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The Role of the Tidore Islands City Government in Realizing Legal Protection of Geographical Indications for Puta Dino Kayangan Woven Clothes in Tidore Islands City

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Abstract: The role of the Tidore Islands City government in realizing legal protection of geographical indications for Puta Dino Kayangan woven clothes in Tidore Islands City. Objective: This paper studies the role of the Tidore Islands city government in realizing legal protection of geographical indications for Puta Dino Kayangan woven fabrics in Tidore Islands City. The Puta Dino Kayangan woven fabric is a typical motif woven fabric from Tidore that has not yet been patented, thus requiring legal protection. Methods: This paper employed the empirical research method. The research location is focused on the Puta Dino Weaving House in Soasio Village, Tidore Islands City. Results: Puta Dino woven cloth is a typical Tidore craft product that should receive guidance as regulated in Article 70 of Law No. 20 of 2016 on Trademarks and Geographical Indications, which states that socialization and understanding of the protection of geographical indications and mapping and inventory of potential geographical indication products are carried out by the local Regional Government. Conclusion: This paper serves as an input or a reference material for local governments and related parties in efforts to realize the legal protection of geographical indications of Puta Dino Kayangan woven cloth, and also as input for the community and business actors about the importance of registering geographical indications.

Keyword: Legal Protection, Geographical Indications, Puta Dino Kayangan, Woven Fabric.

INTRODUCTION

Indonesia is a nation that has a wealth of cultural diversity spread throughout the country. There is also a wealth of traditional values that are reflected in various crafts, one of which is Woven Cloth crafts (Rasyidi, 2022). The diversity of woven fabrics spread across each region will certainly enrich our craft treasures. However, on the other hand, legal protection for woven craft products is very important to provide socio-historical affirmation (Oedjoe, Kusumadara, & Maharani, 2021), that the wealth of woven crafts has different characters. Legal Protection of Geographical Indications is important, because as a characteristic of a region that can show that the region has a product or goods that are influenced by environmental factors

that are very geographical, Human or a combination of both so that they can affect the quality, characteristics, and reputation of a product (Dhae, Aloysius, & Jacob, 2024).

Through efforts to explore the local potential and diversity of Tidore/Putu Dino Kayangan Weaving, of course, it cannot be optimally implemented without the touch of the Tidore Islands City Government. How the government's role as a policy maker to grow the new MSME sector with the presence of Tidore Weaving while encouraging the strengthening of human resources to support the promotion and improvement of the quality of Tidore Weaving by Mrs. Anita Gathmir on a larger scale is very important. Moreover, currently, Geographical Indications are part of Intellectual Property Rights which are an issue of developing local potential products initiated by the central government. The policy is directed at the regional government to map and at the same time be able to encourage protection of Brands and Geographical Indications. Based on the background described, the author conducted a study entitled: The Role of the Tidore Islands City Government in Realizing Legal Protection of Brands and Geographical Indications for Putu Dino Kayangan Woven Fabrics in Tidore Islands City. Based on the background above, the formulation of the problem in this research is what is the Legal Protection of Geographical Indications of Putu Dino Kayangan Woven Fabric Urgent and What is the Role of the Government in Realizing Legal Protection of Geographical Indications of Putu Dino Kayangan Woven Fabric?.

Definition and Scope of Intellectual Property Rights (IPR)

In simple terms, intellectual property (IP) is wealth that arises or is born from human intellectual ability. Works that arise or are born from human intellectual ability can be works in the fields of technology, science, art and literature (Krisnani, 2005). These works are born or produced by human intellectual ability through the outpouring of time, energy, thoughts, creativity, feelings and will. This is what distinguishes intellectual property from other types of wealth that can also be owned by humans but are not produced by human intellect. For example, natural wealth in the form of land and/or plants that exist in nature are creations of the Creator (Yessiningrum, 2015).

Although land and/or plants can be owned by humans, land and plants are not the result of human intellectual work (Yessiningrum, 2015). Wealth or assets in the form of works produced from human thought or intelligence have economic value or benefits for human life so that they can also be considered as commercial assets (Syafrinaldi & Almaktsur, 2008). Works that are born or produced from human intellectual abilities, either through the outpouring of energy, thoughts and creativity, feelings and desires, should naturally be secured by developing a legal protection system for such wealth known as the Intellectual Property Rights (IPR) system (Gani, Siddiq, & Yusuf, 2023).

