



Weak Protection of Geographical Indication Law For Users of Geographically Indicated Goods or Products

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Abstract

Introduction: Weak protection of geographical indication law owned by users of geographically indicated goods or products cause unfulfilled the rights they deserve. The factors causing it are divided into 2, namely: 1. Weak position owned by users of geographically indicated goods or products. and 2. Weak regulation of law that provide legal protection to users of geographically indicated goods or products.

Purposes of the Research: This research aims to analyze and explain factors that cause weak protection of geographical indication law for users of geographically indicated goods or products and also to find out the submission mechanism and procedure of geographical indication infringement lawsuit.

Methods of the Research: This study used normative legal research. Research material used primary and secondary legal materials. Data was from library research. Discussion had been collected then processed and analyzed using qualitative approach then at the end of the research, conclusions were drawn using deductive method.

Results of the Research: Factors caused weak protection of geographical indication law for geographically indicated users of goods and will provide input for appropriate legal regulations to increase protection of geographical indication law in the future. Furthermore, this also has a positive impact to users of geographically indicated goods and products that they could take legal action against business actors for losses they got in accordance with mechanism and procedure for filling geographical indication infringement lawsuit based on provisions of the applicable law.

1. INTRODUCTION

Geographical Indication is an Intellectual property regime that has an important role for the Indonesian economy. Indonesia is a country that has abundant natural resources. The natural wealth of it has unique varieties that provide various kinds of natural potential to be developed in goods or products in the fields of agriculture, plantations, cultivation, crafts and forestry which characterizes the geography where the goods or products originate¹.

¹ NizarApriansyah, "Perlindungan Indikasi Geografis Dalam Rangka Mendorong Perekonomian Daerah," *De Jure* 18, no. 30 (2018): 525-42, <https://doi.org/http://dx.doi.org/10.30641/dejure.2018.V18.525-542>.

Geographical Indication is a kind of intellectual property right consisting of a trade name attached to a product, indicating the origin and specificity of a particular place of origin that makes it unique². In the previous law, the regulation regarding geographical indication has not been regulated in detail, but in line with the times, several years later the government made arrangements for a new Law that discussed Geographical Indications, namely Law of the Republic of Indonesia Number 20 of 2016 concerning Marks and Geographical Indications.

In this new Law, Geographical Indication gets more detailed arrangements than in the previous Law. Based on Article 1 paragraph (6) Republic of Indonesia Law No 20 of 2016 on Trademarks and Geographical Indication states that Geographical Indication is a sign indicating the origin area of a good or product due to geographical environment factors including natural, human factors or a combination of both factors give reputation, quality, and certain characteristic to goods and or product produced. Geographical Indication is considered an important thing because it can provide legal protection to featured goods or products (characteristics) of a certain region³. Even in industrialized countries, Geographical Indication has significantly raised the standard of living of local people who are threatened with poverty because of their position far from the city center⁴.

Geographical Indication is part of Intellectual Property Rights which has a great effect on Indonesia, this due to Indonesia has many featured goods or products (distinctive feature) from one region, which already has quality assurance or good quality and reputation, therefore those goods or products can be used as a mean of in trading activities⁵. The rapid development of trading must be supported by a healthy business competition climate, in order to realize protection of geographical indication law for related parties⁶.

The number of goods or product belonged to Geographical Indication category has a great effect on various aspects. Of course, this big influence is not only on the owner of geographically indicated goods or products, but GI's legal protection also has a large influence on users of geographically indicated goods or products. Users of geographically indicated goods or products are important parties who must know the authenticity, quality or reputation of the geographically indicated goods or products⁷. Users of indicated goods or products are parties who have weak position compared to business actors performing geographically indicated goods or products trading activities⁸.

² Ramli Ahmad DKK, "Kekayaan Intelektual : Pengantar Indikasi Geografis," Pertama (Bandung: PT. Alumni, 2018).

³ Ahmad Moelyono Anasis et al., "Perlindungan Indikasi Geografis Terhadap Damar Mata Kucing (Shorea Javanica) Sebagai Upaya Pelestarian Hutan (Studi Di Kabupaten Pesisir Barat Propinsi Lampung)" 22, no. 4 (2015): 566-93.

⁴ Mutiara Sukma, "Perlindungan Hukum Terhadap Sorabi Hijau Khas Karawang Sebagai Potensi Indikasi Geografis," *Qiyas (Jurnal Hukum Islam Dan Peradilan)* 6, no. 51 (2021): 3.

