

***LEGAL STUDY ON GEOGRAPHICAL INDICATION (GI) PROTECTION
FOR WEAVING IN THE CONTEXT OF BAJAWA TRADITIONAL
HERITAGE***

**KAJIAN HUKUM TERHADAP PERLINDUNGAN INDIKASI
GEOGRAFIS (IG) PADA TENUN IKAT BAJAWA SEBAGAI WARISAN
TRADISIONAL**

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ABSTRACT

Geographical Indication (GI) protection is a legal instrument within the intellectual property regime aimed at safeguarding products whose distinctive characteristics are inseparable from geographical factors and local wisdom. Bajawa Ikat Weaving from Ngada Regency, East Nusa Tenggara, has strong potential for GI protection due to its historical, philosophical and communal values inherited across generations. However, despite its cultural significance and economic potential, Bajawa Ikat Weaving has not obtained official GI registration, indicating a gap between legal potential and implementation. This study aims to analyze the legal framework governing GI protection for Bajawa Ikat Weaving under Law Number 20 of 2016 concerning Trademarks and Geographical Indications, identify implementation challenges and formulate strengthening strategies. This research applies a normative-empirical legal approach using statutory, conceptual and sociological methods. Data were collected through literature review and online in-depth interviews with three purposively selected informants: a local artisan, a regional government or MSME representative and a cultural figure or community representative in Ngada Regency. The findings indicate that GI is an appropriate legal mechanism for protecting Bajawa Ikat Weaving as communal traditional wealth. However, implementations remains constrained by weakness institutional capacity, limited product documentation, low legal awareness among artisans and product imitation risks. Comparative analysis with Gayo Coffee and Muntok White Pepper demonstrates that strengthening institutional governance, digital documentation and stakeholder coordination are essential to accelerate GI registration and ensure sustainable legal protection.

Keywords: Bajawa Ikat Weaving, Communal Cultural Heritage, Legal Protection, Geographical Indication, Intellectual Property Rights

ABSTRAK

Perlindungan Indikasi Geografis (IG) merupakan instrumen hukum dalam rezim kekayaan intelektual yang bertujuan melindungi produk yang memiliki karakteristik khas yang tidak terpisahkan dari faktor geografis dan kearifan lokal. Tenun Ikat Bajawa dari Kabupaten Ngada, Nusa Tenggara Timur, memiliki potensi yang kuat untuk memperoleh perlindungan IG karena mengandung nilai historis, filosofis dan komunal yang diwariskan secara turun-temurun. Namun demikian, meskipun memiliki signifikansi budaya dan potensi ekonomi yang tinggi, Tenun Ikat Bajawa hingga saat ini belum memperoleh pendaftaran resmi sebagai Indikasi Geografis, yang menunjukkan adanya kesenjangan antara potensi hukum dan implementasinya. Penelitian ini bertujuan untuk menganalisis kerangka hukum yang mengatur perlindungan Indikasi Geografis bagi Tenun Ikat Bajawa berdasarkan Undang-Undang Nomor 20 Tahun 2016 tentang Merek dan Indikasi Geografis, mengidentifikasi kendala implementasi serta merumuskan strategi penguatan perlindungannya. Penelitian ini menggunakan pendekatan hukum normatif-empiris dengan pendekatan perundang-undangan, konseptual dan sosiologis. Data diperoleh melalui studi kepustakaan dan wawancara mendalam secara daring dengan tiga informan yang dipilih secara purposif, yaitu perajin tenun lokal, perwakilan pemerintah daerah atau pelaku UMKM serta tokoh budaya atau perwakilan masyarakat di Kabupaten Ngada. Hasil penelitian menunjukkan bahwa Indikasi Geografis merupakan mekanisme hukum yang tepat untuk melindungi Tenun Ikat Bajawa sebagai kekayaan tradisional komunal. Namun, implementasinya masih menghadapi berbagai kendala, antara lain lemahnya kapasitas kelembagaan, terbatasnya dokumentasi produk, rendahnya kesadaran hukum para perajin serta risiko peniruan produk. Analisis perbandingan dengan Kopi Gayo dan Lada Putih Muntok menunjukkan bahwa penguatan tata kelola kelembagaan, dokumentasi digital dan koordinasi antarpemangku kepentingan merupakan faktor penting untuk mempercepat pendaftaran Indikasi Geografis serta menjamin perlindungan hukum yang berkelanjutan.