Legal protection is a protection given to legal subjects in the form of legal instruments, both preventive and repressive, both written and unwritten (Lindsey, 2011). Legal protection is always associated with the concept of *rechtstaat* or the concept of Rule of Law because the birth of these concepts cannot be separated from the desire to provide recognition and protection of human rights. IPR is a way to protect intellectual property by using existing legal instruments, namely Copyright, Patents, Trademarks and Geographical Indications, Trade Secrets, Industrial Designs, Integrated Circuit Layout Designs, and Plant Variety Protection (Gani et al., 2023).

Protection of Indonesian Intellectual Property Rights (IPR)

Legal protection is a protection given to legal subjects in the form of legal instruments, both preventive and repressive, both written and unwritten. Legal protection is always associated with the concept of *rechtstaat* or the concept of Rule of Law because the birth of these concepts cannot be separated from the desire to provide recognition and protection of human rights. As previously mentioned, Intellectual Property Rights are rights relating to wealth arising from human intellectual abilities (Arif, 2019). These abilities can be in the form

of works in the fields of technology, science, art and literature (Afrillyanna, 2009). In general, IPR consists of two things, namely industrial property rights and copyright. Industrial property rights consist of patents/simple patents, trade secrets, brands, industrial designs, geographical indications and disguised competition. The following are forms of IPR protection (Erlina, 2020). The following are forms of IPR protection:

1. Patent: Exclusive rights granted by the state to an inventor for the results of his invention in the field of technology, who for a certain period of time carries out his invention himself or gives his consent to another party to carry it out. And Simple Patents Exclusive rights granted by the state to an inventor for the results of his invention in the form of a new product or tool and has practical utility value due to its form, configuration, construction or components.
2. Trade Secret Information that is not known to the public in the field of technology and/or business, has economic value because it is useful in business activities, and is kept confidential by the owner of the Trade Secret.
3. Plant Variety Protection Special protection provided by the state to plant varieties produced by plant breeders through plant breeding activities.
4. Industrial Design: A creation of a form, configuration or composition of lines or colors or lines and colors in three dimensions that contain aesthetic value and can be realized in a three-dimensional or two-dimensional pattern and can be used to produce a product or industrial commodity repeatedly and in mass in three-dimensional form.
5. Integrated Circuit Layout Integrated Circuit is a product in finished or semi-finished form, which contains components and at least one of these components is an active component, which are partly or wholly interconnected and formed integrated in a semi-conductor material that is intended to produce electronic functions. Layout Design is an intellectual work in the form of a three-dimensional layout design of various components, at least one of which is an active component, which some or all of the interconnections in an integrated circuit and the three-dimensional layout is intended to prepare for the manufacture of the integrated circuit.
6. A trademark is a sign in the form of an image, name, word, letters, numbers, color arrangement, or combination of these elements which has distinguishing power and is used in the trading of goods or services.
7. Geographical Indication and Indication of Origin A sign or expression indicating the area of origin of a good which due to geographical environmental factors including natural factors, human factors or a combination of both factors gives certain characteristics and qualities to the goods produced (covered in the Trademark Law).
8. Copyright Exclusive rights for creators or recipients of rights to announce or reproduce their creations or grant permission for this without reducing the limitations according to legislation applicable.
9. Geographical Indication and Indication of Origin A sign or expression indicating the area of origin of a good which due to geographical environmental factors including natural factors, human factors or a combination of both factors gives certain characteristics and quality to the goods produced (covered in the Trademark Law) (Saidin, 2004).

Geographical Indication

Conceptually, IG is a sign taken from the name of a region, area, or country used to indicate the origin of a product. In the case of a regional name being used as a product identity, the law protects the truth of the relationship between the regional name and the product in question based on technical and natural criteria that determine its quality. Through these requirements, the law guarantees the truth of the origin of the product from the region mentioned in such cases, there must be a link between geographical factors, characteristics, or uniqueness of the product produced (Nurmeisarah, Sudirtha, & Angendari, 2015).

In other words, GI is only suitable for use if there are very specific natural or geographical environmental factors that have a dominant influence in forming the character or distinctive features of the product, including its quality (Tavinayati, 2016). Geographical indications can be associated with various terms and definitions. The provisions contained in the Paris Convention and the Madrid Agreement of 1891, as well as the definition used in the Lisbon Agreement of 1958 on Appellations of Origin, can be seen as the basis for the definition of Geographical Indications contained in the 1994 TRIPs Agreement (Erlina, 2020). Trademarks and Geographical Indications are regulated by Law Number 20 of 2016 concerning Trademarks and Geographical Indications. This law contains rules in accordance with TRIPs standards.

