

THE EFFORTS OF THE ALOR REGENCY GOVERNMENT IN IMPLEMENTING GUIDANCE AND EMPOWERMENT OF COMMUNITIES PROTECTION OF GEOGRAPHICAL INDICATIONS

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Abstract - Local Governments play an essential role in efforts to protect, develop, and empower communities in protecting intellectual property, including through the protection of geographical indications. Measures to protect geographical indications must be carried out by stakeholders through registration and meeting specific requirements. The issue discussed in this paper is the local government's efforts to overcome obstacles in conducting community development and empowerment to protect geographical indications in Alor Regency, East Nusa Tenggara Province. The method used is empirical research, which involves field data as the primary data source, such as interviews, results, and observations. The conclusion of this study is the efforts of the local government in Alor Regency to overcome the obstacles mentioned above, including providing an understanding through socialization related to matters contained in the existing description documents to be used as a reference in the management of Geographical Indications Products.

Keywords: Alor Regency; Government Efforts; Geographical Indications

INTRODUCTION

Intellectual Property Rights are one of the rights to benefit economically from intellectual creativity. The objects regulated under Intellectual Property Rights are works that arise or are born from human intellectual abilities. Nowadays, the development of the law concerning intellectual Property Rights or Intellectual Property is receiving more attention from the community. As people increasingly appreciate the creative works and inventions of others, Intellectual Property Rights have become a form of respect and recognition for the results of others. (Nugraha, R., & Krisnamurti, H. 2019)

The protection of Geographical Indications, which is part of Intellectual Property, since the signing of the TRIP's Agreement (after this referred to as TRIPs) in 1994, must be viewed as very important so that a Geographical Indication can genuinely provide benefits to the community or representatives of the community who are a community entitled to that region. (Dewi, L. K., & Landra, P. T. C. 2019)

The protection of communal intellectual property, including traditional knowledge, traditional cultural expressions, geographical indications, and genetic resources, requires attention and an essential role from all elements of society along with local governments as the owners of the communal intellectual property themselves because the protection of collective intellectual property rights is an effort to preserve joint intellectual property owned and utilized for the development of the economy and the welfare of the owners themselves.

The development and empowerment of intellectual property rights are related to an individual's human rights. In the Constitution of the Republic of Indonesia Year 1945, Article 28c paragraph 1 states that "Every person shall have the right to develop himself/herself through the fulfillment of basic needs, the right to education, and the right to benefit from science and technology, arts and culture, to improve the quality of life and the welfare of humanity." This constitutional mandate imposes a responsibility on the government and local governments to ensure the fulfillment of intellectual property rights as regulated in various related laws and regulations and by the authority given.

The problem is that not all local governments and communities understand the potential natural resources and unique intellectual products they possess, as well as the benefits that can be obtained through ownership. The local government requires special attention and responsibility to protect intellectual property in their respective regions. Intellectual property is a form of national sovereignty that must be protected and utilized as a form of cultural promotion to increase the community's economic potential.

The regional government plays an important role in efforts to protect, develop, and empower communities in the protection of intellectual property, one of which is through the protection of geographical indications. Interested parties must protect geographical indications through ownership registration and compliance with the requirements."

In the implementation of geographic indication registration, the applicant for geographic indication registration can be either from domestic or foreign parties. Based on the provisions of Law Number 20 of 2016 concerning Trademarks and Geographic Indications, the applicant for domestic geographic indication registration comes from the regional government, specifically the district/city government and community institutions. Meanwhile, the applicant for foreign geographic indication registration is a group of geographic indication rights holders who have been registered/recognized as stated in the registration/acknowledgment documents from the applicant's country of origin for geographic indication registration. Many people still need to understand the importance of protecting geographical indications in Indonesia, and even the government's attention to geographic indications is not as great as to other forms of intellectual property such as patents and trademarks. TRIPs have a significant role in protecting geographic indications, especially in Indonesia. However, even before TRIPs, geographic signs were already recognized in several conventions or treaties.

The entire process of Indication of Geographical Registration is registered with the Directorate General of Intellectual Property through the Regional Office of the Ministry of Law and Human Rights. Applications for the Indication of Geographical Registration are made through legal service counters at the Regional Office of the Ministry of Law and Human Rights in the provincial capital for applications from within the country, while applications from outside the country can be made by the applicant representative.

The potential of geographical indications in various regions of Indonesia is very diverse. In East Nusa Tenggara Province, for example, the prospect of geographical indications includes natural resources such as coffee, chocolate, mint, avocado, and others, as well as industrial and handicraft products such as ikat weaving and sasando musical instruments. This is because different East Nusa Tenggara Province regions have different unique effects. Therefore, the producers of these products must register their geographical indications. The main purpose of registering geographical indications is to protect the producers and consumers from counterfeit products of the region's unique products.