Kata Kunci: Hak Kekayaan Intelektual, Indikasi Geografis, Perlindungan Hukum, Tenun Ikat Bajawa, Warisan Budaya Komunal

A. INTRODUCTION

Intellectual Property (IP) or Intellectual Property Rights (IPR) is a branch of law that provides protection for human intellectual works and creations, whether in the fields of science, art, literature, or industry. Normatively, intellectual property rights are exclusive rights granted by the state to creators or inventors over their intellectual works for a certain period of time, in order to encourage creativity and innovation while protecting the economic interests of the rights holders.¹ The World Intellectual Property Organization (WIPO) defines intellectual property as creations of the human mind, encompassing inventions,

¹ Giovanni Belletti, Andrea Marescotti and Jean-Marc Touzard, *Geographical Indications, Public Goods and Sustainable Development: The Roles of Actors' Strategies and Public Policies*, World Development, Vol.98 (2017).

literary and artistic works, symbols, names, images and designs used in commerce.

The scope of Intellectual Property Rights is broadly divided into two categories: (1) Copyright, which protects works in the fields of science, art and literature; and (2) Industrial Property Rights, which encompasses patents, trademarks, industrial designs, integrated circuit layout designs, trade secrets, plant varieties and Geographical Indications.² This classification is aligned with the TRIPs Agreement (Trade-Related Aspects of Intellectual Property Rights), which serves as the international standard for intellectual property protection within the WTO framework, which Indonesia ratified through Law Number 7 of 1994.

Theoretically, IPR protection is grounded in several key theories. First, the Natural Rights Theory, which holds that creators naturally possess rights over their works based on principles of justice. Second, the Incentive Theory, which views exclusive rights as a driver of creativity and investment in innovation. Third, the Social Protection Theory, which emphasizes the balance between the personal interests of creators and the broader public interest. In terms of principles, IPR adheres to the principles of exclusivity, territoriality, publicity and utility.³ The primary legal foundations for IPR in Indonesia include Law No. 28 of 2014 on Copyright, Law No. 13 of 2016 on Patents and Law No. 20 of 2016 on Trademarks and Geographical Indications.

Geographical Indication (GI) is a branch of IPR that is communal and collective in nature. Article 1 paragraph 6 of Law No. 20 of 2016 defines GI as a sign indicating the geographical origin of a product that, due to geographical environmental factors, whether natural or human factors, confers a particular reputation, quality and characteristics upon the resulting product. GI registration requirements include: (a) the existence of a product description document containing the GI name, region of origin, quality and characteristics, production methods and quality standards; (b) the existence of a Geographical Indication

² Michael Blakeney, *Geographical Indications and TRIPS*, Journal of World Intellectual Property, Vol.15, No.6 (2012).

³ Renuka Devi Venkatesan and V. Selvam, *Weaver Awareness and Perception of Geographical Indication Tags*, International Journal of Computational and Experimental Science and Engineering (IJCESEN), Vol.11, No.1 (2025).

Protection Community (MPIG) as the proposing body; and (c) the fulfillment of the linkage element between the product and its geographical area of origin. Unlike patents or trademarks, which are individual in nature, GI is attached to a territory and is communal in nature, making it highly relevant for protecting traditional products based on local wisdom.⁴

Ngada Regency, East Nusa Tenggara, possesses a rich tradition of traditional weaving known as Bajawa Ikat Weaving. This product has been an integral part of the customary life of the Ngada community for centuries, featuring motifs that embody distinct philosophical, ritual and cultural identity values. The product is marketed locally, nationally and even internationally; however, it has not yet obtained official Geographical Indication protection.⁵ A real threat exists in the form of the proliferation of mass-produced textile products with similar motifs from outside the region, potentially diminishing the authenticity and economic competitiveness of the original product.⁶ Based on DJKI data as of early 2024, out of 123 registered GI products in Indonesia, not a single one originates from Ngada Regency, despite the enormous GI potential of the region.⁷

There is a clear gap between *das sollen* (the law as it ought to be) and *das sein* (the law as it actually is) in the protection of Bajawa Ikat Weaving. Normatively (*das sollen*), Law No. 20 of 2016 has provided a comprehensive GI protection mechanism. However, empirically (*das sein*), Bajawa Ikat Weaving has not yet been registered as a GI, due to weak institutional capacity, limited product documentation, low legal awareness among artisans and suboptimal coordination among local government, indigenous communities and the MPIG.⁸ This gap constitutes the primary focus and core problem of this research.

