BALTIC JOURNAL OF LAW & POLITICS
A Journal of Vytautas Magnus University
VOLUME 15, NUMBER 2 (2022)
ISSN 2029-0454

Cite: *Baltic Journal of Law & Politics* 15:2 (2022): 100-116
DOI: 10.2478/bjlp-2022-001006

LAW ENFORCEMENT IN PROTECTION OF LEADING REGIONAL PRODUCTS REVIEWED FROM THE LAW OF GEOGRAPHIC INDICATION

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Received: July 13, 2022; reviews: 2; accepted: October 14, 2022.

Abstract.

Geographical Indication is one of the signs indicating the area of origin of an item and/or product which due to geographical environmental factors including natural, human, and/or a combination of these two factors gives reputation, quality, and certain characteristics to the goods and/or products. resulting from. The problem in this research is how to enforce the law on Geographical Indications in Indonesia? and how is law enforcement in the protection of regional superior products in terms of geographical indication law? The research method used is a normative juridical approach by examining legal norms in legislation, namely Law Number 20 of 2016 concerning Marks and Geographical Indications, Government Regulation Number 51 of 2007 concerning Geographical Indications. The results of the discussion on the Law Enforcement of Geographical Indications in Indonesia, namely the regulation regarding Geographical Indications has been regulated in the Law on Marks and Geographical Indications, namely Law Number 20 of 2016, where Geographical Indications are one part of Intellectual Property Rights, so that law enforcement Geographical indications in Indonesia are based on law enforcement in the field of intellectual property rights carried out by criminal procedures, civil procedures and also arbitration. Law Enforcement in the Protection of Regional Superior Products Judging From the Law of Geographical Indications can be carried out in developing and protecting regional superior products by understanding the sources of regional wealth based on their intellectual property. In addition, it is also necessary to develop regional potential through intellectual property management. Suggestions in this study are in enforcing legal protection for regional superior products based on intellectual property, especially geographical indications, the initial steps that can be taken to realize the concept are as follows:

a. Commitment to support from all elements of stakeholders

b. Establishment of UPKI in each region or ask for assistance from existing IPRHKI centers / IPR Clinics / UPKI for its management

Keyword :

Law enforcement; Regional Leading Products; Geographical Indication

Introduction

One part of Intellectual Property Rights is Geographical Indication, which since the last decade has begun to be developed by various countries in the world. Geographical Indication is one of the signs used in products originating from a specific geographic area that has a quality or reputation related to its origin. So in general, the geographical indication consists of the name of the product followed by the name of the area of origin of the product.[1]

Geographical Indications were first regulated in the Paris Convention of 1883 by introducing protective measures on border of measures and protection against unfair business competition. In addition, it is also regulated in the Madrid agreement in 1891, namely false indications and border of measures. The Lisbon Treaty also regulates the protection of indications of origin in 1958 which includes the international registration of indications of origin.

Geographical indications in the Trade Related Aspects of Intellectual Property Rights (TRIPs) signed in the Uruguay Round of the General Agreement on Tarifs and Trade (GATT) in 1994 offer very wide opportunities in international protection for geographical indications. Geographical Indications are regulated in Section 3 Article 22-24. To ensure that Geographical Indications are applied in these TRIPs member countries, it is determined that each TRIPs member country is obliged to provide legal means, namely legal means or efforts to protect Geographical Indications in the national law of the country (Kennedy, Schmitz, & DeLong, 2020).[2]

Indonesia is one of the countries that participated in ratifying the Agreement for the Establishment of the World Trade Organization, this can be seen in Law Number 7 of 1994 which regulates the formation of WIPO and approves the establishment of TRIPs. So that Indonesia is obliged to adjust the regulations on Intellectual Property Rights based on the TRIPs agreement as a consequence of the ratification. One of the regulations it regulates is the protection of Geographical Indications.[3]

Geographical Indication is one of the signs indicating the area of origin of an item and/or product which due to geographical environmental factors including

[1] Saky Septiono. *Perlindungan Indikasi Geografis dan Potensi Indikasi Geografis Indonesia*. www.dgip.go.id/indikasi-geografis

[2] Miranda Risang Ayu. 2006. *Memperbincangkan Hak Kekayaan Intelektual Indikasi Geografis*. Bandung. Alumni. Hlm.33