⁵ Winda Risna Yessiningrum et al., "Perlindungan Hukum Indikasi Geografis Sebagai Bagian Dari Hak Kekayaan Intelektual," *Jurnal IUS Kajian Hukum Dan Keadilan* 3, no. 1 (2015): 42-53, <https://doi.org/http://dx.doi.org/10.12345/ius.v3i7>.

⁶ I Gusti Ayu Purnawati, "I Gusti Ayu Purnamawati, ' Perlindungan Hukum Indikasi Geografis Terhadap Kerajinan Tradisional Untuk Penguatan Ekonomi Wilayah '" 11, no. June (2016): 35, <https://doi.org/http://dx.doi.org/10.15294/pandecta.v11i1.5035>.

⁷ Indriani Azvina, "Aspek Yuridis Oemakaian Nama Daerah Dalam Usaha Kuliner Berdasarkan Undang-Undang Nomor 20 Tahun 2016 Tentang Merek Dan Indikasi Geografis" VII, no. 2 (2019): 177.

⁸ Dedi Harianto, "Asas Kebebasan Berkontrak : Problematika Penerapannya Dalam Kontrak Baku Antara," *Fakultas Hukum Universitas Sumatera Utara, Medan* 11, no. 2 (2016): 145-56.

Based on the situation described above, writers are interested in further studying issues regarding weak protection of geographical indication law for these geographically indicated goods or products users. The problems that will be studied in this research are: 1. What are factors that affect weak protection of geographical indication law for users of geographically indicated goods or products? 2. How is the mechanism and procedure for filing geographical indication infringement lawsuits?

2. METHOD

Research method used in this study was normative legal research, legal research conducted by reviewing library materials or secondary data as research basic material, searched regulations and literatures relating to the problems under studied⁹. Legal research was a process to find legal rules and legal doctrines in order to answer the legal issues at hand¹⁰. Based on this, data obtained by writer in this case were from library research in the form of laws and literatures discussed geographical indication law protection for users of geographically indicated goods or products. This study used statutory as well as conceptual approaches. Then, legal materials used in this study divided into two legal materials; those are primary and secondary legal materials. Primary legal material used in this research was Mark and Geographical Indication Law. Then, the secondary materials were in the form of journal articles, books, theses, as well as opinions from scholars supported discussions in this matter. Collected materials the processed and analyzed using qualitative approach. After being analyzed, conclusions would be drawn using deductive method, namely by drawing conclusions from general discussions into specific conclusions, therefore they could achieve the desired goals in answering problems.

3. RESULTS AND DISCUSSION

3.1 Factors causing weak protection of geographical indication law for users of geographically indicated goods or products

Weak position of users of geographically indicated goods or products caused losses to the users. Each user of geographically indicated goods or products surely would expect to buy goods or product according to their quality and quantity¹¹. Weak protection of geographical indication law owned by users of geographically indicated goods or products was motivated by factors affected it. The factors were described as follows: a). Lack of information on geographically indicated goods or products offered. This caused users had to have more knowledge and comprehension about geographically indicated goods or products they bought, it aimed to make users not mistakenly chose and used them¹². Information obtained by consumers was largely determined by business actors in offering or advertising their products. Due to some limitations that users had, they could not access the information freely according to their needs. By knowing information about

⁹ Soekanto Soerjono dan Sri Mamudji, *"Penelitian Hukum Normatif: Suatu Tinjauan Singkat"*, 17th ed. (Jakarta: Rajawali Pers, 2015).

¹⁰ Mahmud Peter Marzuki, *"Penelitian Hukum"* (Jakarta: Prada Media Group, 2012).

¹¹ Siti Ainul Hidayah and R A E P Apriliani, "Analisis Pengaruh Brand Image, Harga, Kualitas, Produk, Dan Daya Tarik Promosi Terhadap Minat Beli Ulang Konsumen Batik Pekaloangan(Studi Pada Pasar Grosir Setono Batik Pekalongan)," *Journal of Economic, Business and Engineering* 1, no. 1 (2019): 24-31, <https://doi.org/https://doi.org/10.32500/jebe.v1i1.872>.