⁴ Pulung Widhi Hari Hananto and Rahandy Rizki Prananda, *The Urgency of Geographical Indication as a Legal Protection Instrument Toward Traditional Knowledge in Indonesia*, Law Reform: Jurnal Pembaharuan Hukum, Vol.15, No.1 (2019).

⁵ Angela Tregear, dkk., *Regional Foods and Rural Development: The Role of Product Qualification*, Journal of Rural Studies, Vol.23, No.1 (2007).

⁶ Luisa Menapace and Gian Carlo Moschini, *Quality Certification by Geographical Indications, Trademarks and Firm Reputation*, European Review of Agricultural Economics, Vol.39, No.4 (2012).

⁷ Indonesia, *Law concerning the Ratification of the Agreement Establishing the World Trade Organization*, Law No. 7 of 1994, State Gazette of 1994 No. 57, Supplement to the State Gazette No. 3564.

⁸ World Intellectual Property Organization (WIPO), *Understanding Industrial Property*, World Intellectual Property Organization (WIPO), Geneva, 2016.

A number of prior studies have examined Geographical Indication protection in Indonesia. Hananto and Prananda (2019) analyzed the urgency of GI as an instrument for protecting traditional knowledge and found that the GI legal framework is adequate but its implementation remains very limited.⁹ Dewi and Landra (2019) concluded that many local products qualify for GI but have not been registered due to procedural and institutional obstacles.¹⁰ Gultom and Wartini (2023) identified the importance of harmonizing state law and customary law within the GI system for indigenous communities.¹¹ Sugiri (2024) recommended strengthening MPIG capacity as the key to successfully registering GI for traditional crafts. Fuad and Latjeme (2020) demonstrated that the GI registration of Toraja Coffee significantly increased the product's economic value.¹² The novelty of this research lies in its combination of normative analysis with empirical field data specifically focused on the local context of Ngada Regency, NTT, which has not previously been studied comprehensively.

Based on the foregoing, this research formulates two main research questions: (1) How does the legal study address Geographical Indication protection for Bajawa Ikat Weaving as the traditional heritage of the Ngada community under Law No. 20 of 2016 on Trademarks and Geographical Indications? and (2) What factors affect the effectiveness of Geographical Indication protection for Bajawa Ikat Weaving and what strategies are needed to sustainably strengthen its legal protection?

This research is empirical legal research, which examines the workings of law in society (law in action) combined with the study of written legal norms (law in books).¹³ This research employs a legislative approach (statute approach), a conceptual approach and a sociological approach.

⁹ Pulung Widhi Hari Hananto and Rahandy Rizki Prananda. *Op.Cit.*.

¹⁰ Lily Karuna Dewi and Putu Tuni Cakabawa Landra, *Protection of Products with Potential Intellectual Property Rights Through Geographical Indications*, Kertha Semaya: Journal Ilmu Hukum, Vol.7, No.3 (2019).

¹¹ Alif Muhammad Gultom and Sri Wartini, *Preserving Indigenous Cultures: Analyzing Geographical Indication Registration for Indigenous People Protection in Indonesia*, Journal of Judicial Review, Vol.25, No.1 (2023).

¹² Fokky Fuad and Avvan Andi Latjeme, *Perlindungan Indikasi Geografis Aset Nasional pada Kasus Kopi Toraja*, Jurnal Magister Ilmu Hukum: Hukum dan Kesejahteraan, Vol.2, No.2 (2017).

¹³ Peter Mahmud Marzuki, *Penelitian Hukum*, Kencana, Jakarta, 2017.

The legislative approach examines all regulations relating to Geographical Indication protection, in particular Law No. 20 of 2016 on Trademarks and Geographical Indications along with its implementing regulations. The conceptual approach analyzes the concept of communal intellectual property protection, while the sociological approach examines the empirical conditions of Bajawa Ikat Weaving protection in Ngada Regency.