[3] Erlina B, dkk. 2020. *Perlindungan Hukum Indikasi Geografis*. Bandar Lampung. Pusaka Media Design. Hlm.77

natural, human, and/or a combination of these two factors gives a certain reputation, quality and characteristics to the goods and/or products. resulting from. The characteristics and quality of goods that are maintained and can be maintained for a certain period of time will give birth to a reputation (fame) for these goods, which in turn allows these goods to have high economic value (Kikulwe & Asindu, 2020).[4]

The ratification of Intellectual Property Rights in Indonesia indicates that the Indonesian state is ready to open itself to international economic relations which opens up economic opportunities and challenges for Indonesian industrialists, in the sense that the Indonesian state must increase the quality of products from Indonesia to be equivalent to that of Indonesian products. international.

According to Cristophe Bellmann and Graha, Dutfield, many of the challenges faced by developing countries, one of which is Indonesia is to design and implement intellectual property rights policies at the national and international levels.[5]

Indonesia has opened registration of Geographical Indications products since September 2007, after the issuance of implementing regulations of Law Number 15 of 2001 concerning Marks, namely Government Regulation Number 51 of 2007 concerning Geographical Indications. So far, several domestic applicants have obtained Geographical Indication certificates (Malla & Brewin, 2020).[6]

Lampung Province is one that has geographical indications, including Black Pepper and Lampung Robusta Coffee. The Lampung Robusta Coffee Society for Geographical Indications (MIG-KRL) and the Lampung Black Pepper Geographical Indication Society (MIG-LHL) proposed protection of Geographical Indications for the two plantation products. This is done so that local producers also get legal protection for the name of the origin of the product so that it is not used by other parties. Considering that Lampung Robusta Coffee and Black Pepper have a good market share at domestic and international levels.

Problems

The problems in this research are:

1. How is the law enforcement of Geographical Indications in Indonesia?
2. How is law enforcement in the protection of regional superior products in terms of geographical indication law?

Research Methods

In this study, the author uses a normative juridical approach, namely legal research conducted by examining library materials or secondary data as the basic

[4] Winda Risna Yessiningrum. April 2015. *Perlindungan Hukum Indikasi Geografis Sebagai Bagian dari Hak Kekayaan Intelektual*. Jurnal IUS Vol.III. hlm.42
[5] Cristophe Bellmann, Graham Dutfield dan Melendez-Ortiz. 2003. *Trading in Knowledege : Development Perspective on TRIPS, Trade and Sustainability.* International Centre for Trade and Sustainable Development (ICTSD). Earthscan London. Hlm.1
[6] Muhammad Djumhana dan Djubaedillah. 2014. *Hak Milik Intelektual Sejarah, Teori, dan Praktiknya di Indonesia.* Bandung. PT.Citra Aditya Bakti. Hlm.247

material to be investigated by conducting a search on regulations and literature related to the problems studied.[7]

This research method is carried out by examining the legal norms in the legislation, namely Law Number 20 of 2016 concerning Marks and Geographical Indications, Government Regulation Number 51 of 2007 concerning Geographical Indications.

Discussion

A. Law Enforcement of Geographical Indications in Indonesia

In general, regulations regarding Geographical Indications have been regulated in the Mark Law, namely in Chapter VIII Article 53 regarding the definition of geographical indications as an identity of an item originating from a certain place that shows quality, reputation, and characteristics including natural and environmental factors. people and general registration procedures. However, there has actually been a misunderstanding about the basic concept of what is meant by Geographical Indications. Because geographical indications are regulated in the Law on Marks and Geographical Indications, the average community considers that Geographical Indications are part of a Mark which has the same protection and characteristics as the protection provided for a Trademark.[8]

The main difference between a Mark and a Geographical Indication is that a brand is only a sign attached to an item that functions as a distinguishing force in the activities of trading in goods or services. This mark is not related to the quality of the goods or services traded. Meanwhile, Geographical Indication is an indication or identity of an item originating from a certain place, area, or region, where the characteristics of the area, namely natural and human factors, affect the quality and reputation of the goods produced from the area.[9]

According to Article 1 number 2, a trademark is a mark used on goods traded by a person or several persons jointly or by a legal entity to distinguish them from other similar goods. While a service mark is a mark used on services traded by a person or several people together or a legal entity to distinguish it from other similar services.