Of the many potential Geographical Indication products in the East Nusa Tenggara region, only 9 Geographical Indication products are currently registered, including Manggarai Flores Arabica Coffee, Bajawa Flores Arabica Coffee, Sikka Ikat Weaving, Alor Islands Vanilla, Songket Alor Weaving, Soe Mollo Oranges, Alor Ikat Weaving, Rote Palm Sugar, and Manggarai Flores Robusta Coffee.

Therefore, based on the above explanation, the researcher is interested in conducting a study with the title "Efforts of Alor District Government in Implementing Development and Empowerment of Geographical Indication Protection for the Community."


METHODE

The type of research used is Empirical research, which functions to see the law in a real sense, examines how the law works in society, and examines an event or situation of the object of research in detail by gathering the facts and developing concepts contained in Empirical law. This study aims to explore the local government's efforts to implement the guidance and empowerment of the Geographical Indication Protection Society (MPIG) in the Alor Regency. The approach used in this research is the sociology of law approach. The sociology of law approach is a research approach that examines law in social life. The law in reality meant,

RESULTS AND DISCUSSION

Efforts by the Regional Government of Alor Regency in overcoming various obstacles in carrying out guidance and empowerment of the Geographical Indication Protection Society of the Alor Islands Vanilla Farmers Association (APVKA) and the Association of Alor Ikat Weaving Craftsmen (APTIA) include:

- 1) Providing understanding through socialization related to matters contained in existing description documents to be used as a reference in managing Geographical Indication Vanilla products for the Alor Islands, starting from the production process to marketing for Ikat Weaving and Songket Weaving products

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- 2) Coordinate with the management of the Alor Island Vanilla Farmers Association (APVKA) and Alor Ikat Weaving Craftsmen Association (APTIA) to find out internal and external problems within the organization.
 - 3) Strive for budget availability to be able to intervene through programs and activities to overcome obstacles and problems faced by the Alor Islands Vanilla Farmers Association (APVKA) and the Alor Ikat Weaving Craftsmen Association (APTIA) so that they can have the capacity to manage registered geographic indication products for Alor Islands Vanilla and Weaving Ikat Alor well.

Seeing the role of the Regional Government of Alor Regency, it is illustrated that it has not optimally carried out the role of coaching and empowerment for the Alor Island Vanilla Farmers Association (APVKA) and the Alor Ikat Weaving Craftsmen Association (APTIA). Regarding IG Alor Islands Vanilla products, through interviews conducted with the Chairperson of the Alor Islands Vanilla Farmers Association (APVKA), Imanuel Langmau, some of the real conditions that occurred in the field included:

- 1) Since the Alor Islands vanilla was registered as a Geographical Indication product in 2012, there has been a growth in the number of groups of vanilla farmers from those initially registered at the time of submitting the registration of Geographical Indications and included in the requirements book, namely 20 (twenty) farmer groups spread across three sub-districts to become 47 (forty-seven) farmer groups spread across ten districts. In terms of production, vanilla farmers are still consistent, where an average farmer manages 0.5 hectares with an average of 3,500 trees. In terms of sales, especially in 2020, farmers have difficulty finding buyers due to the current Covid-19 pandemic. For price stability, APVKA has difficulty monitoring the prices given in the market by members due to the considerable distance between vanilla processing units. Currently, in Apui village, the price for vanilla with superior quality is above Rp. 7,000,000 / kg, for quality I cost IDR 3,500,000 - IDR. 5,000,000/kg, for quality II, the price range is Rp. 1,500,000 - Rp. 2,500,000 / kg, and wet vanilla, it is sold at Rp. 250.00 - Rp. 350,000/Kg.
- 2) Up to now, APVKA internally has yet to optimally implement supervision and guidance for the members themselves due to the difficulty of reaching farmer groups from different sub-districts and external maintenance from the Alor Island Vanilla Trustees, namely the Agriculture and Plantation Service of Alor. The efforts that the association has made in terms of coaching have only been limited to providing vanilla plant seeds and conducting socialization several times about the vanilla production process, according to the Alor Islands Vanilla description document book.
- 3) External supervision from the Alor Island Vanilla Trustees, in this case, the Agriculture and Plantation Office of the Alor district, has also yet to be implemented optimally.
- 4) Until now, the marketing of vanilla products has not used the IG logo and compliance code in product packaging. This is due to the lack of available funds within the Association, so the logo cannot be printed and distributed to Association members. The association has also collaborated with the Creative Economy Agency to print packaging logos, but so far this has yet to be realized.
- 5) The Alor Islands Vanilla Farmers Association also frequently participates in vanilla contests held both locally and nationally. This was done as a promotional effort and also to maintain the reputation of Alor Islands Vanilla products.
- 6) The Alor Islands Vanilla Farmers Association plans to form a cooperative consisting of members of the Alor Islands Vanilla Farmers Association to help with capital from farmers and entrepreneurs as well as a step for the welfare of the members.

