mayors—hold the authority to manage these affairs based on principles of democracy, equality, and justice, aiming to enhance public services, empower communities, and increase competitiveness. Under the Geographical Indications Law, applications for protection must be submitted by community institutions representing producers of regional goods, including traditional woven textiles.<sup>20</sup> Economically, geographical indications benefit producers and communities by protecting local rights, preventing misuse, raising product value, supporting marketing, creating jobs, ensuring sustainability, stimulating regional development, and improving overall welfare.

Communal intellectual property refers to the collective ownership of traditional cultural heritage.<sup>21</sup> All cultural infrastructures must be preserved, as culture embodies the identity and essence of a group or community. As stated in Government Regulation No. 56 of 2022 concerning communal intellectual property, Article 1 affirms that communal values are assets collectively owned by communities that are economically valuable while upholding moral, social, cultural, and national principles.<sup>22</sup> The preservation of cultural heritage is essential to prevent its extinction. The government can play a significant role in supporting these efforts. Furthermore, the state can provide a legal framework to ensure the protection of Indonesia's cultural heritage.<sup>23</sup>

Based on the aforementioned considerations, local governments have an obligation to establish regulations through regional legislation to provide legal protection for local products,<sup>24</sup> such as the traditional motifs of Batak Toba ulos. These motifs have increasingly attracted interest from external parties for use in various traditional woven textile exhibitions.<sup>25</sup> For instance, the Harungguan motif originating from Muara Subdistrict, North Tapanuli Regency,<sup>26</sup> as gained interest from an internationally renowned fashion house, Christian Dior.<sup>27</sup> However, the use of the Harungguan motif by external parties without existing Geographical Indication (GI) protection reveals a significant juridical gap. This condition is primarily caused by administrative obstacles at the local government level, including the absence of comprehensive regulatory instruments, limited

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<sup>20</sup> Gerraldy Hailitik, Darius Mauritsius, and Yossie M.Y. Jacob, "Perlindungan Hukum terhadap Potensi Indikasi Geografis Tenun Ikat Amarasi di Kecamatan Amarasi Barat Kabupaten Kupang," *Petitum Law Journal*, 1, no. 1 (2023): 126–31.

<sup>21</sup> Yunita Maya Putri, "Perlindungan Bagi Hak Kekayaan Intelektual Komunal," *Jurnal Hukum DE'RECHTSSTAAT*, 7, no. 2 (2021): 173–84.

<sup>22</sup> Dian Nurfitri, "Perlindungan Kekayaan Intelektual Komunal Pasca Terbitnya Peraturan Pemerintah Nomor 56 Tahun 2022 tentang Kekayaan Intelektual Komunal," *Jurnal De Lege Ferenda Trisakti*, 2023, 53–61.

<sup>23</sup> Syafi'i, "Peran Hak Kekayaan Intelektual Komunal dalam Pengembangan Ekspresi Budaya Pacu Jalur di Provinsi Riau."

<sup>24</sup> Dyah Permata Budi Asri, "Perlindungan Hukum Preventif Terhadap Ekspresi Budaya Tradisional di Daerah Istimewa Yogyakarta berdasarkan Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta," *JIPRO: Journal of Intellectual Property*, 2018, 13–23.

<sup>25</sup> M T Ikhwanul Qiram, "Plagiasi Batik Nusantara Kaya akan Keragaman dan Memiliki Karakteristik di Tiap Daerah Asalnya," *JURNAL LEKESAN*, 2018.

<sup>26</sup> Nehemia Anugrah Parasian, Jekmen Sinulingga, and Warisman Sinaga, "Analisis Semiotika pada Ulos Harungguan Muara," *Kompetensi* 17, no. 1 (2024): 39–54.

<sup>27</sup> Tubasmedia, "Christian Dior Lirik Kain Ulos Tapanuli," <https://tubasmedia.com/>, 2023, <https://tubasmedia.com/christian-dior-lirik-kain-ulos-tapanuli/>.

institutional coordination, and the complexity of preparing technical documents required for GI registration, which often delays formal recognition.<sup>28</sup>

In addition, the communal nature of geographical indications gives rise to potential ownership claim conflicts among sub-ethnic groups within the Batak Toba community, which may hinder consensus in establishing a single representative institution such as the Masyarakat Perlindungan Indikasi Geografis (MPIG). This lack of agreement constitutes a juridical barrier, as GI protection requires collective recognition and unified representation of the community.<sup>29</sup> Furthermore, limited legal awareness and economic constraints among local producers contribute to the low registration rate of potential GIs, thereby leaving cultural expressions such as the Harunguan motif vulnerable to unauthorized commercial use.<sup>30</sup>

Across the regions surrounding Lake Toba, numerous weaving tourism sites, commonly referred to as Kampung Ulos, have emerged, producing a wide variety of Batak Toba traditional ulos motifs.<sup>31</sup> reflecting their unique local identities. Therefore, these traditional ulos motifs can be considered as geographical indication (GI) potentials that must be legally protected by both national and local governments. The absence of formal GI registration not only weakens legal protection but also creates opportunities for misappropriation by external entities, underscoring the urgency for strengthening administrative facilitation, resolving communal ownership issues, and enhancing the effectiveness of the legal framework governing geographical indications.