¹² Poernomo Sri Lestari, "Analisis Perlindungan Hukum Konsumen Produk Makanan Kemasan Yang Beredar Di Kota Makassar," *Gorontalo Law Review* 3, no. 1 (2020): 40-58, <https://doi.org/https://doi.org/10.32662/golrev.v3i1>.

geographically indicated goods or products, users could take decision to buy them; b). Unclear legal subject status (identity) of business actors. Users of geographically indicated goods or products do not know for sure business actor who sold geographically indicated goods or products¹³; c). Lack of government oversight on production process and distribution of geographically indicated goods or products¹⁴. Lack of monitoring on business actors gave opportunity to them to take big advantage by doing unhealthy competition (fraud) which caused huge disadvantage to users of geographically indicated goods or products; d). There was no security guarantee for losses suffered by users of geographically indicated goods or products such as lack of explanations regarding risks if consumed the in excess, and guarantee of authenticity and efficacy of geographically indicated goods or products. Users of geographically indicated goods or products would dare to pay high for the sake of gaining geographically indicated goods or products which had been guaranteed the quality and the quantity¹⁵ than paying cheap goods and products which not guaranteed their authenticity. Users of geographically indicated goods or products thought that products listed their guarantee would tend to have better quality than those which did not have; e). Weak regulation of geographical indication law. This was often exploited by other parties¹⁶ and business actors to commit violations in geographical indication. Violations committed by those business actors could be seen in article 66 law No 20 of 2016 concerning Mark and Geographical Indication which explained that violations on geographical indications included: 1). the use of geographical indication, either directly or indirectly on goods or products which did not meet Document Description of geographical; 2) The use of a geographical indication mark, either directly or indirectly on goods or products that are protected or not with the intention of: (a). Show that goods or products were comparable in quality to those protected by geographical indication; (b). Get benefit from the user ; or (c). Get benefit from the reputation of geographic indication. 3). The use of geographical indication that could mislead the public in relation to goods geographical origin; 4). The use of geographical indication by non-users registered geographical indication; 5). Imitation or misuse which could mislead in relation to the origin of goods and/or products or the quality of goods.

There was a strengthening of geographical indication law and regulation aimed to avoid various violations which caused losses to users of geographically indicated goods and products¹⁷. Other than that, this was also a form of legal cover gained by users to well-intentioned business actors¹⁸. Lack of comprehension concerning rights of geographically

¹³ Friska Muthi Wulandari, "Jual Beli Online Yang Aman Dan Syar'i (Studi Terhadap Pandangan Pelaku Bisnis Online Di Kalangan Mahasiswa Dan Alumni Fakultas Syari'ah Dan Hukum UIN Sunan Kalijaga)," *Az Zaqqa': Jurnal Hukum Bisnis Islam* Vol. 7, no. No. 2 (2015): 201-20, <http://ejournal.uin-suka.ac.id/syariah/azzarqa/article/view/1501>.

¹⁴ Kristiyanti Celina Tri Siwi, " *Hukum Perlindungan Konsumen*," ed. Tarmizi, 1st ed. (Jakarta: Sinar Grafika, 2022).

¹⁵ Masayu Endang Apriyanti, "Pentingnya Kemasan Terhadap Penjualan Produk Perusahaan," *Sosio E-Kons* 10, no. 1 (2018): 20, <https://doi.org/10.30998/sosioekons.v10i1.2223>.

¹⁶ Candra Irawan, "Pendaftaran Indikasi Geografis Sebagai Instrumen Perlindungan Hukum Dan Peningkatan Daya Saing Produk Daerah Di Indonesia," *Seminar Nasional Multi Displin Dan Call For Papers Unisbank Ke 3 3*, no. 1 (2017): 358-66, <https://doi.org/https://doi.org/10.1111/jwip/12073>.

¹⁷ Rudolf Mamengko Joshua Jurgen Sumanti, Merry Elisabeth Kalalo, "Akibat Hukum Pemakaian Merek Yang Memiliki Persamaan Pada Pokoknya Ditinjau Dari Undang-Undang Nomor 20 Tahun 2016 Tentang Merek Dan Indikasi Geografis" IX, no. 8 (2018): 1-15, <https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/download/40371/36155>.

¹⁸ Vika Husnul Khotimah and Rani Apriani, "Faktor-Faktor Penyebab Terjadinya Pelanggaran Hak Merek Berupa Pemboncengan Reputasi (Passing Off) Merek Terkenal Ditinjau Dari Undang-Undang Nomor

indicated goods and products. Users rights could be seen in law No 8 of 1999 concerning consumer protection. Regulation regarding these users rights stated that: 1). The right to comfort, security and safety in consuming goods or services; 2). The right to choose goods or services and obtain said goods or services in accordance with the exchange rate and the conditions and guarantees promised; 3). The right to correct, clear and honest information regarding the conditions and guarantees of goods or services; 4). The right to have their opinions and complaints heard about the goods or services used; 5). The right to obtain proper consumer protection advocacy; 6). The right to obtain consumer guidance and education; 7). The right to be treated or served properly and honestly and not discriminatory; 8). The right to obtain compensation, compensation or reimbursement, if the goods or services received are not in accordance with the agreement or not as they should be; 9). Other rights regulated in the provisions of laws and regulations.