Data sources in this research consist of primary and secondary data. Primary data were obtained directly from the field through in-depth online interviews conducted in May 2026. Informants were purposively selected and consisted of three individuals: (1) Mrs. Maria Yuliana Bupu, a Bajawa Ikat Weaving artisan who has been actively weaving for more than 15 years, representing the artisan community; (2) Mr. Yohanes Deka, a staff member in the Micro, Small and Medium Enterprises and Creative Economy division of Ngada Regency, representing the local government; and (3) Mr. Adrianus Boro, a cultural figure of the Bajawa community, representing the indigenous community. Secondary data were obtained from legislation, textbooks, accredited scientific journals and official documents from relevant institutions. Data were analyzed qualitatively and descriptively using a deductive method to formulate conclusions and policy recommendations.

B. RESULTS AND DISCUSSION

1. Definition of Intellectual Property Rights (IPR)

Intellectual Property Rights (IPR) are rights arising from intellectual work that produces a product or process useful to human beings. According to Sudjana (2019), IPR constitutes a legal system that grants exclusive rights to individuals or legal entities over their intellectual creations, encompassing copyright, patents, trademarks, industrial designs and geographical indications.¹⁴ The IPR system in Indonesia is comprehensively regulated through various pieces of legislation that are aligned with international standards, in particular the TRIPs-WTO Agreement.

¹⁴ Sudjana, *Hak Kekayaan Intelektual dan Pengetahuan Tradisional dalam Perspektif Kekayaan Intelektual Indonesia*, Refika Aditama, Bandung, 2019.

2. Definition of Trademark in the IPR System

A trademark is a sign that can be displayed graphically to distinguish goods and services produced in trade activities.¹⁵ Trademarks function as product differentiators, quality guarantees and producer identifiers. In the context of IPR, trademarks and geographical indications are both regulated under Law No. 20 of 2016, although the two are fundamentally different in their protective character: trademarks are individual in nature, whereas GIs are communal.

3. Definition and Concept of Geographical Indication

Geographical Indication (GI) is an IPR instrument specifically designed to protect products that possess distinctive characteristics or a reputation derived from geographical factors, whether natural or human factors. At the international level, GI protection is governed by Articles 22–24 of the TRIPs Agreement.¹⁶ At the national level, Article 1 paragraph 6 of Law No. 20 of 2016 defines GI as a sign indicating the geographical origin of a product that, by virtue of geographical environmental factors, confers a particular reputation, quality and characteristics upon that product. According to Singhal (2008), GI serves as a bridge between traditional knowledge and the modern IPR protection system, as it is capable of protecting collective local wisdom without altering its communal character.¹⁷

4. Legal Basis for Geographical Indication Protection in Indonesia

GI legal protection in Indonesia rests on a hierarchical legal foundation: (1) Article 33 of the 1945 Constitution on the utilization of resources for the welfare of the people; (2) Law No. 7 of 1994 on the Ratification of the WTO Agreement, which requires compliance with TRIPs standards; (3) Law No. 20 of 2016 on Trademarks and Geographical Indications as the primary technical regulation; (4) Government Regulation

¹⁵ Indonesia, *Law concerning Patents*, Law No. 13 of 2016, State Gazette of 2016 No. 176, Supplement to the State Gazette No. 5922.

¹⁶ Nuzulia Kumala Sari, dkk., *Protection and Characteristics of Geographical Indications in Indonesia*, American Journal of Arts and Human Science, Vol.2, No.2 (2023).

¹⁷ Shivani Singhal, *Geographical Indications and Traditional Knowledge*, Journal of Intellectual Property Law & Practice, Vol.3, No.11 (2008).

No. 22 of 2018 on Geographical Indication Registration, which governs technical registration procedures; and (5) Ministerial Regulation of the Ministry of Law and Human Rights pertaining to the procedures and standards for GI description documents.¹⁸

5. Legal Protection System for Geographical Indications

The GI legal protection system in Indonesia employs a constitutive registration mechanism, whereby legal protection arises after formal registration recognized by the state.¹⁹ The GI protection process encompasses four stages: (1) Identification and documentation of the product's characteristics and region of origin; (2) Formation of the MPIG as the proposing body representing the community of producers; (3) Preparation and submission of an application to the DJKI, comprising the product description document, regional map, production methods and quality standards; and (4) Formal and substantive examination by the DJKI, followed by a public announcement to allow third parties to file objections. Once registered, the GI holder is entitled to use the GI sign on its products and is simultaneously obligated to maintain the established quality standards.