Legal protection for geographical indication (GI) products requires serious attention, as such products possess significant economic value and contribute to the economic growth of the regions where they are produced.<sup>32</sup> Consequently, geographical indications are an integral part of intellectual property rights. This topic has become increasingly relevant for further academic discussion, as intellectual property plays a pivotal role in accelerating national development, particularly in the context of current globalization dynamics.<sup>33</sup>

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<sup>28</sup> M E Kalalo, et al., "Rethinking Geographical Indication Law: Lessons from EU Success and Lobong Pineapple," *Jambura Law Review*, 7, no. 2 (2025): 441–71, <https://doi.org/10.33756/jlr.v7i2.31132>; M H Nahid, et al., "Challenges and Mitigation Strategies of Geographical Indication (GI) Registration Process for Local Products: A Case Study from Bangladesh," *Paper Asia* 41, no. 3 (2025): 296–308, <https://doi.org/10.59953/paperasia.v41i3b.480>; M M Artêncio et al., "One Step Further: Application of Metabolomics Techniques on the Geographical Indication (GI) Registration Process," *Business Process Management Journal*, 28, no. 4 (2022): 1093–1116, <https://doi.org/10.1108/BPMJ-12-2021-0794>.

<sup>29</sup> Y N Simanjuntak, "The Review of Communal Rights on Geographical Indications: Communal Standpoint as Constraints to Legal Protection," *Environmental Policy and Law* 51, no. 5 (2021): 297–308, <https://doi.org/10.3233/EPL-210001>; Sumit, "Beyond Commercial Value: Reimagining GI Protection for Tribal Designs through the Lens of Indigenous Sovereignty-A Comparative Study of India and Australia," *Journal of Intellectual Property Rights*, 30, no. 6 (2025): 818–27, <https://doi.org/10.56042/jipr.v30i6.23251>.

<sup>30</sup> A Bashir, "Protection of Geographical Indication Products from Different States of India," *Journal of Intellectual Property Rights*, 25, no. 3–4 (2020): 74–79; Nahid, et al., "Challenges and Mitigation Strategies of Geographical Indication (GI) Registration Process for Local Products: A Case Study from Bangladesh."

<sup>31</sup> Harisan Boni Firmando, "Kearifan Lokal Tenun Tradisional Ulos Dalam Merajut Harmoni Sosial Di Kawasan Danau Toba," *Jurnal Sosiologi Dialektika Sosial*, 7, no. 1 (2022): 1–18.

<sup>32</sup> Ganindha and Sukarmi, "Peran Pemerintah Daerah dalam Mendukung Potensi Indikasi Geografis Produk Pertanian."

<sup>33</sup> Tresna Adnyana, "Perlindungan Hukum terhadap Produk Indikasi Geografis dari Tindakan Peniruan."

In the context of geographical indications, the economic principle revolves around communities residing in specific regions endowed with potential geographical indication attributes. The economic value, quality, and reputation of products processed and produced by these communities often surpass those made elsewhere. The protection of geographical indications aims not only to safeguard the product itself, but also the quality and added value it generates, while simultaneously promoting rural development. Geographical indications play a vital role within the intellectual property rights framework, particularly in providing protection for products with significant economic value that are closely tied to their place of origin. Consider the substantial economic value of a product with geographical indication potential, such as traditional woven fabrics known as Ulos Batak Toba.<sup>34</sup>

In the context of geographical indications (GIs), quality is inherently synonymous with community-based production systems, where the distinctiveness of a product is maintained through collective knowledge, traditional practices, and environmental conditions. The sustainability of GI quality is significantly influenced by the capacity of human resources, particularly the skills, knowledge, and commitment of local producers in preserving production standards and traditional methods.<sup>35</sup> In addition, environmental factors such as soil characteristics, climate conditions, and natural resource management play a crucial role in shaping the unique attributes of GI products, thereby requiring continuous preservation and sustainable practices.<sup>36</sup> A decline in either human resource capacity or environmental quality may lead to a deterioration of GI reputation and economic value, ultimately undermining consumer trust and market competitiveness.<sup>37</sup>

From a governance perspective, the Directorate General of Intellectual Property holds a critical role in ensuring the consistency of GI standards through effective monitoring and enforcement

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<sup>34</sup> Winda Risna Yessiningrum, "Perlindungan Hukum Indikasi Geografis Sebagai Bagian dari Hak Kekayaan Intelektual," *Kajian Hukum dan Keadilan IUS*, III, no. 7 (2015): 42–51.

<sup>35</sup> D Sulistianingsih et al., "The Future Challenges on Economic Value of Intellectual Property on Geographical Indication Products in the Era of Globalization," in AIP Conference Proceedings, vol. 2573, 2022, doi:10.1063/5.0104117; D Nizam, "How to Use Geographical Indication for the Democratization of Agricultural Production: A Comparative Analysis of Geographical Indication Rent-Seeking Strategies in Turkey," in Geographical Indication and Global Agri-Food: Development and Democratization, 2019, 87–99, <https://doi.org/10.4324/9780429470905-9>; S Singh and N Bharti, "Geographical Indication and Rural Sustainable Development: A Bibliometric Analysis," *Australasian Accounting, Business and Finance Journal*, 17, no. 1 (2023): 32–50, doi:10.14453/aabfj.v17i1.03.