Users' rights to these geographically indicated goods or products were a form of legal protection granted by government to users of geographically indicated goods or products. Arrangements regarding the legal protection described as follows: a) Preventive Legal Protection. Preventive protection was protection provided by the government aimed to prevent violations before they occurred. This preventive protection found in statutory regulations in intention of preventing a violation and providing limitations in carrying out an obligation¹⁹. This preventive legal protection aims to prevent losses suffered by users of geographically indicated goods or products. It was carried out by government through activities related to users' interests, for example, socialization, guidance and supervision. This activity carried out by the government would certainly have a major impact on users' understanding of geographically indicated goods or products of their rights and obligations that they should have. From regulation perspective, preventive protection carried out through formation of norms whose substance was to prevent violations on users' rights of geographically indicated goods or products, namely in the form of laws and regulations. By knowing the concept of legal protection, of course users of geographically indicated goods or products would better understand their rights and obligations therefore brands would act more carefully, thoroughly and meticulously in purchasing geographically indicated goods or products; b). Repressive legal protection as a form of final protection in the form of sanctions such as fines, imprisonment, and additional penalties given when a dispute had occurred or a violation had been committed²⁰. The purpose of repressive legal protection was to force business actors to be responsible for violations they committed by providing compensation for the losses they had caused, and providing solutions for resolving disputes occurred among parties²¹. Laws included repressive norms, such as sanctions for violating the norms prohibited in the law. There were legal violations committed by business actors against users of geographical indicated goods or products stated that the legal protection of geographic indication was still weak for users of geographically indicated goods or

20 Tahun 2016 Tentang Merek Dan Indikasi Geografis," *Jurnal Ilmiah Wahana Pendidikan* 8, no. 20 (2022): 398–420, <https://doi.org/10.5281/zenodo.7243144>.

¹⁹ Sudrajat Tedi Dan Endra Wijaya, " *Perlindungan Hukum Terhadap Tindakan Pemerintah*," ed. Tarmizi, 1st ed. (Jakarta: Sinar Grafika, 2020).

²⁰ M. Rangga Yusuf and Hernawan Hadi, "Perlindungan Hukum Terhadap Produk Indikasi Geografis Kopi Arabika Java Sindoro-Sumbing," *Jurnal Hukum Dan Pembangunan Ekonomi* 7, no. 2 (2019): 219, <https://doi.org/10.20961/hpe.v7i2.43007>.

²¹ Wahyu Simon Tampubolon, "Upaya Perlindungan Hukum Bagi Konsumen Ditinjau Dari Undang-Undang Perlindungan Konsumen," " *Upaya Perlindungan Hukum Bagi Konsumen Ditinjau Dari Undang-Undang Perlindungan Konsumen*," *Jurnal Ilmiah Advokasi Volume 4 Nomor 1, 2016 Hlm : 54.Rt 32*, no. 3 (2017): 684–86, <https://doi.org/10.1111/socf.12355>.

products, therefore, it was necessary to hold binding legal regulations among parties in order to create justice for all parties involved. Appropriate legal regulations were supported by the harmonization of regulations that were aligned and consistent. Like a comprehensive legal framework that would accommodate classification arrangements of Mark and geographical indication laws, consumer protection laws, policies and mechanisms in the form of merging laws that complement each other.

3.2 Mechanism and Procedure for filling Geographical Indication Infringement Lawsuit?

There were filling of lawsuits conducted by users of geographically indicated goods or products against violations committed by business actors in the form of piggybacking on the quality²² was a manifestation of the legal protection of geographic indication for users of geographically indicated goods or products. Apart from that, the existence of lawsuits filed by users of geographically indicated goods or products was due to a low number of applications for the registration of intellectual property in geographical indications²³. Based on publications made by the Directorate General of Intellectual Property through its website, it could be seen that the application for registration of intellectual property in the field of geographical indication was lower than other fields of intellectual property. The registration application data could be seen in the following table:

