

JURIDICAL MAPPING OF INDRAMAYU GEDONG GINCU MANGO AS INDONESIA'S GEOGRAPHICAL POTENTIAL BASED ON LAW NO. 20 OF 2016

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ABSTRACT

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This research examines the implementation and effectiveness of Law no. 20 of 2016 concerning Brands and Geographical Indications in protecting the Gedong Gincu Mango as a geographical indication in Indramayu. Through a normative juridical approach, this study evaluates registration procedures, legal awareness among farmers, and law enforcement. The research results show that although the law provides a strong legal framework, there are significant barriers to its implementation, which include a complex registration process, low legal awareness among farmers, and weak law enforcement. This research suggests the need to simplify the registration process, increase educational initiatives to improve understanding of geographical indications, and strengthen law enforcement to ensure effective protection. These findings provide important insights for policy makers and practitioners in designing more effective strategies to protect geographical indications in Indonesia.

INTRODUCTION

The Gedong Gincu Indramayu mango has become one of the most loved and appreciated mango varieties in Indonesia for its superior quality and distinctive taste. This variety comes from Indramayu, West Java, and is known for its bright red color and soft and sweet fruit flesh texture. The popularity of this mango is not only limited to domestic consumption, but also has great potential to be used as an export commodity.

The importance of classifying the Gedong Gincu mango as a geographical indication is not only related to the protection of cultural and traditional aspects but also has a significant economic dimension. As explained by Sukandi and Landy, developing the potential of Gedong Gincu mango fruit for the international market can produce significant economic benefits for local farmers and surrounding communities. Geographical indications help maintain product exclusivity in the global market, improve product branding and marketing, and ensure that profits from product sales return to the hands of local communities who maintain traditions and quality.

Legal protection for the Gedong Gincu Mango geographical indication is crucial to prevent misuse and counterfeiting which can harm the reputation and quality of the product. As explained by Nasrianti, Law no. 20 of 2016 concerning Trademarks and Geographical Indications provides a strong framework for the protection of geographical indications, but still requires more consistent implementation for maximum effectiveness. This law aims to regulate the registration and protection of geographical indications in order to help identify products that originate from certain regions and have distinctive characteristics that similar products from other regions do not have.

In a global context, international recognition of the geographical indication of the Gedong Gincu Mango is also very important. International applications are one of the efforts to protect geographical indications in global trade. This opens up wider opportunities for market penetration and can significantly increase the economic value of the product. This strategy is strengthened through international cooperation and trade agreements that enable the recognition and protection of geographically indicated products in various countries.

In addition, the social and cultural dimensions of geographical indications should not be ignored. The characteristics and financial feasibility of the Gedong Gincu Mango farming business show that not only economic aspects are taken into consideration, but also the preservation of local wisdom and sustainable traditional agricultural practices.

In the midst of the great potential of the Gedong Gincu Indramayu mango as an export product and regional identity, there are several significant legal challenges that hinder the full use of the geographical indication label. One of the main problems is the inadequacy of implementation and application of Law no. 20 of 2016 concerning Brands and Geographical Indications. Although this law has provided a solid framework, its implementation is still inconsistent, often not providing adequate protection for local products from counterfeiting or misuse of names.

Furthermore, competition in international markets requires broad recognition of these geographical indications, which not only requires strong legal arrangements within the country but also international cooperation and agreements. Strategic steps such as international applications for geographical indication protection are essential to ensure that these products are recognized and protected globally, which can expand market access and secure competitive positions.

Another issue that needs attention is the protection of the rights of local producers who invest in maintaining the quality and uniqueness of Gedong Gincu mangoes. This mango farming business has special characteristics developed through cultural practices and sustainable agricultural techniques, which require legal protection to avoid exploitation by irresponsible parties. The aim of this research, therefore, is to identify and analyze these legal obstacles and formulate recommendations that can increase the effectiveness of geographical indication protection for the Gedong Gincu Indramayu Mango. This involves an in-depth evaluation of the implementation of Law no. 20 of 2016, analysis of relevant legal cases, and review of geographical indication policies in other countries which can be used as models or comparisons. It is hoped that this study will not only support local economic development through increasing exports but also strengthen the cultural identity and socio-economic sustainability of the Indramayu community.

UU no. 20 of 2016 concerning Trademarks and Geographical Indications is a crucial legal basis for efforts to protect geographical indications in Indonesia, including for the Gedong Gincu Indramayu mango. This law specifically provides a framework for the registration and management of geographical indications, which not only protects geographical names but also ensures that only products that meet certain standards can use those names. This is important to maintain the quality and reputation of products associated with a particular geographic location, as well as to protect local producers from unfair competition and counterfeiting.