Geographical indications protect signs that indicate the area of origin of a good, which due to geographical environmental factors including natural factors, human factors, or a combination of both factors, gives certain characteristics and qualities to the goods produced. A geographical indication can be protected after being registered on the basis of an application submitted by an institution representing the community in the area producing the goods concerned, an institution authorized to do so, and/or a group of consumers of the goods. Provisions regarding announcements and appeals also apply to geographical indications. A registered geographical indication receives legal protection that lasts as long as the characteristics and/or qualities that are the basis for granting protection to the geographical indication still exist (Erlina, 2020).

METHOD

This legal research uses empirical case studies in the form of legal behavioral products (Wardiono, 2019), for example, directly reviewing the product at the production site and with a statutory approach. The main topic of the study is the law which is conceptualized as a norm or rule that applies in society and becomes a reference for each person's behavior and its implementation. So that this empirical legal research focuses on field conditions and how positive law, legal principles and doctrines, legal discoveries in matters of legal protection of geographical indications in concreto, in addition, researchers also use legal systematics, synchronization levels, comparative law and legal history (Muhammad, 2004).

In this research, it is designed as a type of research which is a research effort and this writing is based on the suitability of the theory with the research method required by the author (Wardiono et al., 2024). The data collection technique that the prospective researcher uses in this study is Legal materials collected through inventory procedures and literature studies (Amiruddin & Asikin, 2006).

The research procedure is carried out in stages, including the following:

1. Preparation and preparation of research instruments;
2. Identify the problem;
3. Data collection and analysis;
4. Compilation of research results; and
5. Following up on research output plans.

RESULTS AND DISCUSSION

Urgency of Legal Protection of Geographical Indications

Geographical Indication as the Most Appropriate Form of Intellectual Property Protection for Puta Dino Kayangan Woven Fabric. In the context of Geographical Indication, there must be special aspects that can be in the form of natural elements, other environments, or certain objects that are unique. These aspects must have a real influence on the quality of the goods and determine the reputation trade mark of the goods. The elements of Geographical Indication are: According to Article 1 paragraph 6 of Law No. 20 of 2016 concerning Trademarks and Geographical Indications, it is stated that: "Geographical indication is a sign

that indicates the area of origin of goods and/or products, which due to geographical environmental factors including natural factors, human factors, or a combination of both factors, provides a certain reputation, quality, and characteristics to the goods and/or products produced." Based on this definition, the elements of Geographical Indication can be seen, namely:

1. IG is a mark that indicates the area of origin of an item and/or product, "the same is true for the Puta Dino Kayangan Woven Cloth in North Maluku Province, Tidore Islands City.
 2. Goods and/or woven fabric products made by ngofa Tidore (Tidore youth) which are produced into goods or products.
 3. Due to geographical environmental factors, including natural factors, human factors or a combination of both. Especially for this puta dino woven fabric product, there is a combination of both factors, namely human factors and natural factors with geographical conditions that greatly influence. It can be seen from the human resources of ngofa Tidore, young people of Tidore with special skills in weaving and in making interesting, unique and regional motifs that are not owned by other regions.
 4. "Reputation, quality, and certain characteristics of the goods and/or products produced" To determine whether a good and/or product has IG potential, it is also very important to prove that the product also has a strong name and reputation. This is related to the typical Tidore woven cloth, which has existed for centuries and is a reconstruction of identity whose materials are obtained partly from history, local wisdom and human resources that have skills that are not the same as the region and other potential areas owned by the Tidore community.
 5. Historical Depth (history).
 6. IG is a Collective Right Law No. 20 of 2016 Article 53 paragraph (3) states that: The applicant as referred to in paragraph (2) The legitimate rights holders are all parties/actors in the community who contribute to the value chain of goods and/or products that are considered to have the potential to be IG and who continue to produce products with quality in accordance with the reputation of the goods and/or products.
 7. Does not conflict with Law, Ethics, Morals and Religion
1. Based on the explanation and provisions mentioned above, products that have the potential to be protected in Geographical Indications are in accordance with the elements contained in the Geographical Indication system. Therefore, it is highly recommended that this Puta Dino Woven Fabric be registered. Considering and considering the importance of the benefits and functions of the Geographical Indication system.