Regarding IG Alor Ikat Weaving products, through interviews conducted with the Head of Alor Ikat Weaving Craftsmen (APTIA), Farida Amalia Lilo, some of the real conditions that occurred in the field included:

- 1) The Association of Alor Ikat Weaving Craftsmen already has 1 (one) Weaving House in the Ternate, Alor Barat Laut District village. This place is used as a production center for all groups of craftsmen in the area so that they can increase the quantity of products because the weaving work is carried out jointly, from preparing materials, spinning threads, coloring, making motifs, and weaving to the marketing process.
- 2) In terms of coaching, more needs to be done too from the Alor Ikat Weaving Association itself or the advisory agency, in this case, the Alor District Industry Office. The Chair of the Association met several weaving groups, located quite far from the City of Kalabahi, to socialize the provisions for the preparation of materials and the weaving process listed in the description document so that their members comply. This activity was accompanied by the distribution of membership cards as an effort to facilitate supervision in the future.
- 3) Weaving craftsmen also need help getting raw materials in the form of good-quality yarn. They once received assistance from the Alor Regency Industry Office with the type "Masrais," but it was not sustainable, and they had difficulty getting yarn of the same quality in the Alor Regency area.
- 4) In terms of promotion, the Association of Ikat Weaving is difficult because every time there is an event or festival held by the Regional Government or the Central Government, the association is



often not included, so we miss the moment to promote Alor Ikat Weaving products produced by association members.

- 5) There are still many group members who do not understand or are not very proficient in the natural coloring process. The group leader seeks to provide natural dyes that have been processed according to the provisions in the Geographical Indication description document.
- 6) In terms of quality control has not run at all. There is no Quality Control Team that has been formed to carry out the function of quality testing for each Alor Ikat Weaving product before it is marketed.
- 7) Until now, Ikat Alor Weaving products have not used the Geographical Indication label/logo and the inclusion of the compliance code in woven products sold in the market. This is due to the unavailability of GI labels to be affixed to the woven products being produced, and the Quality Control Team has yet to be established.
- 8) In terms of product prices, until now, Ikat Alor woven products have not experienced a significant increase due to the absence of quality control and labeling of the products sold. However, for price uniformity, an agreement has been made between the Chair of the Association and the groups of craftsmen, which ranges from Rp. 250,000 - Rp. Five hundred thousand depending on the coloring technique used.

Regarding product geographical indications of Alor Songket Weaving, through interviews conducted with Deputy Chairman of the Alor Songket Weaving Craftsmen Association (APTSA), Mathias Laufa, some of the real conditions that occurred in the field include:

- 1) The Alor Songket Weaving Craftsmen Association currently requires a change in the organizational structure because the Chair of the Association has passed away, and until now, a meeting of Association members has yet to be held to propose a new chairman.
- 2) In terms of guidance and supervision carried out by associations or supervisory agencies, it has never been carried out. Association membership cards have yet to be distributed to association members. One of the factors that cause the implementation of guidance and supervision not carried out is the long distance between groups of association members and the unavailability of budgets within the association to carry out these functions. The distance between one group and another is quite far within one sub-district alone. An effort has been made to propose building a Weaving House for the Industry Service, but we are constrained because we do not have the land prepared for the construction of the Weaving House in question.
- 3) In terms of production, the level of difficulty in making songket weaving is more complicated than that of ikat weaving. 1 (one) piece of cloth can be finished within 1 week, in contrast to woven cloth, which can be completed within 2 (two) days. This causes a significant price difference between woven ikat and woven songket. The long processing time is also an obstacle when there are consumers who want to buy products with motifs that are not ready to sell.
- 4) As a result of the difference in price with woven ikat, craftsmen need help selling their products—consumers who buy songket alor on average only at death or at weddings as gifts.
- 5) There is a price difference for each songket weaving craftsman who is a member of the association. This price difference is caused by the economic needs of each craftsman, so price equalization cannot be carried out.
- 6) In terms of promotion, the Association of Songket Weaving Craftsmen has collaborated with the Alor Regency National Craft Council to introduce the beauty of songket weaving craftsman product motifs. However, the price given by Dekrnasda Kabupaten Alor was so low that association groups did not follow it up. They prefer to market their products in traditional markets.