Meanwhile, Article 53 of the Law on Marks and Geographical Indications states:

(1) Geographical indications are protected after they are registered by the Minister;

(2) In order to obtain the protection as referred to in paragraph (1), the Applicant for Geographical Indications must submit an Application to the Minister.

[7] Soerjono Soekanto dan Sri Mamudji. 2004. *Penelitian Hukum Normatif Suatu Tinjauan Singkat*. Jakarta. Raja Grafindo Persada. hlm.13-14

[8] Noegroho Amien Soetiarto. 2000. *Hak Kekayaan Intelektual dan Kekayaan Intelektual Tradisional dalam Konteks Otonomi Daerah*. Mimbar Hukum Nomor 34/II/2000.

[9] H. Riyaldi. 2008. *Perlindungan Indikasi Geografis Manfaat dan Tantangannya*. Media HKI. Vol.V/No.04/Agustus 2008. Departemen Hukum dan HAM RI Direktorat Jenderal Hak Kekayaan Intelektual. Jakarta.

(3) The applicants as referred to in paragraph (2) are:

a) An institution that represents the community in a certain geographical area that operates goods and/or products in the form of natural resources, handicrafts; or industrial products.

b) Provincial or district/city government.

(4) Provisions regarding announcements, objections, objections and withdrawals as referred to in Article 14 to Article 19 shall apply mutatis mutandis to Applications for registration of Geographical Indications.

In the explanation of this article, it is explained in Paragraph (3) that what is meant by institutions that represent the community in certain geographical areas include producer associations, cooperatives, and geographical indication protection communities (MPIG). Paragraph (3) Number 1 explains that what is meant by natural resources is everything that is based on nature that can be used to meet the needs of human life which includes not only biotic components such as animals, plants, and microorganisms but also abiotic components such as oil, gas. nature, various types of metals, water and soil. Whereas in Number 3 it is explained that what is meant by industrial products is the result of human processing in the form of raw goods into finished goods, including Gringsing Weaving, Sikka Weaving. Brands can be owned by individuals or companies, while geographical indications can be owned openly by an institution representing a particular community or consumer group.[10]

Article 1 point 5 of the Law on Marks and Geographical Indications states that the right to a mark is an exclusive right granted by the state to the owner of a registered mark for a certain period of time by using the mark himself or giving permission to another party to use it. In relation to Article 35 Paragraph (1) of the Law on Marks and Geographical Indications concerning the Term of Protection and Extension of Registered Marks, registered marks shall receive legal protection for a period of 10 (ten) years from the date of Filing and in Paragraph (2) the period of protection shall be continued. as referred to in paragraph (1) may be extended for the same period of time.

The Law on Marks and Geographical Indications does not regulate the period of protection for Geographical Indications with certainty, as stated in Article 61, namely:

(1) Geographical indications are protected as long as the reputation, quality and characteristics that are the basis for providing Geographical Indications protection are maintained.

(2) Geographical indications can be deleted if the provisions as referred to in paragraph (1) are not fulfilled; and/or Violating the provisions as referred to in Article 56 Paragraph (1) letter a.

This creates a new difference between the two, namely for brands the

[10] Tatty Ramli dan Yetti Sumiati. 2008. *Implikasi Pendaftaran Indikasi Geografis Terhadap Potensi Peningkatan Pertumbuhan Ekonomi Masyarakat*. Jurnal Hukum Bisnis, Vol. 27-No.4-Tahun 2008 hlm 74

protection period is 10 (ten) years with an extension period of 10 (ten) years. Meanwhile, for geographical indications, there is no time limit for protection, because it depends on natural and human factors that produce the goods in question. In addition to these differences, another misunderstanding is that there has been a misunderstanding regarding the limits of the protection of geographical indications as stated in the Elucidation of Article 56 Paragraph (1) of the Trademark Law, where it is explained that the protection of geographical indications includes goods produced by natural products, agricultural products, handicrafts or other certain industrial products.

In terms of the production process, a handicraft is not influenced by natural factors. As WIPO understands in particular in TRIPs Article 22 Paragraph (1), that Geographical Indications are indications that identify an item originating from an area where a quality, reputation or other basic nature of an item is a core element constituting the nature of its geographic origin. Handicrafts are not at all classified in the scope of protection of geographical indications, but are included in the protection of traditional knowledge which in the regulation of our intellectual property rights is regulated in the Copyright Law.