<sup>36</sup> G Belletti, et al., "Linking Protection of Geographical Indications to the Environment: Evidence from the European Union Olive-Oil Sector," *Land Use Policy*, 48 (2015): 94–106, <https://doi.org/10.1016/j.landusepol.2015.05.003>; S Falasco, P Caputo, and P Garrone, "Can Geographical Indications Promote Environmental Sustainability in Food Supply Chains? Insights from a Systematic Literature Review," *Journal of Cleaner Production*, 444 (2024), <https://doi.org/10.1016/j.jclepro.2024.141100>; Darwance Darwance, Rafiqqa Sari, and Tiara Ramadhani, "Inventarisasi Produk Potensi Indikasi Geografis oleh Pemerintah Daerah di Kepulauan Bangka Belitung," *Jurnal Yustisiabel*, 7, no. 2 (2023): 213–37.

<sup>37</sup> G C Moschini, L Menapace, and D Pick, "Geographical Indications and the Competitive Provision of Quality in Agricultural Markets," *American Journal of Agricultural Economics*, 90, no. 3 (2008): 794–812, <https://doi.org/10.1111/j.1467-8276.2008.01142.x>; D Kamthonkiat et al., "Insights Into The Impacts of Covid-19 and Climate Variability on Geographical Indication (Gi) Products: Sustainability Challenges in Thailand," *Journal of Sustainability Science and Management*, 20, no. 8 (2025): 1593–1615, <https://doi.org/10.46754/jssm.2025.08.004>.

mechanisms. In line with role theory, this reflects the necessity for DJKI to not only fulfill its prescribed role as a regulatory authority but also to demonstrate effective enacted roles through consistent application of sanctions against non-compliant GI holders. Such sanctions may include revocation of GI rights, administrative penalties, or restrictions on market access for producers who fail to meet established quality and environmental standards.<sup>38</sup> Moreover, the implementation of regular audits and traceability systems-potentially supported by digital technologies-can strengthen transparency and accountability in GI governance.<sup>39</sup> Therefore, consistent enforcement by DJKI is essential to prevent role failure within the institutional framework, maintain the integrity of GI products, and ensure that community-based quality standards are upheld in a sustainable manner.

The concept of geographical indications is subject to broad interpretation and varying degrees of legal protection. This is largely due to the fact that geographical indications are deeply influenced by the cultural values and traditions of local communities and nations. Geographical indications, often referred to as indications of origin, serve as markers of a particular good or service. These indications may take the form of registered signs or simply denote the specific origin of a product or service. The term is commonly associated with products that possess distinctive qualities or characteristics directly influenced by the unique geographical conditions of their place of production. Regulations governing indications of origin are closely linked to those concerning geographical indications. As such, traditional indications of origin may receive legal protection even without formal registration.<sup>40</sup>

Geographical indications serve as a means to protect the potential of intellectual property within a specific region. This form of intellectual property is communal in nature, offering legal protection while promoting the development of natural resources and reflecting the origin of products created by local communities. In Indonesia, the legal framework distinguishes between registered geographical indications (GIs) and potential geographical indications (potential GIs). Under Article 56(1) of Law No. 20 of 2016 on Trademarks and Geographical Indications,<sup>41</sup> a *registered GI* refers to an officially recognized indication of origin that has been granted legal protection and confers enforceable rights upon the registered community institution, such as the *Masyarakat Perlindungan Indikasi Geografis* (MPIG). Registration under this law allows the community institution to exercise control over the use of the indication and to prevent unauthorized use by third parties, thereby securing economic benefits for the local producers.

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<sup>38</sup> V Kulkarni and V Konde, "Pre- and Post- Geographical Indications Registration Measures for Handicrafts in India," *Journal of Intellectual Property Rights*, 16, no. 6 (2011): 463–69; O Al Makhzoumi and S.F.A.Q.A. Halim, "Protection of Geographical Indications in the Digital Transformation Era: A Comparative Legal Study of International Legislation," in *Studies in Systems, Decision and Control*, vol. 587, 2025, 1323–39, [https://doi.org/10.1007/978-3-031-87584-7\\_96](https://doi.org/10.1007/978-3-031-87584-7_96).

<sup>39</sup> O Al Makhzoumi and S.F.A.Q.A. Halim, "Analysis of the Role of Geographical Indications in Enhancing Product Quality, Protection, and Digital Traceability: A Legal and Technological Study," in *Studies in Systems, Decision and Control*, vol. 587, 2025, 1651–62, [https://doi.org/10.1007/978-3-031-87584-7\\_120](https://doi.org/10.1007/978-3-031-87584-7_120).