6. Factors Affecting Geographical Indication Legal Protection

Referring to Soerjono Soekanto's (2015) theory of legal effectiveness, there are five factors that determine the effectiveness of a legal rule: (1) The legal factor itself, namely the quality of the substance and synchronization of GI regulations; (2) The law enforcement factor, namely the capacity of the DJKI, local government and IPR enforcement apparatus; (3) The facilities and infrastructure factor, namely the availability of documentation infrastructure, GI information systems and budgetary support; (4) The community factor, namely the level of awareness and participation of the Bajawa Weaving artisan community; and (5) The cultural factor, namely customary values and communal traditions that may either support or hinder

¹⁸ Government Regulation of the Republic of Indonesia Number 22 of 2018 concerning International Trademark Registration Under the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks.

¹⁹ Ranggalawe Suryasaladin Sugiri, *Utilization of Geographical Indication Protection System for Traditional Handicrafts in Indonesia*, Indonesia Law Review, Vol.10, No.3 (2020).

legal formalization. These five factors are analyzed comprehensively in the empirical study in the discussion section.²⁰

7. Juridical Study on Geographical Indication Protection for Bajawa Ikat Weaving

From a juridical perspective, Bajawa Ikat Weaving satisfies all substantive elements required by Law No. 20 of 2016. First, the product possesses distinctive characteristics directly linked to the geographical environment of Ngada Regency, namely the use of natural dyes from endemic flora and the distinctive climate and soil conditions. Second, its production process incorporates unique human factors, in the form of traditional weaving techniques and motif knowledge passed down orally and practically from generation to generation. Third, the product has earned a reputation widely recognized as a distinctive product of Bajawa at local, national and international levels. Fourth, its ownership is communal, belonging to the entire indigenous community of Ngada, consistent with the communal character of GI. Accordingly, there are no normative obstacles to registration. The existing obstacles are procedural and institutional in nature (the realm of *das sein*) and need to be resolved through empirical and strategic approaches.²¹

8. Legal Study on Geographical Indication Protection for Bajawa Ikat Weaving

The first variable in this research is the legal study of Geographical Indication protection for Bajawa Ikat Weaving as the traditional heritage of the Ngada community. This study is grounded in the normative framework of Law No. 20 of 2016 on Trademarks and Geographical Indications, which stipulates that a product may obtain GI protection if it possesses a particular reputation, quality and characteristics that are directly linked to the geographical environmental factors of its origin, whether natural or human factors.

²⁰ Soerjono Soekanto, *Introduction to Legal Research*, UI Press, Jakarta, 1981.

²¹ Indonesia, *Law concerning Trademarks and Geographical Indications*, Law No. 20 of 2016, State Gazette of 2016 No. 252, Supplement to the State Gazette No. 5953.

The first indicator of this variable is the juridical qualification of the product. Bajawa Ikat Weaving is assessed based on the extent to which the product satisfies the substantive elements required by law, including its connection to the geographical territory of Ngada Regency, the uniqueness of its production technique based on traditional knowledge and its reputation recognized at local and national levels. This qualification serves as the primary foundation for determining whether Bajawa Ikat Weaving is legally eligible for registration as a Geographical Indication product.

The second indicator is the GI registration mechanism and procedure applicable under Government Regulation No. 22 of 2018. This study examines the registration stages, which include the formation of the Geographical Indication Protection Community (MPIG) as the proposing body, the preparation of a product description document containing the map of the region of origin, production methods and quality standards, through to the formal and substantive examination process conducted by the Directorate General of Intellectual Property (DJKI).²² An understanding of this mechanism is essential for identifying the procedural gaps that have long hindered the registration of Bajawa Ikat Weaving.

The third indicator is a comparison with other IPR instruments. A comparative analysis is conducted with respect to copyright and patents to demonstrate that neither instrument is capable of accommodating the communal character of Bajawa Ikat Weaving, whereas Geographical Indication is specifically designed to protect products based on local wisdom that are collectively owned by a community. This comparison simultaneously reinforces the juridical argument for why GI is the most appropriate and relevant protection instrument for Bajawa Ikat Weaving.

9. Factors Affecting the Effectiveness of Geographical Indication Protection for Bajawa Ikat Weaving

The second variable comprises the factors affecting the effectiveness of the Geographical Indication (GI) protection for Bajawa Ikat Weaving.