The Role of the Tidore Islands City Government in Realizing Geographical Indication Protection for Puta Dino Kayangan woven cloth

Law No. 20 of 2016 expands the applicant for Geographical Indication protection from the Provincial or Regency/City Government to be able to submit an application for Geographical Indication. Based on the author's interview with Bonita Manggis, SH, Head of the Legal Section of the Tidore Islands City Government, she said that currently there have been no steps from the Ministry of Law and Human Rights in conducting socialization and cooperation on protection or other matters related to Tidore woven fabrics with regional characteristics. The Tidore Islands City Government through the Legal Section said that there have been no regulations, either regional regulations or ministerial regulations issued to accommodate the legality of Small and Medium Enterprises, namely this Puta Dino Kayangan Woven fabric.

The steps taken by the local government, both in the inventory stage or completing the documents needed in the protection cooperation, are intended to maintain matters related to the uniqueness of Tidore so that no claims of ownership from other regions have been made. The initiators of the woven fabric or the Ngofa Tidore weaver community have never come and

conveyed to the relevant Legal Section regarding Puta Dino, this has only been conveyed by researchers. According to the author, the tendency for legal protection is still passive, there are no preventive steps because it is not directly attempted by the local government (Ade, 2019).

In fact, this protection effort is important to be carried out with a major initiative by the regional government as the main policy maker, this is due to the non-utilization of the facilities provided by the central government, namely the Intellectual Property Rights system with several fields, especially Geographical Indications in accordance with the potential of the region associated with its geographical area (Setiawan, Sulistianingsih, & Kusumaningtyas, 2018).

Especially those related to regional products that have a long history and their own characteristics, such as this Puta Dino Kayangan woven cloth. The initiator of Tidore woven cloth, Anita Gathmir, conveyed it via WhatsApp phone call, taking the time out of her busy teaching schedule in Jakarta. Enthusiastic about the concern for the culture of the nation where she was born with the spirit and persistence in building and developing the potential of Human Resources and Natural Resources. According to the author, based on the explanation of the initiator of the woven cloth, the Tidore City Government seems not to pay attention to the Tidore Woven UKM in Soasio, this is felt to be very sad when there is a spirit of ideas and creativity of the nation's children that are poured out are not supported by the local government and this is a disgrace because it is for the sake of the interests and benefits of the Tidore community and will have an impact on the image of the region being raised (Peter, 2018).

The author also interviewed Wahdania, a weaver and administrator of the Puta Dino Kayangan Weaving House, she conveyed regarding the innovation of woven fabrics to increase the amount of productivity along with the development of consumer demand, its influence in the process of revitalizing Tidore woven fabrics in exploring their motifs with the aim of restoring the weaving culture that was lost a hundred years ago. However, lately, last August, the increasing consumer demand has overwhelmed us, both for use in fashion shows in Jakarta or orders from institutions and usually our customers from Bank Indonesia hold the latest fashion events organized by Bank Negara Indonesia (BNI) this is because the beginning of the making of this weaving was in collaboration with BI.