IPR Type	Origin	Application						
		2015	2016	2017	2018	2019	2020	2021
Copyright	Foreign	27	15	467	276	139	64	44
	Domestic	6.127	7.538	18.753	34.829	47.930	64.720	83.034
Industry Design	Foreign	1.284	1.320	1.322	1.368	1.528	1.417	1409
	Domestic	2.625	2.527	2.319	2.432	2.835	2.551	2.957
Patent	Foreign	813	715	727	1.104	1.187	1.462	1.461
	Domestic	1.019	1.061	1.412	1.399	1.599	1.244	1.406
Simple patent	PCT (entering national phase)	6.646	6.950	6.676	7.252	7.165	5.772	6.340
	Foreign	115	97	120	108	99	94	66

²² Tasya Safiranita Tasya Nafiisah, Muhamad Amirulloh, "Pelindungan Hukum Pada Merek Terdaftar Berdasarkan Persamaan Pada Pokoknya Ditinjau Dari Undang-Undang Nomor 20 Tahun 2016 Tentang Merek Dan Indikasi Geografis," *Humani (Hukum Dan Masyarakat Madani)*, Universitas Semarang 11, no. 2 (2021): 353, <https://journals.usm.ac.id/index.php/humani/article/view/4239>.

²³ Devica Rully Masrur, "Perlindungan Hukum Indikasi Geografis Yang Telah Didaftarkan Sebagai Merek Berdasarkan Instrumen Hukum Nasional Dan Hukum Internasional," *Lex Jurnalica* 15, no. 2 (2018): 194-206.

	Domestic	277	397	859	1.433	2.474	2.217	3.200
	PCT (entering national phase)	4	11	5	5	1	-	-
Brand	Foreign	15.492	15.994	16.466	13.001	12.407	10.676	10.800
	Domestic	46.298	49.369	51.902	63.195	71.704	76.237	85.560
	Madrid Protocol	-	-	-	4.857	9.630	6.790	-
Geographical Indication	Foreign	3	-	2	1	-	-	2
	Domestic	17	7	13	34	35	22	26

Data above showed that the low number of applications for registration in geographical indication caused business actors easily commit fraud which could make losses for users of geographically indicated goods or products²⁴. Therefore, in this case, users of geographically indicated goods and products should know the mechanism and procedure for filling lawsuits in geographical indication properly in order to fight for their rights. In article 66 law No 20 of 2016 concerning Mark and Geographical Indication Law described above, it was known that the category of violations against these geographical indications could be filed for a lawsuit. Parties entitled to file a lawsuit had also been regulated in Article 67 Paragraph (2) of Law Number 20 of 2016 concerning marks and geographical indications which stated that a lawsuit could be filed by: a). Any producer entitled to use Geographical Indications; and or b). An institution that represented the community in a certain geographic area and authorized to do so.

Based on the provisions in article 67 Paragraph (2) of Law Number 20 of 2016 concerning mark and geographical indication, users of geographically indicated goods or products could not file a lawsuit directly against business actors, users of geographically indicated goods or products could file a lawsuit against business actors by appointing an authorized institution to represent them. The authorized agency representing users of geographically indicated goods or products was Non-Governmental Organization for Consumer Protection, hereinafter referred to as LPKSM. The duties of LPKSM itself had been regulated in Article 44 Paragraph (3) of Law Number 8 of 1999 concerning consumer protection, namely: 1). Disseminating information in order to increase awareness of rights and obligations and consumers' caution in consuming goods or services; 2). Providing advice to consumers who need it; 3). Working together with related agencies in an effort to realize consumer protection; 4). Assisting consumers in fighting for their rights, including receiving consumer complaints or grievances.

By virtue of provisions in Article 44 Paragraph (3), the authorized institution to represent users of geographically indicated goods or products in filing a lawsuit was

²⁴ Muttaqin Rifqi, "" Analisis Yuridis Peran Pemerintah Kabupaten Gayo Dalam Perlindungan Indikasi Geografis Terhadap Produk Lokal", " *Jurnal Konsep Ilmu Hukum* 2, no. April (2022): 187-207.

LPSKSM. LPSKSM was an institution that provided consumer protection by empowering consumers through consumer supervision and coaching²⁵. LPSKSM had an opportunity to actively participate in realizing consumer legal protection²⁶.