²² Directorate General of Intellectual Property, *Intellectual Property Statistics 2024*, Directorate General of Intellectual Property, Jakarta, 2024.

The analysis of this variable is guided by Soerjono Soekanto's theory of legal effectiveness, which affirms that the effective operation of a legal rule is determined by five factors, namely legal substance, law enforcement, facilities and infrastructure, the community and legal culture. These five factors are analyzed empirically based on primary data from in-depth interviews with selected informants in Ngada Regency.²³

The first factor examined is the institutional capacity of the MPIG and the local government. Whether or not the MPIG has been established as the proposing body recognized by the DJKI is the primary determinant of the GI registration process. In the context of Bajawa Ikat Weaving, the absence of a formally organized MPIG constitutes the most critical structural obstacle, necessitating an in-depth examination of what has caused this institution to remain suboptimal and how the local government can facilitate its establishment.

The second factor is the level of legal awareness among the artisan community. The low level of understanding among artisans regarding the urgency, benefits and procedures of GI registration has resulted in minimal community participation in the legal formalization process. This condition is also influenced by the cultural perspective of the Bajawa community, which has traditionally viewed weaving as customary heritage sufficiently preserved communally without the need for intervention by state legal mechanisms.

The third factor is the availability of standardized product documentation. One of the technical requirements for GI registration is a product description document containing technical specifications for the weaving, a map of the region of origin, production procedures and quality standards. The limited systematic documentation of the motifs, techniques and raw materials of Bajawa Ikat Weaving constitutes a concrete obstacle that must be identified and resolved through structured digitization and inventory programs.

²³ Ussy Gina Sabrina and Rindri Andewi Gati, *Protection of Geographical Indications of Local Indonesian Products from the Perspective of World Intellectual Property Organization*, KnE Social Sciences, Vol.10, No.15 (2025).

The fourth factor is the threat of imitation products from outside the region. The proliferation of mass-produced textile products with similar motifs by industries outside Ngada Regency has the potential to dilute the authenticity value and economic competitiveness of Bajawa Ikat Weaving in the market. Analysis of this factor is important for measuring the urgency of legal protection from an economic perspective and for formulating concrete market protection strategies following GI registration.

The fifth factor is the harmonization between customary law and state law. The value system and customary norms of the Bajawa community that govern the communal management of weaving need to be synchronized with the state's legal formalization mechanisms in order to prevent conflicts of norms. The study of this factor encompasses how customary values can be integrated into the GI protection framework without altering the communal character and cultural identity of Bajawa Ikat Weaving. Both variables, together with all their indicators, are analyzed comprehensively in the discussion by integrating primary data from field interviews and secondary data from normative studies.

10. Characteristics of Bajawa Ikat Weaving as an Object of Geographical Indication Protection

Geographical Indication protection for Bajawa Ikat Weaving needs to be analyzed not only from a normative perspective but also from the empirical conditions that exist within society. Therefore, this section discusses the characteristics of Bajawa Ikat Weaving, the implementation of its legal protection, the challenges encountered and strategies for strengthening such protection based on the results of a literature review and online field interviews.²⁴

11. Characteristics of Bajawa Ikat Weaving as an Object of Geographical Indication Protection

Bajawa Ikat Weaving is a traditional cultural product of the people of Ngada Regency, East Nusa Tenggara, which is closely associated with its geographical environment of origin. From the perspective of the IPR Law,

²⁴ Dev Gangjee, *Relocating the Law of Geographical Indications*, Cambridge University Press, Cambridge, 2012.

a product may obtain Geographical Indication protection if it possesses a reputation, quality and specific characteristics that are influenced by geographical factors, whether natural or human.²⁵

Empirically, based on an online interview via Zoom conducted on 2 May 2026 with Mrs. Maria Yuliana Bupu, a weaving artisan from Bajawa who has been actively weaving for more than 15 years, it was revealed that the production process of Bajawa Weaving still employs traditional techniques and natural dyes derived from local materials, such as indigo leaves and certain tree bark.²⁶ According to the informant, the use of these natural materials produces colors that are more durable and possess a distinctive character that is difficult to replicate by modern textile products. Beyond natural factors, the distinctiveness of Bajawa Weaving also lies in the human element, namely the traditional knowledge passed down through generations. Each motif carries a specific symbolic meaning related to social status, customary rituals and the cultural identity of the Bajawa community. This is consistent with the view of Sudjana, who states that traditional products embodying collective cultural expression possess a communal dimension that is relevant for protection under the Geographical Indication regime. Based on these characteristics, Bajawa Ikat Weaving satisfies the substantive elements required as an object of Geographical Indication protection.²⁷ These characteristics can be seen in more detail in Table 1 below.