For example, the art of hand-crafted batik and ikat, because the manufacturing process does not go through industrial machines, the volume of production is also limited. The mass-produced handicrafts for the benefit of industrial commodities are regulated in Article 1 of the Industrial Design Law. For example, the batik fabric industry, the process of making it through a printing machine so that it can be used as an industrial commodity because it is mass produced.

From the conflicting provisions above, it can be concluded that if it is studied more deeply, Geographically Indications are not properly included in the Mark or not included in the Mark. In order to avoid misunderstandings regarding Geographical Indications and Marks as explained above, currently the trademark law is added with the words geographical indication so that the law becomes a law on trademarks and geographical indications. This is done to anticipate the occurrence of imitation of a brand containing the name of a region of origin, especially in Indonesia, which is owned by parties that have nothing to do with the area of origin and can provide optimal legal protection for the potential of national products.

Law enforcement procedures in the field of intellectual property rights are carried out in 2 (two) ways, namely criminal procedures and civil procedures. Criminal procedures are carried out by investigators, prosecutors, judges at district courts, high courts and the supreme court. In criminal procedures, there are known appeals and cassation, ordinary offenses and complaint offenses. Civil procedures are submitted to the Commercial Court and other legal remedies to the Supreme Court. In addition to these settlements, IPR disputes can also be carried out by Arbitration or Alternative Dispute Resolution.

1. Criminal Procedure

In resolving criminal cases in the field of intellectual property rights, several procedures are needed in accordance with the Criminal Procedure Code. Criminal

sanctions given to perpetrators of IPR infringement are to provide deterrent to perpetrators of IPR criminal acts, which can be specific to the perpetrator and also generally to community members. The procedure for criminal settlement is carried out by conducting an Investigation, Investigation, Prosecution, and Decision. Decisions on criminal cases in the field of intellectual property rights are made by the District Court, High Court and Supreme Court.

2. Civil Procedure

In contrast to the settlement of cases in the field of intellectual property rights, the settlement of civil cases is carried out through the Commercial Court and the legal remedy is through an appeal to the Supreme Court. This means that in civil disputes there is no known appeal. In the IPR law, the time period for the settlement of civil disputes has been determined. These requirements are very different from the provisions in the HIR (Herziene Indonesisch Reglement) where the time period for the completion of a particular case is not limited. Thus the provisions for the settlement of civil cases in the IPR Law are Lex Specialis from the HIR provisions. The period specified in resolving civil cases in the field of intellectual property rights is as follows:

a. Commercial Court Level

Settlement of civil disputes at the court level is divided into:

(1) Decisions on lawsuits for copyright infringement, industrial design cancellations, integrated circuit layout designs, and trademark cancellations must be pronounced within 90 days from the date the lawsuit is filed. The grace period can be extended for a maximum of 30 days with the approval of the Supreme Court.

(2) The decision on the lawsuit for patent infringement must be pronounced within a grace period of 180 days from the date the lawsuit is registered

b. Supreme Court Cassation Level The settlement of civil disputes at the Supreme Court cassation level is divided into

(1) Decisions on lawsuits for copyright infringement, cancellation of industrial designs, layout designs of integrated circuits, marks must be pronounced for a maximum of 90 days after the appeal is received.

(2) The decision on the lawsuit for patent infringement must be pronounced no later than 180 days after the cassation application is received

3. Arbitration

In the law in the field of IPR, the parties can resolve IPR cases through arbitration or alternative dispute resolution. Arbitration is a way of settling a civil dispute outside the general court based on an arbitration agreement made in writing by the disputing parties. While alternative dispute resolution is a dispute resolution institution or difference of opinion through a procedure agreed upon by the parties, namely an out-of-court settlement by means of consultation, negotiation, conciliation, or expert judgment.

The agreement of the parties in resolving the parties in resolving IPR disputes is an absolute requirement for arbitration. The mechanism used is that

the applicant must notify by registered letter, telegram, telex, facsimile, email or with an expedition book to the respondent that the terms of the arbitration held by the applicant or respondent apply.