<sup>40</sup> Isnani, et al., "Identifikasi dan Pemanfaatan Indikasi Geografis dan Indikasi Asal Melalui Program Pembinaan pada Masyarakat," *Jurnal Pengabdian Hukum Indonesia (Indonesian Journal of Legal Community Engagement)*, 2, no. 1 (2019): 39–45.

<sup>41</sup> Pemerintah Pusat, "Undang-Undang (UU) Nomor 20 Tahun 2016 tentang Merek dan Indikasi Geografis."

Conversely, according to Articles 3–6 of Government Regulation No. 56 of 2022 on Communal Intellectual Property, a *potential GI* refers to a cultural or natural product identified by the local government or community institutions as having distinctive characteristics, quality, and reputation linked to a specific geographical area, yet not formally registered with the Directorate General of Intellectual Property (DGIP). Such potential GIs remain part of communal intellectual property (KIK) and are inventoried, safeguarded, and maintained by the state through coordination between the Ministry of Law and Human Rights and local governments.<sup>42</sup>

In this context, the Ulos Batak Toba woven textile currently qualifies as a *potential geographical indication* under the communal intellectual property framework,<sup>43</sup> as it has not yet been formally registered but possesses unique characteristics and a cultural reputation tied to the Batak Toba region.<sup>44</sup> Meanwhile, its distinctive motifs and symbolic designs are categorized as Traditional Cultural Expressions (TCEs). According to the provisions of PP No. 56 of 2022, such forms of communal intellectual property must be recorded through the DGIP's online system to ensure documentation, recognition, and potential transition toward formal registration as a protected geographical indication. To gain a comprehensive understanding of the mechanisms of legal protection for geographical indications, a comparative legal analysis between Malaysia and New Zealand is necessary.

The Law of Malaysia Act 836: Geographical Indications 2022 governs the protection of geographical indications in Malaysia. The ministry responsible for intellectual property oversees the registration and enforcement of geographical indications. The Malaysian Geographical Indications Act protects a wide range of products, including natural products, agricultural goods, handicrafts, and industrial items. This protection covers both registered and unregistered geographical indications. Moreover, individuals or entities eligible to apply for geographical indication registration include producers within a designated geographical area, competent authorities, trade organizations, and associations. The term producer refers to those in the agricultural sector, individuals who utilize natural resources, producers of handicrafts or industrial products, and any traders connected to these categories.<sup>45</sup> This framework reflects Malaysia's effort to harmonize its GI regime with international standards and trade agreements, thereby strengthening legal certainty and global recognition of local products.<sup>46</sup>

In Malaysia, there are no explicit legal provisions specifically regulating indications of origin. However, in the context of geographical indications, the focus extends beyond products originating merely from a country or region to include "specific locations within that country or region." Legal

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<sup>42</sup> Presiden, "Peraturan Pemerintah Republik Indonesia Nomor 56 Tahun 2022."

<sup>43</sup> Nurohma Nurohma, "Perlindungan Indikasi Geografis untuk Melindungi Produk-Produk Masyarakat Lokal," *Jatiswara*, 35, no. 2 (2020).

<sup>44</sup> I Nyoman Lodra, *Hak Kekayaan Intelektual (HKI) dalam Peradaban Masyarakat Bali*, (Unesa University Press, 2017).

<sup>45</sup> Febry Chrisdanty, "Perbandingan Perlindungan Hukum Indikasi Geografis Empat Negara (Malaysia, New Zealand, Trinidad and Tobago, dan Indonesia)," *Jurnal MAKSIGAMA*, 15, no. 1 (2021): 64–76.

<sup>46</sup> M Cooray, L J Chern, and J J B Azman, "A Discourse on the Malaysian Geographical Indications Act," *Sriwijaya Law Review*, 7, no. 2 (2023): 368–83, <https://doi.org/10.28946/slrev.Vol7.Iss2.2741.pp368-383>.

protection is granted based on the geographical origin of a product. Furthermore, other provisions address the actual place of origin, relating to the rights of interested parties to prevent misleading commercial practices concerning the geographical origin (indication of origin) of goods or products produced by the local community.<sup>47</sup>

New Zealand introduced the *Geographical Indications (Wine and Spirits) Registration Act* in 2006, revised in 2016, to regulate the registration of geographical indications, particularly for wine and spirits. The Act defines “origin” as the designated point of production, applying to both domestic and foreign wines made from grapes. Its primary aim is to protect consumer interests by ensuring that products labeled with a registered geographical indication genuinely originate from the specified region or are local products of New Zealand. Beyond consumer protection, the law also secures trademark holders’ rights, prevents misuse of geographical names, and supports fair trade practices, especially in the alcoholic beverages sector. By enhancing product authenticity, these protections increase the market value of New Zealand wines and spirits. The system is supported by the Advisory Committee under the *Trade Marks Act 2002*, which advises the Registrar of Geographical Indications. Additionally, the use of “New Zealand” as an indication of origin is permitted, provided it accurately reflects the country of origin without misleading claims of ownership.<sup>48</sup> This system, however, also reflects challenges in balancing large-scale industrial producers and small-scale artisanal producers, which may influence the specificity and strength of GI protection.<sup>49</sup>