Filing a lawsuit filed by LPSKSM agency in resolving geographical indication disputes used the basis and conditions stipulated by Law Number 20 of 2016 concerning Mark and Geographical Indication. Regarding mechanism and procedure of geographically indicated lawsuit filing, it was regulated in Article 85 Law Number 20 of 2016 concerning Marks and Geographical Indication. Legal arrangements in Article 85 of Law Number 20 of 2016 concerning mark and geographical indication described as follows: a). The lawsuit as referred to in Article 30 paragraph (3), Article 68, Article 74 and Article 76 was filed with the head of the Commercial Court in the jurisdiction where the defendant resides or was domicile; b). In the event that one of the parties resided outside the territory of the Unitary State of the Republic of Indonesia, the lawsuit filed with the Head of the Central Jakarta Commercial Court; c). The Registrar registered the lawsuit on the date relevant lawsuit filed and the plaintiff was given a written receipt signed by the clerk with the same date as the date of registration of the lawsuit; d). The Registrar submitted a lawsuit to the chief of Commercial Court within a maximum period of 2 days from the date the lawsuit was registered; e). Within a maximum period of 3 days from the date the lawsuit was filed as referred to in paragraph (4), the Chief of Commercial Court studied the lawsuit and appointed a panel of judges to set a trial date; f). The summons of the parties was carried out by the bailiff no later than 7 days after the lawsuit registered; g). Examination session until decision on the lawsuit as referred to in paragraph (1) had to be completed no later than 90 days after the case received by the panel examining the case and could be extended for a maximum of 30 days with the approval of the Chief Justice of the Supreme Court; i). The decision on the lawsuit as referred to in paragraph (1) that contained a complete legal reasoning as the basis of the decision should be stated in a court session which was open to public. Underlying the decision must be pronounced in a session open to the public; j). Contents of the Commercial Court decision as referred to in paragraph (8) should be delivered by the bailiff to the parties no later than 14 days after the decision on the lawsuit as referred to in paragraph (1) was pronounced.

The mechanism and procedure for filing a lawsuit in the field of geographical indication were an embodiment of geographical indication legal protection owned by users of geographically indicated goods or products due to their losses suffered²⁷. Legal remedies that should be taken by Government in providing geographical indication legal protection were by conducting socialization such as lawful act concerning the importance of geographical indication legal protection for users of geographically indicated goods or products as a form of fighting for their rights, and conducting quality supervisions of

²⁵ Ni Made Dwi Nurmahayani and I Ketut Keneng, "Bentuk Pengawasan Lembaga Perlindungan Konsumen Swadaya Masyarakat Dalam Memberikan Perlindungan Terhadap Konsumen," *Kertha Semaya* 4, no. 3 (2016): 1-5.

²⁶ Alfina Maharani and Adnand Darya Dzikra, "Fungsi Perlindungan Konsumen Dan Peran Lembaga Perlindungan Konsumen Di Indonesia : Perlindungan, Konsumen Dan Pelaku Usaha (Literature Review)," *Jurnal Ekonomi Manajemen Sistem Informasi* 2, no. 6 (2021): 659-66, <https://doi.org/10.31933/jemsi.v2i6.607>.

²⁷ Desty Anggie Mustika, "Batik Tradisional Megamendung Di Tinjau Dari Sistem Perlindungan Indikasi Geografis," *Yustisi: Jurnal Hukum Dan Hukum Islam* 5, no. 2 (2018): 70-91, <http://ejournal.uika-bogor.ac.id/index.php/YUSTISI/article/view/4401>.

geographically indicated goods or products therefore there were no geographically indicated goods or products types found which could harm their users.²⁸

4. CONCLUSION

Based on the description above, it can be concluded that factors underlying the weak position held by users of geographically indicated goods or products greatly affect the legal protection that will be obtained by them. Weak user position can be used as the main things that must be considered by government in making geographical indication legislation in the future. A balanced position is needed between business actors and users of geographically indicated goods or products in order to realize a sense of justice and legal protection of geographical indications by making efforts to sue for losses suffered by users. Mechanism and procedure for filing a claim by users is carried out by LPSKSM. The lawsuit of geographical indication is based on laws and regulations on marks and geographical indications.