After the IPR dispute occurs and the parties choose arbitration to resolve the dispute, an agreement regarding arbitration must be made in a written agreement signed by the parties. If the parties cannot sign a written agreement, the written agreement is only made in the form of a notarial deed. The legal consequences of a written arbitration agreement negate the right of the parties to submit a dispute resolution or difference of opinion contained in the agreement to the court. Therefore, the court is obliged to refuse and will not intervene in a dispute resolution that has been determined through arbitration, except in certain cases stipulated in this law.

In addition to arbitration, the parties can also resolve IPR disputes through alternative dispute resolutions based on good ethics by setting aside litigation in court. Alternative dispute resolution is resolved in a direct meeting by the parties within a maximum period of 14 (fourteen) days and the results are stated in a written agreement.

Dispute resolution efforts can use a mediator if both parties have not been able to resolve the IPR dispute. If the parties within 14 (fourteen) days with the help of the mediator fail to reach an agreement, or the mediator does not succeed in bringing the two parties together, then the parties may contact an arbitration institution or ad hoc arbitration.

After appointing a mediator, within a maximum period of 7 (seven) days the mediation business must be able to start. The mediator must be able to resolve IPR disputes as outlined in a written agreement signed by the parties within a maximum period of 30 (thirty) days. In accordance with Article 6 of Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution, that the written agreement is final and binding on the parties to be implemented in good faith and must be registered at the District Court within a maximum period of 30 (thirty) days as of signing. The agreement must be implemented by the parties within 30 (thirty) days after the signing

B. Law Enforcement in the Protection of Regional Superior Products Seen from the Law of Geographical Indications

The main function of the law is to serve humans so as to realize the welfare and happiness of the people, the main function of this law is closely related to public policy. Because public policy is the stick that connects ethical legitimacy with political philosophy, in the sense that a state policy should not only get supplies from very pragmatic aspects. According to Robert Eyestone, public policy is a relationship between a government unit and its environment, while Thomas R Dye said that public policy is whatever the government chooses to do and not do.[11]

[11] Budi Winarno. 2008. Kebijakan Publik : Teori dan Proses. Yogyakarta. Media Presindo. Hlm.17

David Easton's view that public policy is the production of the state as the holder of political power, which in political life as the spearhead of policy is a system of behavior that blends in an environment on the influences expressed by the political system itself and in turn reacts, which means outside and behind the political system there are other systems or the environment whether physical, biological, social, psychological and so on. David Easton defines a political system as a system of interactions within each society in which there are binding or authoritative allocations made and implemented for the community.[12]

Society is the most comprehensive social system, in which society combines all other social systems and as a result refers to the dominant supra-system and participates in it. A significant political system with power, which deals with the formation and exercise of political authority in a society, which rests on the ability to influence the actions of others, control the ways in which others are made, and carry out policy-making decisions.

In simple terms, Easton defines government policy as the power to allocate values to society as a whole. This implies that the government's authority which covers the whole of people's lives and public policy is seen as an action taken by the government, the domain of public policy studies can be seen from the scope of activities carried out by the government, the area of activity can be said to be limited to land issues, foreign relations and problems of maintaining law and order.[13]

There is no other organization whose authority can cover the whole community except the government, policy is the result of a combination of activities receiving inputs, interpreting inputs and translating them into outputs in the form of decisions.[14] Thus, policy consists of a network of decisions and actions that allocate values. The concepts of decision-making power, authority, and policy are as essential in the idea of political life as the allocation of values of authority in society according to James Robinson and Richard C. Synder.[15]

In making public policy, of course, the political system is considered as an open system as well as adaptive to the opportunities for changes and transactions that occur between a political system and its environment. A political system receives influences, events or disturbances that come from other systems where the political system blends which then forms the conditions that require its members to act. So that a political system is required to have the ability to respond to inputs or transactions creatively and constructively, and adapt to the circumstances in which the system must function. The adaptive feature of political systems that produce policies according to Easton is different from merely reacting passively to environmental influences, but political systems accumulate a number

[12] S.P Varma. 1990. Teori Politik Modern. Rajawali Press.Jakarta. hlm. 275
[13] Amir Santoso. 1989. Analisis kebijaka Publik: Suatu Pengantar. Gramedia. Jakarta. hlm.12
[14] Herebert Kelman (Ed). 1965. Decision Making In International Politics . Reinheart & Winston. New York Holt. Hlm. 165
[15] ibid. hlm 199

of elements of the mechanisms used to cooperate with their environment, regulate their own behavior, change their internal structure and proceed to reshape their fundamental goals.[16]