Based on the comparative analysis, both Malaysia and New Zealand offer important lessons that can be concretely adopted by Indonesia, particularly for the protection of Ulos Batak Toba. Malaysia demonstrates the importance of clear, harmonized, and internationally aligned legal frameworks to ensure stronger protection and global competitiveness of GI products, while New Zealand highlights the need to balance the interests of large-scale and small-scale producers to maintain authenticity and fairness within the GI system.<sup>50</sup> For Indonesia, this implies the necessity to strengthen regulatory clarity, enhance international registration mechanisms, and prioritize the empowerment of local weaving communities as the primary custodians of Ulos.<sup>51</sup>

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<sup>47</sup> Chrisdanty, “Perbandingan Perlindungan Hukum Indikasi Geografis Empat Negara (Malaysia, New Zealand, Trinidad and Tobago, dan Indonesia).”

<sup>48</sup> *Ibid.*

<sup>49</sup> J Overton and W E Murray, “GI Blues: Geographical Indications and Wine in New Zealand,” in *Ius Gentium*, vol. 58, 2017, 197–220, [https://doi.org/10.1007/978-3-319-53073-4\\_8](https://doi.org/10.1007/978-3-319-53073-4_8).

<sup>50</sup> Cooray, Chern, and Azman, “A Discourse on the Malaysian Geographical Indications Act”; Overton and Murray, “GI Blues: Geographical Indications and Wine in New Zealand.”

<sup>51</sup> R Saputra, A Sulistiyono, and E Latifah, “International Registration as a Protection of Indonesian Geographic Indication in Global Trade (Study of Government Regulation Number 22 Year 2018),” *Jurnal IUS Kajian Hukum dan Keadilan*, 7, no. 2 (2019): 238-48, <https://doi.org/10.29303/ius.v7i2.630>; F Wulandari et al., “Sui Generis System: GI Protection for the Herbal Product in Indonesia as Communal Property Right,” *Cogent Social Sciences*, 9, no. 1 (2023), <https://doi.org/10.1080/23311886.2023.2176989>.

**Tabel 1.**  
Comparative Analysis and Lessons for Ulos Protection

No	Aspect	Malaysia	New Zealand	Lessons for Indonesia (Ulos – North Sumatra)
1	Legal Framework	Comprehensive GI Act aligned with international standards	Sector-specific (wine & spirits), evolving system	Strengthen GI regulations and align with international frameworks (TRIPS). <sup>52</sup>
2	Scope of Protection	Broad (agriculture, handicrafts, industrial products)	Limited focus (wine & spirits)	Expand protection to include traditional textiles like Ulos. <sup>53</sup>
3	Institutional Support	Strong government role in registration & enforcement	Advisory-based system with institutional oversight	Enhance coordination between central and local governments. <sup>54</sup>
4	Producer Structure	Inclusive of associations and communities	Tension between large and small producers	Prioritize protection of small-scale Ulos artisans and MPIG institutions. <sup>55</sup>
5	International Integration	Integrated with trade agreements (RCEP, TRIPS)	Focus on domestic authenticity and export value	Promote international recognition of Ulos through global GI registration. <sup>56</sup>

In conclusion, Indonesia can adopt a hybrid approach by combining Malaysia’s strong regulatory harmonization with New Zealand’s emphasis on product authenticity and producer balance. Specifically, for the Ulos case, regional regulations (Perda) in North Sumatra should: (1) provide clear procedural guidelines for GI registration, (2) strengthen institutional roles of local governments and MPIG, (3) ensure protection of communal cultural values, and (4) promote both national and international recognition of Ulos as a geographically indicated product. Such measures are essential to transform Ulos from a potential GI into a legally protected asset that supports cultural preservation and sustainable economic development.

### **Regulation of Legal Protection for Geographical Indications on Traditional Ulos Batak Toba Motifs to Prevent Counterfeiting through Local Regulations.**

Geographical indications differ from other forms of intellectual property rights, such as patents, trademarks, copyrights, and industrial designs. Unlike these rights, geographical indications are typically enforced by institutions representing communities within specific regions that produce

<sup>52</sup> Cooray, Chern, and Azman, “A Discourse on the Malaysian Geographical Indications Act”; W Sasongko, “Geographical Indications Protection under the New Regulation in Indonesia,” *Journal of Social Studies Education Research* 9, no. 4 (2018): 403–19, <https://doi.org/10.17499/jsser.57390>.

<sup>53</sup> F Y Sitepu, “The Potential of Geographical Indications and Its Legal Protection,” in *E3S Web of Conferences*, vol. 52, 2018, <https://doi.org/10.1051/e3sconf/20185200017>.

<sup>54</sup> M A H Labetubun et al., “Geographical Indications and Positive Legal Theory: Protection of Collective Rights as a Fair Business Legal Instrument,” *Jurnal Hukum Bisnis Bonum Commune* 8, no. 2 (2025): 319–35, <https://doi.org/10.30996/jhbhc.v8i2.13118>.

<sup>55</sup> Overton and Murray, “GI Blues: Geographical Indications and Wine in New Zealand.”