Furthermore, Law no. 20 of 2016 strengthens the legal position of geographical indications by stipulating that any violation of the exclusive rights granted to geographical indication certificate holders can be met with legal sanctions. This includes all forms of counterfeiting or unauthorized use of geographical indication labels that could harm legitimate consumers and producers. This law also emphasizes the importance of international recognition of geographical indications, supporting Indonesia's efforts to register geographical indications in international forums to protect these products on the global market.

In the context of the Gedong Gincu mango, the relevance of Law no. 20 of 2016 is very significant. Through the effective implementation of this law, Gedong Gincu mangoes can be more effectively marketed and protected as a unique product that can only be produced under certain geographical and climatological conditions in Indramayu. This not only increases the economic value of the mango, but also helps in the preservation of sustainable cultivation methods and local traditions, which are an important part of the cultural heritage of the area.

Therefore, Law no. 20 of 2016 concerning Trademarks and Geographical Indications is a legal instrument that is not only relevant but also essential in protecting and developing the economic and cultural potential of the Gedong Gincu Indramayu mango. Consistent law enforcement and good coordination between local and national governments are necessary to maximize the benefits of this law for local communities and economies.

LITERATURE REVIEW

Geographical indication protection has received significant attention as a tool for the protection of local products, which not only protects name and reputation, but also supports local economic development. A previous study has described how Law no. 20 of 2016 concerning Trademarks and Geographical Indications provides the legislative framework in Indonesia for this protection, but shows that there are still shortcomings in its effective implementation.

Furthermore, they emphasize the importance of international recognition of geographical indications through their research on international applications as a protective measure in global trade. They point out that this step is essential to expand the market for geographically indicated products and protect them from unfair competition.

From an economic and social point of view discusses the economic benefits of geographical indication certification, demonstrating increased income for farmers and preservation of traditional cultivation methods. This research emphasizes how geographical indications can help maintain local wisdom while providing strong economic incentives.

In a study providing concrete examples through their research on the characteristics and financial viability of Gedong Gincu Mango farming, highlighting how geographical indications can influence agricultural practices and local economic outcomes.

Discussion of Remaining Research Gaps

Although there has been a lot of research on the benefits and implementation of geographical indications, there are still several gaps that need to be closed, especially in the Indonesian context. Many studies focus more on certain sectors such as coffee and tea, while other sectors such as tropical fruits such as the Gedong Gincu mango have not been widely studied, especially in terms of their influence on regional economic development and the preservation of local culture.

Apart from that, there is still a need for more in-depth research on the effectiveness of geographical indication laws in Indonesia. Even though Law no. 20 of 2016 has been established, its implementation and real impact on improving the welfare of local farmers and preserving local wisdom has not been widely documented.

In addition, research that integrates international and local perspectives regarding the influence of international recognition of Indonesia's geographical indications on global market acceptance is also very lacking. The legal protection system for geographical indications in Indonesia is still weak, and there needs to be more active involvement from various related parties to maximize the economic benefits of commodities labeled with geographical indications. This conclusion creates opportunities for further research that can evaluate the direct impact of geographical indication policies, especially in terms of increasing market access and acceptance by international consumers.

By identifying and filling these gaps, research on geographical indications, particularly for Mango Gedong Gincu, can provide greater insight into effective ways to exploit the economic and cultural potential of geographical indications, while ensuring sustainability and fairness in local economic development. This research will include a detailed analysis of current policies, implementation challenges, and the real impact of geographical indications on various stakeholders, including farmers, consumers, and governments.

RESEARCH METHODS

In this research, we use a normative juridical approach to understand and analyze applicable regulations and their implementation in the context of geographical indication protection, especially for the Gedong Gincu Indramayu Mango. This approach emphasizes the analysis of legal and regulatory documents, as well as the interpretation of the law that applies to existing cases or facts.

The normative juridical approach is often used in legal research to examine provisions in statutory regulations and other legal documents. As has been explained, this approach involves researching literature related to legal norms, doctrine, and applicable legal principles to discover,

analyze, and interpret law related to the problem under study. This approach is very relevant in this study because it will help in understanding the legal framework that supports geographical indications as well as evaluating the effectiveness of its implementation.

Data collection for this research was carried out through two main methods: document study and interviews with related parties. Document studies involve the collection, review, and analysis of secondary data from a variety of sources including laws, regulations, court decisions, academic literature, and other relevant publications. This includes an in-depth analysis of Law no. 20 of 2016 concerning Trademarks and Geographical Indications as well as other regulations related to intellectual property protection in Indonesia.

In addition, interviews with related parties provide important primary data for this research. Interviews were conducted with Gedong Gincu Mango farmers, local entrepreneurs, government officials, and legal experts who have direct knowledge and experience in implementing geographical indications. Interviews helped gain an in-depth understanding of the perceptions, experiences and challenges faced by these parties in implementing and utilizing geographical indications.