There are two focuses in systems analysis theory, namely on a process of political life in which there is processing and changing the various influences that flow from the environment to the political system and the way the system responds to incoming influences. The political system accepts demands and support from the social and political system or overcomes demands with the help and support that is received or a manipulated demand and support.[17]

The demands and support received by the political system from the environment become inputs in a conversion process and then become outputs, in this case followed by a feedback mechanism process. Through this mechanism, the effects and consequences are returned to the system as input to be processed or converted, so that output is returned.[18]

Outputs can be in the form of decisions, regulations or policies that are implemented in which with a political system values are allocated in society in an authoritative way (by using power). Input consists of the demands and support that the system and society receive. According to Easton, a demand or request is a reflection of an opinion on a certain matter that requires an allocation of authority from the parties who are responsible for doing or not doing it.[19]

Policy formation as output can be described through the Eastonian hit box model which provides a model of the political system that greatly influenced the way policy studies in the 1960s conceptualized the relationship between policy making, policy outputs and the wider environment. The main characteristic of the Eastonian Model is that this model looks at the policy process in terms of the inputs received, in the form of flows from the environment, mediated through input channels, demands in the political system and their conversion into outputs.[20]

David Easton's policy theory is used to analyze the design in building a legal protection policy for Lampung coffee as a product with geographical indications based on cultural justice, which is directed at social policies with the aim of achieving social welfare and social protection.) in the sense that it requires the existence of social order, namely a set of regulations that are not only in accordance with the needs for living together, but also in accordance with the aspirations of the citizens of society in general.[21]

The applicable law contains a holistic set of systems and subsystems in people's lives, the law that is a role model for the community is a social ideal that

[16] S.P. Varma. Op.Cit. hlm. 276
[17] Ibid. hlm. 277
[18] M. Amien Rais, Harwanto Dahlan, dan Tulus Warsito. 1995 Hubungan Internasional. Yogyakarta. Fisip UMY. Hlm.370
[19] Ibid. hlm 279
[20] Wayne Person. 2006. Public Policy : Pengantar Teori dan Praktik Analisis Kebijakan. Alih bahasa oleh Tri Wibowo Budi Santoso. Jakarta. hlm. 25
[21] Erlina B. 2014. Kebijakan Pemerintah Dalam Produk Berindikasi Geografis. Bandar Lampung. Aura Printing & Publishing. Hlm. 39-40.

never stops being pursued until the end of human life, the social ideals are as follows:

1. Expect security and peace of life without time limits;
2. Expecting the benefit of life for oneself and others;
3. Hoping for justice. A person who is guilty must receive the appropriate punishment and the innocent get a good and proper legal protection
4. Equality of rights and obligations in law. the law is not favoritism
5. Mutual control in people's lives so that the rule of law can be realized by the people themselves. Freedom of expression, opinion, action without exceeding legal limits and social norms.
6. Positive social regeneration that is responsible for the future of social life and the life of the nation and state.[22]

In the perspective of the sociology of law, the basic social ideals desired in the enactment of social and legal norms are the realization of social security and peace, the feeling of justice in law enforcement and the freedom of humans from persecution against the law. Justice as a social ideal and the goal of law, but in its implementation the idea of justice is never objective, justice is always subjective, no exception in law.[23]

In its development, the study of law and society (law and society) changed its label into a social study of law or socio legal studies. Tamanaha stated that based on his observations by saying that the label or nickname of socio legal studies was also aimed at law and society studies. Later the preferred term is socio legal studies.[24]

Brian Z Tamanaha said that law and society have a frame called The Law Society Framework which has certain relationship characteristics. Certain relationships are shown by two components, the first component consists of two main themes, namely the idea that law is a mirror of society and the idea that the function of law is to maintain social order, while the second consists of three elements, namely custom/consent, morality/reason, positive law. Brian Z. Tamanah's thoughts that the law is a mere reflection of the community, namely the ideas, traditions, values and goals that exist in that society. In the context of this mirror theory, the transplantation and transformation of laws from other societies is almost impossible.