<sup>56</sup> Saputra, Sulistiyono, and Latifah, “International Registration As A Protection Of Indonesian Geographic Indication In Global Trade (Study of Government Regulation Number 22 Year 2018).”

the goods. These institutions are usually authorized by local government bodies at the provincial or district level. The protection of geographical indications (GIs) can enhance the value of products, thereby stimulating the economy of the region where the GIs originate and benefiting local producers.<sup>57</sup> The legal protection of geographical indications is inherently communal in nature.<sup>58</sup> Therefore, in protecting potential GI products, implementation can be carried out by empowering non-governmental organizations, government institutions, and local communities to collaboratively develop product descriptions for registration as geographical indication potentials.

The lack of attention and understanding among stakeholders is one of the contributing factors to the limited awareness of local communities regarding geographical indications (GIs). The general public is more familiar with terms such as patents and trademarks, which are part of intellectual property rights. However, geographical indications hold significant value as assets capable of enhancing the welfare of a country's population, particularly in specific regions. To effectively harness the natural potential of a given area, it is essential for governments to take the lead and employ appropriate human resources. The primary objective of legal protection for geographical indications is to prevent the replication or counterfeiting of unique regional resources. The focus on protecting GIs is gradually gaining global recognition as a means to promote sustainable local development.<sup>59</sup>

The development of traditional weaving today is characterized by innovation and diverse motifs, supported by new technologies that accelerate production. However, competition has intensified with the rise of synthetic materials offering similar quality at lower prices. This situation challenges traditional weavers of Ulos Batak Toba, who still rely on conventional methods and often lack awareness of intellectual property rights, particularly regarding traditional motifs. The absence of clear information on the benefits of legal protection through geographical indications (GI) underscores the responsibility of local governments to safeguard and promote these cultural products, ensuring they contribute to community and state income.

The spread of counterfeit products further exacerbates the problem, causing major losses to the global economy, diminishing the reputation of original producers, and endangering consumers when counterfeit goods—such as medicines or automotive parts—fail to meet safety standards. Moreover, profits from counterfeit trade often support criminal activities, including money laundering. In this context, strengthening GI protection becomes essential, particularly for culturally diverse nations like Indonesia. Beyond being a form of intellectual property, GIs represent communal ownership, preserve historical product origins, and ensure that regional producers derive fair economic benefits from their cultural heritage.

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<sup>57</sup> Darwance Darwance, Rafiqqa Sari, and Tiara Ramadhani, "Inventarisasi Produk Potensi Indikasi Geografis oleh Pemerintah Daerah di Kepulauan Bangka Belitung," *Jurnal Yustisiabel*, 7, no. 2 (2023): 213–37.

<sup>58</sup> Ayang Ayu Taufitra and I Gede Agus Kurniawan, "Hak Kepemilikan Komunal dalam Indikasi Geografis: Suatu Tinjauan Globalisasi Hukum," *JUSTISI*, 9, no. 2 (2023): 175–89.

<sup>59</sup> Deslaely Putranti and Dewi Analis Indriyani, "Perlindungan Indikasi Geografis oleh Masyarakat Perlindungan Indikasi Geografis Pasca Sertifikasi di Yogyakarta (Protection of Geographical Indication by Geographical Indication Protection Community (MPIG) Post-Certification in Yogyakarta)," *Jurnal Ilmiah Kebijakan Hukum*, 15, no. 3 (2021): 395–414, <https://doi.org/10.30641/kebijakan.2021.V15.395-414>.

In its implementation, it must be acknowledged that several challenges remain, not only related to the legal system in use but also due to regulatory gaps that hinder the optimal application of geographical indications. These weaknesses are evident in several articles of the relevant legislation, their interpretation, and supplementary provisions. Furthermore, the shortcomings embedded within the law may create disparities between parties acting in good faith.<sup>60</sup>

From the perspective of role theory by Bruce J. Cohen, the relationship between local governments, MPIG (Masyarakat Perlindungan Indikasi Geografis), and Directorate General of Intellectual Property (DJKI) can be understood as a role set—a network of interconnected roles that must operate synergistically. Each institution has its own prescribed role: local governments act as facilitators and regulators, MPIG represents the community in managing and proposing geographical indication registration, and DJKI serves as the central authority responsible for legal recognition and protection at the national level. However, in practice, this role set often does not function optimally. The local government's role failure in providing consistent assistance and regulatory support weakens the capacity of MPIG to fulfill its role effectively, particularly in preparing administrative and substantive requirements for registration. At the same time, the limited coordination between local governments and DJKI reflects a gap between prescribed roles and enacted roles, resulting in delays or even the absence of legal protection for products such as Ulos Batak Toba.

In addition, role conflict emerges when overlapping authorities and unclear coordination mechanisms create ambiguity in responsibility. For instance, while local governments are expected to facilitate and supervise, the absence of specific regional regulations (Perda) often leads to uncertainty in implementation. This ambiguity affects MPIG's position as a legitimate representative body and weakens enforcement against misuse or misappropriation of geographical indications. Therefore, strengthening the protection of Ulos Batak Toba requires the realignment of roles within this institutional network. Local governments must transform their prescribed roles into effective enacted roles by establishing clear regulatory frameworks (Perda), enhancing coordination with DJKI, and empowering MPIG through continuous assistance. By doing so, the role set can function cohesively, minimizing role conflict and preventing further role failure, ultimately ensuring sustainable legal protection and economic development of geographical indications.