REFERENCES

Journal Article

- Anasis, Ahmad Moelyono, Mieke Yustia, Ayu Ratna, Fakultas Ilmu, and Fakultas Hukum. "Perlindungan Indikasi Geografis Terhadap Damar Mata Kucing (Shorea Javanica) Sebagai Upaya Pelestarian Hutan (Studi Di Kabupaten Pesisir Barat Propinsi Lampung)" 22, no. 4 (2015): 566–93.
- Apriyanti, Masayu Endang. "Pentingnya Kemasan Terhadap Penjualan Produk Perusahaan." *Sosio E-Kons* 10, no. 1 (2018): 20. <https://doi.org/10.30998/sosioekons.v10i1.2223>.
- Azvina, Indriani. "Aspek Yuridis Oemakaian Nama Daerah Dalam Usaha Kuliner Berdasarkan Undang-Undang Nomor 20 Tahun 2016 Tentang Merek Dan Indikasi Geografis" VII, no. 2 (2019): 177.
- Hariato, Dedi. "Asas Kebebasan Berkontrak : Problematika Penerapannya Dalam Kontrak Baku Antara." *Fakultas Hukum Universitas Sumatera Utara, Medan* 11, no. 2 (2016): 145–56.
- Hidayah, Siti Ainul, and R A E P Apriliani. "Analisis Pengaruh Brand Image, Harga, Kualitas, Produk, Dan Daya Tarik Promosi Terhadap Minat Beli Ulang Konsumen Batik Pekaloangan(Studi Pada Pasar Grosir Setono Batik Pekalongan)." *Journal of Economic, Business and Engineering* 1, no. 1 (2019): 24–31. <https://doi.org/https://doi.org/10.32500/jebe.v1i1.872>.
- Irawan, Candra. "Pendaftaran Indikasi Geografis Sebagai Instrumen Perlindungan Hukum Dan Peningkatan Daya Saing Produk Daerah Di Indonesia." *Seminar Nasional Multi Displin Dan Call For Papers Unisbank Ke 3 3*, no. 1 (2017): 358–66. <https://doi.org/https://doi.org/10.1111/jwip/12073>.
- Joshua Jurgen Sumanti, Merry Elisabeth Kalalo, Rudolf Mamengko. "Akibat Hukum Pemakaian Merek Yang Memiliki Persamaan Pada Pokoknya Ditinjau Dari Undang-Undang Nomor 20 Tahun 2016 Tentang Merek Dan Indikasi Geografis" IX, no. 8

²⁸ Erick Junata Sipayung, "Peran Kantor Wilayah Kementerian Hukum Dan Hak Asasi Manusia Terhadap Pendaftaran Indikasi Geografis," *Journal of Law and Policy Transformation* 5, no. 1 (2020): 65, <https://doi.org/10.37253/jlpt.v5i1.797>.

(2018): 1-15. <https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/download/40371/36155>.

- Khotimah, Vika Husnul, and Rani Apriani. "Faktor-Faktor Penyebab Terjadinya Pelanggaran Hak Merek Berupa Pemboncengan Reputasi (Passing Off) Merek Terkenal Ditinjau Dari Undang-Undang Nomor 20 Tahun 2016 Tentang Merek Dan Indikasi Geografis." *Jurnal Ilmiah Wahana Pendidikan* 8, no. 20 (2022): 398-420. <https://doi.org/10.5281/zenodo.7243144>.
- Maharani, Alfina, and Adnand Darya Dzikra. "Fungsi Perlindungan Konsumen Dan Peran Lembaga Perlindungan Konsumen Di Indonesia: Perlindungan, Konsumen Dan Pelaku Usaha (Literature Review)." *Jurnal Ekonomi Manajemen Sistem Informasi* 2, no. 6 (2021): 659-66. <https://doi.org/10.31933/jemsi.v2i6.607>.
- Masrur, Devica Rully. "Perlindungan Hukum Indikasi Geografis Yang Telah Didaftarkan Sebagai Merek Berdasarkan Instrumen Hukum Nasional Dan Hukum Internasional." *Lex Jurnalica* 15, no. 2 (2018): 194-206.
- Mustika, Desty Anggie. "Batik Tradisional Megamendung Di Tinjau Dari Sistem Perlindungan Indikasi Geografis." *Yustisi: Jurnal Hukum Dan Hukum Islam* 5, no. 2 (2018): 70-91. <http://ejournal.uika-bogor.ac.id/index.php/YUSTISI/article/view/4401>.
- Muttaqin Rifqi. "'Analisis Yuridis Peran Pemerintah Kabupaten Gayo Dalam Perlindungan Indikasi Geografis Terhadap Produk Lokal.'" *Jurnal Konsep Ilmu Hukum* 2, no. April (2022): 187-207.
- Nizar Apriansyah. "Perlindungan Indikasi Geografis Dalam Rangka Mendorong Perekonomian Daerah." *De Jure* 18, no. 30 (2018): 525-42. <https://doi.org/http://dx.doi.org/10.30641/dejure.2018.V18.525-542>.
- Nurmahayani, Ni Made Dwi, and I Ketut Keneng. "Bentuk Pengawasan Lembaga Perlindungan Konsumen Swadaya Masyarakat Dalam Memberikan Perlindungan Terhadap Konsumen." *Kertha Semaya* 4, no. 3 (2016): 1-5.
- Poernomo Sri Lestari. "'Analisis Perlindungan Hukum Konsumen Produk Makanan Kemasan Yang Beredar Di Kota Makassar.'" *Gorontalo Law Review* 3, no. 1 (2020): 40-58. <https://doi.org/https://doi.org/10.32662/golrev.v3i1>.
- Purnawati, I Gusti Ayu. "I Gusti Ayu Purnamawati, 'Perlindungan Hukum Indikasi Geografis Terhadap Kerajinan Tradisional Untuk Penguatan Ekonomi Wilayah'" 11, no. June (2016): 35. <https://doi.org/http://dx.doi.org/10.15294/pandecta.v11i1.5035>.
- Sipayung, Erick Junata. "Peran Kantor Wilayah Kementerian Hukum Dan Hak Asasi Manusia Terhadap Pendaftaran Indikasi Geografis." *Journal of Law and Policy Transformation* 5, no. 1 (2020): 65. <https://doi.org/10.37253/jlpt.v5i1.797>.
- Sukma, Mutiara. "Perlindungan Hukum Terhadap Sorabi Hijau Khas Karawang Sebagai Potensi Indikasi Geografis." *Qiyas (Jurnal Hukum Islam Dan Peradilan)* 6, no. 51 (2021): 3.
- Tampubolon, Wahyu Simon. "'Upaya Perlindungan Hukum Bagi Konsumen Ditinjau Dari Undang-Undang Perlindungan Konsumen.'" "Upaya Perlindungan Hukum Bagi Konsumen Ditinjau Dari Undang-Undang Perlindungan Konsumen.", *Jurnal Ilmiah Advokasi Volume 4 Nomor 1, 2016 Hlm: 54.Rt 32*, no. 3 (2017): 684-86.