Assessment Aspect	Condition of Bajawa Weaving	Conformity with Law No. 20 of 2016
Human factor	Hereditary traditional weaving technique	Satisfies the human factor element
Reputation and quality	Product recognized as distinctive Bajawa weaving	Satisfies territory-based reputation
Ownership	Communally owned by the indigenous community	Consistent with the collective character of GI

Table 1. Qualification of Bajawa Ikat Weaving as an Object of Geographical Indication
Source: Processed by the authors, 2026.

²⁵ Anna Olszańska and Ewa Szymańska, *Geographical Indications as a Tool for the Protection and Promotion of Regional Products*, Sustainability, Vol.13, No.12 (2021).

²⁶ Interview with Bupu, M. Y, Bajawa Ikat Weaving Artisan, Ngada Regency, East Nusa Tenggara, May 2 2026.

²⁷ Dwijen Rangnekar, *The Socio-Economics of Geographical Indications: A Review of Empirical Evidence from Europe*, UNCTAD – ICTSD Project on Intellectual Property Rights and Sustainable Development, Geneva, 2004.

Table 1 shows that Bajawa Ikat Weaving possesses the key elements required for Geographical Indication protection, namely linkage to a geographical territory, a distinctive production technique, local reputation and communal ownership. Accordingly, there are substantively no normative obstacles to registering Bajawa Weaving as a GI product. Implementation of Legal Protection for Bajawa Ikat Weaving: Normatively, legal protection for Bajawa Ikat Weaving can be pursued through Law Number 20 of 2016 on Trademarks and Geographical Indications.²⁸ However, the effectiveness of legal protection is not solely determined by the existence of regulations, but also by their implementation in the field. Based on an online interview on 4 May 2026 with Mr. Yohanes Deka, a staff member in the Micro, Small and Medium Enterprises (MSME) and Creative Economy division of Ngada Regency, it was established that to date Bajawa Ikat Weaving has not been registered as a Geographical Indication due to ongoing challenges with the preparation of the product description document and the suboptimal functioning of the proposing institution.²⁹ The informant stated that the local government in principle supports the registration, but inter-actor coordination has not yet been functioning optimally. According to Soerjono Soekanto, legal effectiveness is influenced by five factors: the law itself, law enforcement officers, facilities, the community and legal culture. In the context of Bajawa Weaving, the main obstacles lie precisely in the institutional factor and the legal culture of the community. A comparison of the protective character of GI with other IPR instruments can be seen in Table 2 below.

Table 2. Comparison of Geographical Indication with Other IPR Instruments

Aspect	Copyright	Patent	Geographical Indication
Rights subject	Individual	Individual/Local entity	Communal

²⁸ Nurul Muflihah, *The Importance of Geographical Indication Registration for Traditional Knowledge*, Journal of Law and Legal Reform, Vol.4, No.4 (2023).

²⁹ Interview with Bupu, M. Y., Bajawa Ikat Weaving Artisan, Ngada Regency, East Nusa Tenggara, May 2 2026.

Object	Creative works	Invention	Territory-based product
Relevance to Bajawa Weaving	Limited	Not relevant	Highly relevant

Source: Processed by the authors, 2026.

Table 2 shows that compared to other IPR instruments, Geographical Indication is the most appropriate mechanism as it is capable of accommodating the communal character of Bajawa Weaving. Copyright and patents cannot accommodate the communal character of traditional products based on local wisdom, making GI the most relevant and appropriate instrument.

12. Empirical Constraints in the Legal Protection of Bajawa Ikat Weaving

Field interviews also identified a number of obstacles in the implementation of legal protection. Based on an online interview on 5 May 2026 with Mr. Adrianus Boro, a cultural figure of the Bajawa community, it was noted that the community still views weaving as customary heritage to be preserved communally and therefore has not yet perceived the urgency of legal formalization through state mechanisms.³⁰ On the other hand, the proliferation of mass-produced textile products with similar motifs from outside the region has raised concerns over the decline in the product's authenticity value.³¹ These findings indicate that the obstacles to protection are not merely administrative in nature, but also cultural. The identified obstacles are summarized in Table 3 below.