The principles governing intellectual property rights related to the protection of geographical indications are as follows: (1) The Principle of Justice, This principle asserts that a fair relationship in intellectual property rights requires that an individual or collective creator has the right to their discoveries or creations. In the context of geographical indications, this principle mandates legal protection for those who identify, produce, and process natural products with distinctive characteristics unique to a specific region. (2) The Economic Principle, This principle emphasizes that the existence of geographical indications enhances the value of a product due to its uniqueness, quality, and established reputation, thereby transforming it into a commodity with significant

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<sup>60</sup> Rinda Fitria Tamara Puteri and Budi Santoso, "Urgensi Pemisahan Peraturan Perundangan Indikasi Geografis dengan Peraturan Perundangan Merek di Indonesia," *Notarius*, 16, no. 1 (2023): 48–65, <https://doi.org/10.14710/nts.v16i1.38219>.

economic value. (3) The Cultural Principle, Particularly relevant in the context of geographical indications, this principle plays a crucial role in promoting community welfare and is expected to attract both domestic and international interest in exploring the diversity of local products and cultural heritage across various regions of Indonesia. (4) The Social Principle, Characterized by the communal and collective ownership of geographical indications, this principle has the potential to enrich the communities that hold such rights, as the resulting economic benefits remain in the hands of local producers.<sup>61</sup>

Economic development is a dynamic process through which the economic conditions of a society gradually transition toward a more improved state over time. From this perspective, enhancing the people's economy refers to the process of increasing public income in alignment with their potential and capabilities. In practice, the goal is not solely the tangible outcome in terms of economic value; rather, it must also be relevant to local governance structures in order to increase regional revenue and the welfare of those who hold geographical indication rights. In this regard, geographical indications play a critical role in national economic development, as they enable producers to maintain product quality, enhance market positioning, unify branding efforts, and potentially raise product prices in the marketplace.<sup>62</sup>

Indonesia's geographical indications are defined as signs indicating the origin of a good and/or product from a specific location or region, where certain environmental factors natural, human, or a combination of both-contribute to the product's reputation, quality, and distinct characteristics. This is regulated under Law No. 20 of 2016 concerning Trademarks and Geographical Indications. Geographical indications may apply to products derived from natural resources, handicrafts, and industrial goods. They serve as a significant instrument for Indonesia, a country endowed with abundant natural resources and rich cultural diversity, complemented by local wisdom and traditional knowledge, in producing goods that reflect both geographical and human factors. At the same time, geographical indications function as a means of protecting the historical relationship between a product and its place of origin or the location where it is traditionally produced by local communities. According to Fitri Hidayat, the mark of a geographical indication (GI) generally includes the name of the product that is uniquely associated with the region in which it is produced.<sup>63</sup>

Geographical indications are designed as a form of appreciation and protection of creativity: the development of quality and reputation by local communities over many years-even across generations-in their efforts to establish and maintain high traditional standards, which are enhanced through innovation and product development. As such, geographical indications serve as a guarantee

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<sup>61</sup> Purnama Hadi Kusuma and Kholis Roisah, "Perlindungan Ekspresi Budaya Tradisional dan Indikasi Geografis: Suatu Kekayaan Intelektual dengan Kepemilikan Komunal," *Jurnal Pembangunan Hukum Indonesia*, 4, no. 1 (2022): 107–20, <https://doi.org/10.14710/jphi.v4i1.107-120>.

<sup>62</sup> Ni Nyoman Claudia Nareswari and I Made Dedy Priyanto, "Peran Pemerintah Daerah dalam Melindungi Nilai Ekonomi atas Indikasi Geografis di Indonesia," *Jurnal Kertha Wicara*, 11, no. 20 (2022): 1686–97, <https://doi.org/KW.2022.v11.i10.p4>.

<sup>63</sup> Fitri Hidayat, "Penerapan Perlindungan Hukum terhadap Produk Potensi Indikasi Geografis di Indonesia (the Implementation of Law Protection to Potential Product of Geographical Indication in Indonesia)," *Risalah Hukum Fakultas Hukum Unmul*, 10, no. 1 (2014): 72–83.

of quality, reputation, and authenticity for local products with global competitiveness. The geographical indication label on a product constitutes a competitive advantage that significantly influences international trade, as it fulfills multiple functions—from ensuring product authenticity and standardizing quality to serving as a promotional tool. This practice has long been applied collectively, especially in the case of products like wine and liquor such as Scotch, Champagne, and Cognac in Europe.<sup>64</sup>

Geographical indication (GI) products hold a strong market position as premium commodities, characterized by high levels of consumer recognition and loyalty. The European Union has been particularly proactive in providing protection for GIs, similar to the United States, where several domestic producers have developed geographical indications aligned with regional branding, such as Wisconsin Cheese, Idaho Potato, Florida Orange, and Kona Coffee. In the context of Indonesia, GIs have proven effective in increasing the market value of specialty products. For instance, Gayo Coffee, registered as a geographical indication product, experienced a significant price increase over six years, with roasted coffee bean prices rising from IDR 60,000 to IDR 200,000 per kilogram.<sup>65</sup>