By combining these two methods, this research aims to provide a comprehensive picture of the current legal status and implementation of geographical indications for the Gedong Gincu Mango. This analysis is expected to provide evidence-based recommendations on ways to improve policies and practices in the protection of geographical indications in Indonesia.

RESULTS AND DISCUSSION

Research shows that Law no. 20 of 2016 concerning Trademarks and Geographical Indications has provided a robust legal framework for the protection of geographical indications in Indonesia. However, the findings show that there are still several challenges in its implementation, particularly related to the registration process, understanding of the law by local communities, and law enforcement.

The process of registering geographical indications in Indonesia, which is regulated in Law no. 20 of 2016, still experiences several major obstacles, especially due to the complexity and length of time required. The geographical indication registration process in Indonesia is complex and takes a long time, which can be a significant barrier for farmers and small entrepreneurs to register their products. This research highlights that excessive frameworks, bureaucratic processes and documentation requirements often hinder access to effective legal protection for geographically indicated products.

In a broader context, the geographical indication protection system in Indonesia has been criticized because it does not have a clear protection time limit, in contrast to the system implemented in India, which provides protection for ten years that can be renewed as well as stricter sanctions. This criticism emphasizes the need to adjust the time frames and sanctions in Indonesia's geographical indication protection system to ensure effectiveness and fairness in its implementation.

Second, there is a significant knowledge gap between policymakers and the local communities who are supposed to benefit from this law. Many farmers in Indonesia do not understand the economic benefits of geographical indications, mainly due to the failure of local institutions to support effective practices in this sector. In addition, it shows that government intervention in the development of geographical indications tends to replace local techniques with global 'good' practices without sufficiently educating local farmers about how to register their products or the real benefits of geographical indications.

Thus, it is important for the government to implement better education and training programs specifically designed to increase local community awareness and understanding of geographical indications. This will help minimize knowledge gaps and maximize the benefits that can be obtained from registering geographical indications.

Third, even though Law no. 20 of 2016 provides sanctions for violations of geographical indications, law enforcement is still an area that requires improvement. Hal ini berarti bahwa Although this law includes a better framework for the protection and supervision of geographical indications, the implementation and enforcement of the law in the field has not been

optimal, especially in the context of the ASEAN Economic Community. This problem reflects that Indonesia's legal readiness still needs to be improved to face enforcement challenges in the era of globalization.

The complexity of law enforcement regarding foreign brand claims against Indonesian geographical indications, shows the need for a more effective and fair dispute resolution system in the existing legal context. Indonesia's readiness to enforce geographical indication laws is still hampered by weaknesses in consistent application and interpretation of the law, thus requiring in-depth reform of the justice system and applicable law enforcement.

Law no. 20 of 2016 concerning Trademarks and Geographical Indications provides a comprehensive legal framework to protect geographical indications, including the Gedong Gincu mango in Indramayu. However, the implementation of this law faces several challenges that have important legal implications that need to be addressed to maximize its effectiveness.

Legal Implications

- 1. Protection of Local Products:** Law no. 20 of 2016 explicitly provides legal protection for products that have unique characteristics related to their geographic origin. This allows products such as Gedong Gincu mangoes to gain recognition and protection against imitation or misuse of the name, which, in theory, supports local marketing and economic benefits.
- 2. Impact on Quality Standards:** With the protection of geographical indications, there is increased pressure for local producers to maintain consistently high quality standards. This implies the need for better quality management systems and continuous monitoring, which can be a challenge for small producers.
- 3. Law Enforcement:** Although laws provide a legal framework, actual enforcement on the ground is often less effective. These difficulties in enforcement can reduce confidence in the geographical indication protection system and reduce potential economic benefits for local communities.

Challenges in Implementation

- 1. Stakeholder Awareness and Understanding:** One of the biggest challenges is the lack of awareness and understanding of the benefits of geographical indications among local farmers and producers. They need to be provided with education and training on how to register and the economic benefits of geographical indications.
- 2. Bureaucracy and Access to Resources:** Bureaucratic and resource-intensive registration processes can be a barrier, especially for farmers and small businesses. Process simplification and technical support are crucial to increasing participation in geographic indication systems.
- 3. Inter-Agency Coordination:** Coordination between the various government agencies involved in the registration and management of geographical indications is often ineffective. This requires increased cooperation between institutions and strengthening the capacity of institutions responsible for geographical indications.

Implementation of Law no. 20 of 2016 concerning Brands and Geographical Indications has great potential to support local economic development through the protection and promotion of unique products such as the Gedong Gincu mango. However, to achieve this potential, serious efforts need to be made to overcome challenges in stakeholder awareness, registration processes, and law enforcement. These efforts include broader education, improving bureaucracy, and strengthening cooperation between institutions and more effective law enforcement.