Vinogradoff has a different opinion, according to him that law arises from the consideration of giving and receiving in a reasonable/reasonable social relationship (give and take consideration in a reasonable social intercourse). Eugen Erhlich as a pioneer of sociological jurisprudence, according to him, positive law will have an effective force if it contains or is in harmony with the laws that live in society. In Soerjono Soekanto's view that the goodness of Erlich's analysis lies in his efforts in directing the attention of legal experts to the scope of the social

[22] Beni Achmad Saebani. 2007. Sosiologi Hukum. Bandung. Pustaka Setia. Hlm. 162-163
[23] Ibid. hlm. 168
[24] Brian Z. Tamanaha. 1997. Realistic Socio Legal Theory Pragmatism and a Social Theory of Law. New York. Oxford University Press. Hlm. 1

system so that a force that controls the law is found, but the problem is that there is no standard used to see that the rule of law is correct. Is it really a living law and also is it really considered to fulfill a sense of justice for the community.

Meanwhile, Roscoe Pound argues that the law must be viewed as a social institution that functions in the context of meeting social needs, and the task of legal science is to develop a framework for which social needs can be maximally fulfilled. In this context, Pound explains that there is a difference between law in action and law in the book. Pound's teachings are famous for his theory that law is a tool to renew society, namely law is a tool of social engineering. This flow departs from Pound's thinking about the reciprocity between law and society. Satjipto Rahardjo stated that law enforcement is an attempt to turn ideas and concepts into reality, the process of realizing these ideas is the essence of law enforcement.[25]

In a sociological perspective, there are two important elements in law enforcement, namely the human element and the environmental element. If law enforcement is only seen from the requirements listed in the legal provisions, without involving the human element and the social environment, then what is seen is empty stereotyped images. Law enforcers must pay attention to sociological aspects, because otherwise law enforcers tend to carry out their functions according to their own interpretations which are motivated by various factors, personality, social origin, level of education, economic interests, political beliefs and outlook on life.[26]

Friedman's view that law as a behavior itself is a system, substance and culture that are interrelated, so law enforcement is not only directed at improving legal materials and legal apparatus but also relating to the development of legal culture in all levels of society. The point is that the purpose of law is not only legal certainty, but also benefit and justice which ends in creating a prosperous, just and prosperous society. Friedman's logic is that law enforcement must also pay attention to the sociological aspects of the law itself.

In line with this view, Soerjono Soekanto stated that the law at work, the law is also strongly influenced by several factors, including:

1. The legal factor itself (law);
2. Law enforcement factors, namely the parties that form and apply the law;
3. Factors of facilities and facilities that support law enforcement;
4. Community factors, namely the environment in which the law applies and is applied;
5. Cultural factors, that as a result of creative work and taste based on intention in social life [27]

These five factors are interrelated and are benchmarks for the effectiveness of democratic law enforcement, so that the essence of law enforcement lies in the

[25] Satjipto Rahardjo. 2009. Penegakan Hukum : Suatu Tinjauan Sosiologis. Yogyakarta. Genta Publishing. Hlm. 12
[26] Ibid. hlm 14
[27] Soerjono Soekanto. 2008. Faktor-Faktor yang Mempengaruhi Penegakan Hukum. Jakarta. Raja Grafindo Persada. Hlm.8

activity of harmonizing the relationship of values described in conceptualized and embodied principles to create and maintain and maintain peaceful social life.

Muladi's view is that in the operation of the law, the law is influenced by 3 factors, namely:

1. There is an appropriate law enforcement strategy formulated in a comprehensive and integral manner
2. There is a political will to implement that strategy
3. There is pressure in the form of community supervision..[28]

If this is related to the legal protection of geographical indications of Lampung coffee, then these factors are true, for example that the production of Lampung coffee ups and downs is caused by the absence of maximum legal protection.[29]

The implementation of Law Number 23 of 2014 concerning Regional Autonomy makes each region must increase regional income from both the tax and non-tax sectors. For that purpose, each region needs to immediately develop superior products and explore all the potentials of the existing regions as optimally as possible. Even this, if not done properly, will be difficult to achieve considering that export activities to foreign countries will be required to meet current global issues, one of which is Intellectual Property Rights.

One of the global issues regarding IPR is related to the development and protection of superior regional products in the framework of increasing PAD through good IPR management. So that each region must understand that its area is a source of intellectual property and the need for regional potential development through intellectual property management.[30]

1. Each Region is a Source of Intellectual Property

Based on the combination of natural resources and human resources, each region has intellectual property called traditional knowledge which is knowledge belonging to the local community of each region which is very beneficial for the community both economically, healthily and culturally. Traditional knowledge is an important source of inspiration in the development of modern innovation, therefore its existence needs to get proper recognition and protection in the legal order, both locally, regionally and internationally.