<https://doi.org/10.1111/socf.12355>.

- Tasya Nafiisah, Muhamad Amirulloh, Tasya Safiranita. "Pelindungan Hukum Pada Merek Terdaftar Berdasarkan Persamaan Pada Pokoknya Ditinjau Dari Undang-Undang Nomor 20 Tahun 2016 Tentang Merek Dan Indikasi Geografis." *Humani (Hukum Dan Masyarakat Madani)*, Universitas Semarang 11, no. 2 (2021): 353. <https://journals.usm.ac.id/index.php/humani/article/view/4239>.
- Wulandari, Friska Muthi. "Jual Beli Online Yang Aman Dan Syar'i (Studi Terhadap Pandangan Pelaku Bisnis Online Di Kalangan Mahasiswa Dan Alumni Fakultas Syaria'ah Dan Hukum UIN Sunan Kalijaga)." *Az Zaqqa': Jurnal Hukum Bisnis Islam* Vol. 7, no. No. 2 (2015): 201-20. <http://ejournal.uin-suka.ac.id/syariah/azzarqa/article/view/1501>.
- Yessiningrum, Winda Risna, Winda Risna, Yessiningrum Perlindungan, Hukum Indikasi, Geografis Sebagai, and Bagian Dari. "Perlindungan Hukum Indikasi Geografis Sebagai Bagian Dari Hak Kekayaan Intelektual." *Jurnal IUS Kajian Hukum Dan Keadilan* 3, no. 1 (2015): 42-53. <https://doi.org/http://dx.doi.org/10.12345/ius.v3i7>.
- Yusuf, M. Rangga, and Hernawan Hadi. "Perlindungan Hukum Terhadap Produk Indikasi Geografis Kopi Arabika Java Sindoro-Sumbing." *Jurnal Hukum Dan Pembangunan Ekonomi* 7, no. 2 (2019): 219. <https://doi.org/10.20961/hpe.v7i2.43007>.

Book

- Kristiyanti Celina Tri Siwi. " *Hukum Perlindungan Konsumen*." Edited by Tarmizi. 1st ed. Jakarta: Sinar Grafika, 2022.
- Mahmud Peter Marzuki. " *Penelitian Hukum*." Jakarta: Prada Media Group, 2012.
- Ramli Ahmad DKK. " *Kekayaan Intelektual : Pengantar Indikasi Geografis*." Pertama. Bandung: PT. Alumni, 2018.
- Soekanto Soejono dan Sri Mamudji. " *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*." 17th ed. Jakarta: Rajawali Pers, 2015.
- Wijaya, Sudrajat Tedi Dan Endra. " *Perlindungan Hukum Terhadap Tindakan Pemerintah*." Edited by Tarmizi. 1st ed. Jakarta: Sinar Grafika, 2020.