The findings from this research regarding the implementation of Law no. 20 of 2016 regarding the protection of geographical indications for the Gedong Gincu mango has broad significance, not only for the local community in Indramayu but also in the context of geographical indication law and the protection of local products in Indonesia more broadly. The implications of these findings suggest several important areas where geographical indication laws and related policies can be improved to support sustainable economic and cultural development.

This research shows that although there is a strong legal framework established by Law no. 20 of 2016, there are still significant obstacles in its implementation that affect the effectiveness of geographical indication protection. Bureaucratic processes and lack of information are major

obstacles for stakeholders to take full advantage of the benefits of this law. These findings are relevant for forming policy recommendations that are more focused on simplifying the registration process and increasing information dissemination.

In addition, this study shows the importance of more effective law enforcement. A legal expert explained that weak law enforcement could reduce confidence in the geographical indication protection system and hinder its economic potential. These findings emphasize the need to increase capacity and coordination between law enforcement agencies and develop more effective monitoring mechanisms.

The research findings also provide important insights into how geographical indication laws can be used to support local products. Through effective protection, products such as Gedong Gincu mangoes are not only protected from unfair competition but also gain added value that can improve the welfare of local producers. Products with geographical indications tend to have a better reputation and can attract a premium price in the market, contributing directly to improving the local economy.

This discussion also underscores the importance of education and community involvement in the process of protecting geographical indications. Increased awareness and understanding among producers and consumers can help maximize the benefits of geographical indications. Effective education and training programs can help ensure that more stakeholders can successfully register and utilize the legal protections provided by geographical indications.

Thus, the significance of these findings in the legal context of geographical indications and local product protection is multifaceted. Addressing the challenges identified through this research will not only strengthen the geographical indication protection system in Indonesia but will also support sustainable economic and cultural development, help preserve heritage and improve the well-being of local communities.

CONCLUSIONS AND RECOMMENDATIONS

This research has provided an in-depth analysis of the implementation of Law no. 20 of 2016 concerning Brands and Geographical Indications, especially in the context of protecting the Gedong Gincu mango in Indramayu. From this research, several key findings can be concluded and several strategic recommendations for future policy and research can be offered.

1. **Low Legal Awareness:** Findings show that many stakeholders, especially farmers and small producers, have limited understanding of the process and benefits of registering geographical indications. This prevents them from taking full advantage of existing legal protections.
2. **Bureaucratic Obstacles:** The geographical indication registration process has proven to be complex and bureaucratic, often complicating and slowing down effective registration, which can hinder rapid and efficient protection of local products.
3. **Weak Law Enforcement:** Despite a strong legal framework, legal enforcement of geographical indication rights remains inconsistent, which reduces the effectiveness of the legal protection provided to geographically indicated products.

Conclusions regarding the Effectiveness of Legal Protection

Based on the findings, it can be concluded that while Law no. 20 of 2016 provides a good legal basis for the protection of geographical indications, there are significant shortcomings in implementation and enforcement that affect its effectiveness in protecting and promoting products such as the Gedong Gincu mango. Failure to fully implement and enforce certain aspects of this law reduces not only the legal protection but also the economic potential of geographical indications.

1. **Simplifying the Registration Process:** The government should consider simplifying the registration process for geographical indications, reducing bureaucracy, and making it more accessible to farmers and small producers. This could include the creation of a user-friendly online portal for geographical indication registration.
2. **Enhanced Education Programs:** Increase education and training initiatives to increase awareness about the law and benefits of geographical indications among farmers and other local

stakeholders. The program should include information on how to enroll, economic benefits, and effective marketing techniques.

3. **Strengthening Law Enforcement:** Strengthen law enforcement mechanisms to ensure that violations of geographical indication rights are dealt with effectively and quickly. This could involve further training for law enforcement officials and the use of technology to monitor violations.

In an effort to optimize the benefits of implementing geographical indications, it is important to design a comprehensive and structured future research agenda. This agenda aims to further explore and measure empirically the economic impact resulting from the registration of geographical indications, not only on increasing income and creating jobs, but also on the economic growth of local communities as a whole

1. **Economic Impact Study:** Further research to quantitatively measure the economic impact of geographic indication registration on local communities, including increased income, job creation, and economic growth.
2. **International Comparative Analysis:** Conduct comparative studies with other countries that have successfully implemented geographical indications to learn from their best practices and apply them in the Indonesian context.
3. **Long-Term Policy Evaluation:** Periodically evaluate geographic indication policies to determine their effectiveness and make policy adjustments based on market dynamics and local needs.

By implementing these recommendations, it is hoped that the protection of geographical indications in Indonesia, especially for the Gedong Gincu mango, can be more effective, providing significant economic and social benefits for local communities and strengthening Indonesia's position in global trade.

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