The development of new innovations based on traditional knowledge is a very important right carried out by the local community, the owners themselves, the added value that can be fully enjoyed by them. Strategies that can be taken to protect regional intellectual property are as follows:

a. Registering every innovation belonging to the region to the HKI office

Registration of each innovation has the following objectives:

[28] Muladi. 2002. Demokratisasi, Hak Asasi Manusi, dan Reformasi Penegakan Hukum. Jakarta. The Habibie Centre. Hlm. 27
[29] Erlina. Op.Cit. hlm. 46
[30] Pedoman Tekhnis Pelaksanaan IG Tahun 2012, Direktorat Pengembangan Usaha dan Investasi, Direktorat Jenderal Pengolahan Dan Pemasaran Hasil Pertanian Kementrian Pertanian, hlm. 13

1) Meeting the demands of globalization, especially for export-oriented products
2) Providing legal certainty to potential investors
3) Motivating individuals/groups to produce new innovations
4) Assist the central government in increasing the number of patients

In implementing the strategy mentioned above, several obstacles may be faced by the regions, especially those related to:

1. Relatively expensive costs (DN and LN registration, maintenance, IPR consultants)
2. The need for reliable human resources in understanding IPR
3. Remote registration place

The above problems need to be solved appropriately, for example by selectively registering (only registering truly prospective inventions), building commitment from all stakeholders, empowering HKI Centers/IPR Clinics/UPKI in management. HKI, and register in the regions through the Regional Office of the Ministry of Law and Human Rights.

b. Documenting every traditional knowledge possessed by the region, with the aim of:

1. Claiming the types of traditional knowledge belonging to the region;
2. Prevent registration of traditional knowledge by foreign parties;
3. Spread the benefits of traditional knowledge to the wider community.

In implementing the strategy mentioned above, some obstacles may also be faced by the regions, especially those related to:

1. Who is responsible
2. Who will finance
3. Access database by IPR Office
4. Access to data belonging to the IPR Office by the local community
5. The need for reliable human resources in understanding IPR.

Constraints such as the above need to be solved in an appropriate and fast manner, for example by building commitment from all stakeholders, digitizing data and accessing via the internet and empowering IPR centers/IPR clinics/UPKI in IPR management. Development of regional potential through wealth management. intellectual

1. Regional Potential Development Through Intellectual Property Management

Good intellectual property management is a must and the key to success in developing and protecting regional superior products with the ultimate goal of increasing PAD. For this reason, each region must immediately realize it to support the implementation of regional autonomy which has already begun its implementation. The concept that must be referred to at least contains the following steps:

a. Identify all potential areas that exist
b. Implementing a priority scale in developing superior products

c. Providing a conducive business climate, such as the support of strategic and realistic policies, Provision of adequate facilities and infrastructure and guarantees of security and legal certainty

Closing

1. Conclusin

a. Law Enforcement of Geographical Indications in Indonesia

In general, the regulation regarding Geographical Indications has been regulated in the Law on Marks and Geographical Indications, namely Law Number 20 of 2016, where Geographical Indications are one part of Intellectual Property Rights, so that the law enforcement of Geographical Indications in Indonesia is based on law enforcement. in the field of intellectual property rights carried out by criminal procedures, civil procedures and also arbitration.

b. Law Enforcement in the Protection of Regional Superior Products Seen from the Law of Geographical Indications

The implementation of the Regional Autonomy Law is closely related to tourism, culinary and the development of superior products with optimal regional potential. This is closely related to Intellectual Property Rights, especially in the field of Geographical Indications. One of the law enforcement that can be done in protecting regional superior products based on Geographical Indications is to develop and protect regional superior products by understanding the source of regional wealth based on their intellectual property. In addition, it is also necessary to develop regional potential through intellectual property management. This is useful in increasing local revenue through good IPR management.

2. Suggestion

In enforcing legal protection for regional superior products based on intellectual property, especially geographical indications, the initial steps that can be taken to realize the concept are as follows:

a. Commitment to support from all elements of stakeholders

b. Establishment of BPUPKI in each region or request assistance from existing IPR centers/HCI clinics/UPKI for its management

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