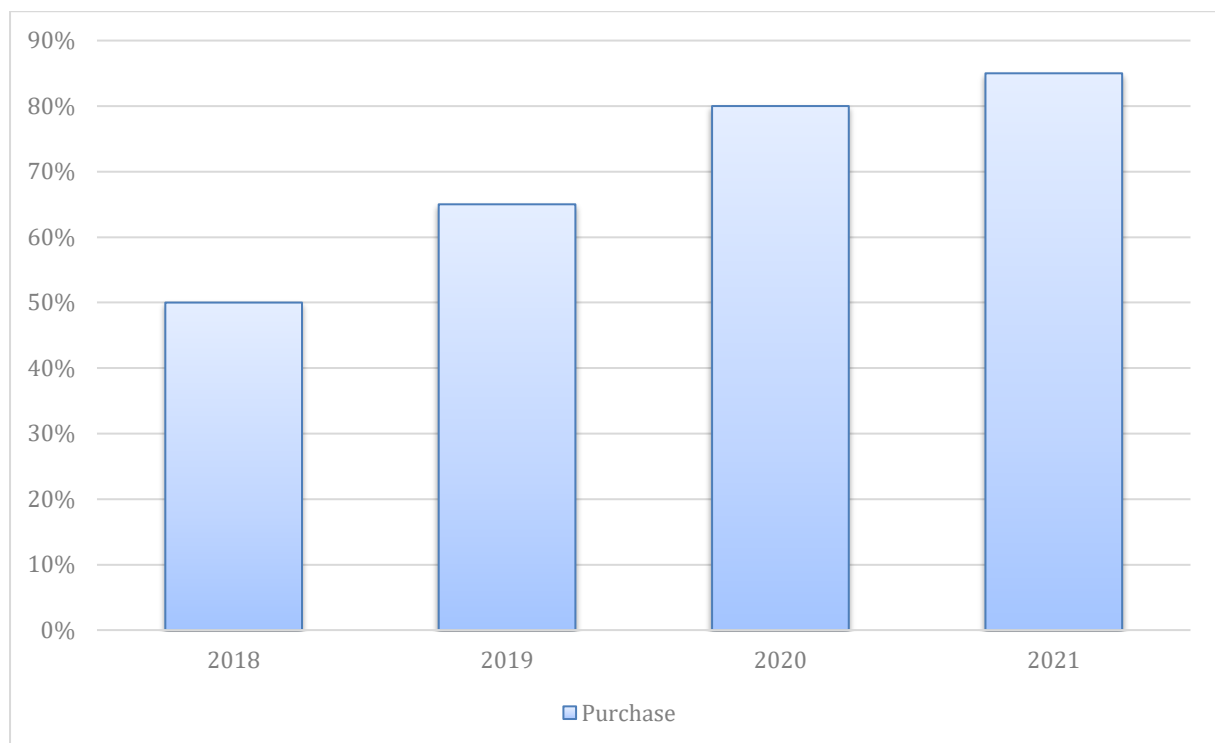


Figure 1. Purchase of Weaving Fabrics

In terms of product price, starting from 500 to 1,500 thousand rupiah, depending on the materials used and the order. However, the constraints in the materials because the basic materials used such as yarn purchased from India and China are very expensive. For the production tools of Tenun cloth are still from abroad. According to the author, based on the explanation of one of the managers of the Tenun House and the weaver, the Tidore Islands City Government should have a subsidy channel provided, but the government in providing even to appreciate in the form of assistance does not exist.

The Tidore City Government is not trying to maximize commodities in Tidore to get protection, either through the Tourism sector or the Trade Industry and Cooperatives (Perindakop) sector, nothing has been proposed. In terms of legal protection, for example, efforts to encourage Puta Dino woven cloth, which is a local craft product to obtain Geographical Indication recognition as the origin of woven cloth products, how the ability and expertise of the community since generations, hundreds of years to maintain the sustainability of local products and the carrying capacity of the topography of the region (geographical aspects) which are key factors in maintaining the reputation of the product are certainly a strong social base in the midst of economic competition and the possibility of violations of the law on a product produced. According to the author, the role of the Tidore Islands City government in inventorying regional characteristics in the form of local products, Processed Products, etc. must be carried out.

Attention to woven fabrics in the original area of preservation of weaving is very vital because it is related to traditional knowledge and geographical carrying capacity that will become a pilot project area for planting natural fibers for woven fabric materials, namely yarn. For the author, as interviews and research conducted, the enthusiasm and support of the Tidore Islands City Government and its people in efforts to preserve the culture of woven fabrics and develop local products in helping the work of Tidore children is still very minimal, as evidenced by direct interviews with related parties. The local government through certain business entities should continue to encourage the Tidore Ngofa Community to continue to produce and develop typical Tidore woven fabrics.

The Regional Government can encourage the protection of Geographical Indications for woven fabrics and other products that have been marketed either in groups or individually based on the management of SMEs and others. making Tidore City a pilot project for the preservation of national natural fibers. Furthermore, the government's focus is to pay attention to the productivity of woven fabrics, aid channels by facilitating needs, providing assistance and supporting the creativity of the nation's children by appreciating.

CONCLUSION

Protection of Geographical Indication of Puta Dino Kayangan woven fabric is very important because Puta Dino woven fabric is an entity that has long been a characteristic of the region. This is done to maintain the woven fabric from the aspect of its original sustainability.

The Tidore Islands City Government has not focused and is not serious enough in realizing the protection of Geographical Indications for Puta Dino Kayangan woven cloth. In fact, Puta Dino woven cloth is a typical Tidore craft product that should receive guidance as regulated in Article 70 of Law No. 20 of 2016 concerning Trademarks and Geographical Indications, which states that socialization and understanding of protection.

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