The protection of geographical indications offers a model for collective branding and integrated marketing, both of which are essential for the sustainability of business ventures due to their multifaceted impact on both products and producers. Therefore, GI-labeled products can serve as a guarantee of higher quality, requiring producers to ensure standardization and maintain quality standards in terms of the product's characteristics, traits, and overall excellence. Conversely, geographical indications are also an effective means of capital efficiency, particularly in terms of registration, marketing, and maintenance costs, which can be collectively managed and thereby significantly reduced. Mainstreaming the collective approach in GI protection is especially beneficial for small-scale farmers and local artisans, who often lack the resources and infrastructure to engage in extensive product marketing.<sup>66</sup>

Several key aspects must be understood regarding the protection and development of the potential of geographical indications within the context of the sharing economy, as follows: (1) Geographical indications serve as assets with economic value—tangible property rights that have the potential to generate economic benefits through their utilization; (2) Geographical indications function as both product identity and a tool for identification, capable of demonstrating the correlation between a product and the collective community behind its production; (3) Geographical indications represent a strategic business model, particularly powerful in the era of digital disruption, where many human roles—both intellectual and physical—are increasingly being replaced by technology.<sup>67</sup>

Based on the explanation above, the traditional motifs of Ulos Batak Toba represent a potential

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<sup>64</sup> Ranti Fauza Mayana and Tisni Santika, "Pengembangan Produk Indikasi Geografis dalam Konteks Sharing Economy di Era Disrupsi Digital," *Jurnal Litigasi*, 21, no. 1 (2020): 128–46, <https://doi.org/10.23969/litigasi.v21i1.2217>.

<sup>65</sup> *Ibid.*

<sup>66</sup> *Ibid.*

<sup>67</sup> *Ibid.*

geographical indication asset with significant economic value, capable of providing tangible benefits for local traditional textile artisans. It is essential for Ulos Batak Toba weavers to demonstrate creativity in enhancing the quality of traditional motif products, particularly by ensuring consistent quality standards and highlighting the unique characteristics of motifs produced in one specific region compared to those from other regions. The premium quality of Ulos Batak Toba traditional motifs can lead to higher market value, similar to the case of Gayo coffee, whose price increased from IDR 60,000 to IDR 200,000 per kilogram within six years of being registered as a geographical indication product. The implication of quality assurance for traditional motif products lies in its potential to improve the welfare and economic gains of Ulos Batak Toba weavers. Moreover, the distinctiveness of traditional motifs from one region, as opposed to another, contributes to a higher selling price in the marketplace.

### **CLOSING**

The legal protection of geographical indications (GI) for Ulos Batak Toba woven textiles is essential to safeguard both cultural heritage and economic assets. Each region possesses distinctive motifs that not only embody cultural identity but also enhance the economic value of local communities, with Ulos Batak Toba even gaining international recognition and being officially listed as Indonesia's intangible cultural heritage by the Directorate General of Culture. Despite this recognition, the role of local governments in supporting intellectual property-based regional development remains limited. Many potential GIs are overlooked due to a lack of awareness, weak institutional capacity, and the absence of effective regional regulations. Similarly, local artisans and communities often lack understanding of the legal and economic benefits of GI protection, leaving traditional products vulnerable to imitation, misappropriation, and commercial exploitation without benefit-sharing.

To address these challenges, a dual-track strategy for legal protection is recommended. First, Ulos Batak Toba should be registered as a Geographical Indication under Law Number 20 of 2016 on Trademarks and Geographical Indications, which grants enforceable rights to the registered community institution (such as Masyarakat Perlindungan Indikasi Geografis or MPIG). This registration will ensure legal recognition, prevent counterfeiting, and strengthen the market position of Ulos Batak Toba as a culturally rooted economic product. Second, the distinctive motifs, patterns, and symbolic designs of Ulos should be inscribed as Traditional Cultural Expressions (TCEs) in accordance with Article 38 of Law Number 28 of 2014 on Copyright and Government Regulation No. 56 of 2022 on Communal Intellectual Property (KIK). This complementary protection acknowledges the communal ownership of Ulos motifs, preserving their authenticity, safeguarding them from cultural misappropriation, and ensuring their intergenerational transmission.

Moreover, local governments should play an active role in facilitating both processes by supporting documentation, description preparation, and community representation through MPIG, as well as by developing local regulations (Peraturan Daerah) that govern the utilization, dispute resolution, and administrative sanctions related to these rights. Continuous capacity-building

programs and public awareness initiatives are also essential to empower artisans, strengthen custodianship, and integrate Ulos-based creative industries into sustainable local economic development. Through this dual-track approach, Ulos Batak Toba can be both economically empowered as a protected GI product and culturally preserved as a TCE, ensuring the long-term survival and dignity of Batak heritage within Indonesia's intellectual property framework.

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