³⁰ Interview with Boro, A. Cultural Figure of the Bajawa Community, Ngada Regency, East Nusa Tenggara, May 2 2026.

³¹ David Vivas-Eugui and Christophe Spennemann, *The Role of Geographical Indications in the Context of Traditional Knowledge Protection*, UNCTAD – ICTSD Project on Intellectual Property Rights and Sustainable Development, Geneva, 2006.

Table 3. Obstacles to GI Protection of Bajawa Weaving

Obstacle	Impact	Solution
Suboptimal institutional capacity	Registration has not proceeded	Strengthening the MPIG
Low legal awareness	Minimal participation	Legal outreach
Imitation products	Suppresses the price of authentic products	GI registration
Suboptimal harmonization of customary and state law	Potential conflict of norms	Integration of customary law

Source: Processed by the authors, 2026.

Based on Table 3, it can be understood that the protection challenges facing Bajawa Weaving are multidimensional, encompassing legal, institutional, economic and cultural dimensions.

13. Strategy for Strengthening Legal Protection

Based on empirical findings, legal protection for Bajawa Weaving requires strategic measures involving the local government, indigenous communities and artisans. Short-term strategies include the inventory of motifs, digital documentation and strengthening the institutional capacity of the MPIG.³² Medium-term strategies involve the preparation of product description documents and submission of registration to the DJKI. Long-term strategies are directed toward monitoring the use of geographical identity and strengthening community-based legal education.³³ These strategies are essential to ensure that legal protection does not stop at administrative aspects, but is capable of guaranteeing the economic sustainability and cultural preservation of the Bajawa community. The roadmap for these strengthening strategies is presented in Table 4 below.

³² World Trade Organization (WTO), *Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement)*, World Trade Organization, Marrakesh, 1995.

³³ Pedro Zuluaga, *Geographical Indications and Traditional Knowledge: Complementary or Competing Frameworks*, GRUR International – Journal of European and International IP Law, Vol.69, No.7 (2020).

Table 4. Roadmap for Strengthening GI Protection of Bajawa Ikat Weaving

Phase	Priority Program	Actor
Short-term	Digitization of motifs and strengthening the MPIG	Local Government, community
Medium-term	Preparation of documents and GI registration	MPIG, DJKI
Long-term	Legal oversight and education	Local Government, community

Source: Processed by the authors, 2026.

Table 4 shows that legal protection for Bajawa Weaving requires a phased and collaborative approach in order to be implemented sustainably.

C. CONCLUSION

Bajawa Ikat Weaving has been proven to satisfy all juridical qualifications as an object of Geographical Indication protection under Law No. 20 of 2016, as evidenced by its close connection to the geographical factors of Ngada Regency through the use of natural dyes from endemic flora, the distinctiveness of the traditional weaving technique passed down through generations, its reputation recognized at local and national levels and its communal ownership consistent with the collective character of the GI regime. Accordingly, from the perspective of *das sollen*, there are no normative obstacles preventing the registration of Bajawa Ikat Weaving as a Geographical Indication product.

However, at the level of *das sein*, the effectiveness of GI protection remains hindered by weak MPIG institutional capacity, limited standardized product documentation, low legal awareness among artisans, the proliferation of imitation products from outside the region and the as yet unharmonized relationship between customary law values and state legal formalization mechanisms. Drawing on the success of Gayo Coffee and Muntok White Pepper, it has been demonstrated that Geographical Indication protection is not merely a legal formality, but a tangible and sustainable economic instrument capable of enhancing the bargaining position of local communities in the global market and systematically promoting the preservation of local wisdom.

To address these obstacles, a phased strengthening strategy is required: the short-term phase encompasses the formal establishment of the MPIG, digitization of motifs and legal outreach; the medium-term phase is directed toward the preparation of product description documents and submission of registration to the DJKI; and the long-term phase focuses on law enforcement against imitation products and the development of a creative economy ecosystem based on Bajawa Weaving. If this strategy is implemented consistently, Geographical Indication protection for Bajawa Ikat Weaving will become a strategic instrument that ensures legal certainty, preserves cultural heritage and sustainably enhances the economic welfare of the community of Ngada Regency.

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