Based on the results of these studies, it can be analyzed:

1. **To Associations/Institutions (Alor Island Vanilla Farmers Association (APVKA), Association of Alor Ikat Weaving Craftsmen (APTIA), Alor Songket Weaving Craftsmen Association (APTSA) representing the community concerning the management of Registered Geographical Indications of Alor Islands Vanilla, Alor Ikat Weaving and Weaving Songket Alor**

A description document is the main requirement in applying for registration of a geographical indication product which contains various information, including reputation, quality, and characteristics of the goods and/or products for which Geographical Indications are applied. Besides that, it also contains matters directly related to the Geographical Indication product and must be implemented to maintain the reputation, quality, and characteristics of the product. So that this description document becomes a reference in managing and administering a registered Geographical Indication product.

The management and administration of a Geographical Indication product are carried out by an Institution/Association, hereinafter referred to as the Geographical Indication Protection Society (MPIG) or using another name as needed, which is formed by the Regional Government to represent the entire community of owners of Geographical Indication products.

The Society/Society Association for the Protection of Geographical Indications (MPIG) has the following tasks: 1) to develop and guide the activities of the members of the Institution/association; 2) establish cooperation with relevant agencies and stakeholders; 3) provide advocacy for members of the Institution/association; 4) creating a regular institutional and financial administration work program; 5) facilitating members of the Institution/association to gain access to capital; 6) supervise the process of production and distribution of Geographical Indication products.

For Geographical Indications of Alor Islands Vanilla Products, represented by the Alor Islands Vanilla Farmers Association (APVKA), for Geographical Indications of Alor Ikat Weaving, represented by the Alor Ikat Weaving Craftsmen Association (APTIA), for Geographically Indicated Alor Songket Weaving products, represented by the Craftsmen Association Alor Songket Weaving (APTSA).

Since the Geographical Indication of Alor Islands Vanilla, Alor Ikat Weaving, and Alor Songket Weaving products were registered, according to the reality in the field, both the Alor Islands Vanilla Farmers Association (APVKA), the Alor Ikat Weaving Craftsmen Association (APTIA), and the Alor Songket Weaving Craftsmen Association (APTSA) not doing things that are the responsibility for the management and administration related to the Geographical Indication product.

The role held by the Associations/Institutions mentioned above is not supported by the good management that should be carried out by these associations/Institutions. The basic functions of management, namely planning, organizing, implementing, and supervising, are not carried out properly.

Of all the associations/institutions, namely the Alor Islands Vanilla Farmers Association (APVKA), the Alor Ikat Weaving Craftsmen Association (APTIA), the Alor Songket Weaving Craftsmen Association (APTSA), all of them do not own or develop program and activity plans, so there is no planned reference. to do things needed in the management of registered Geographical Indication products, namely Alor Islands Vanilla, Alor Ikat Weaving, and Alor Songket Weaving.

In terms of the organization, there is no role for people who have been placed in each position to carry out their functions and responsibilities properly. This is also caused by the absence of work program planning so that each person does not take on a role to do things that are needed in the management of registered Geographical Indication products. Related to this organization, socialization and strengthening should be carried out through internalizing work programs and activities within the organization itself so that all parties can understand their respective functions and responsibilities, but it is done.

Due to the absence of program and activity planning and the lack of understanding of the members within the organization itself, namely the Alor Islands Vanilla Farmers Association (APVKA), the Alor Ikat Weaving Craftsmen Association (APTIA), the Alor Songket Weaving Craftsmen Association (APTSA), this has resulted in the non-implementation of this matter. - matters relating to the management of the registered Geographical Indication products, namely Alor Islands Vanilla, Alor Ikat Weaving, and Alor Songket Weaving, starting from issuing membership cards, making logos to be attached to products, determining product quality and price, product marketing, packaging/packaging products, and so on. So that products that are marketed without packing/packaging and identity (logo), prices are determined independently, product quality is not determined through the mechanism as stipulated in the description document,

The control function does not work, either internally or externally. The internal organization itself does not carry out the control function related to product management, and association/institution management does not carry out the control function over members of the association/institution in carrying out their respective functions according to their position in the structure so that they can carry out their duties and responsibilities properly so that they can contribute to the organization goals. External control is also not carried out by the local government, which has formed the association/institution through fostering and empowering the association.

2. The Role of the Local Government of Alor Regency in Implementing Guidance and Empowerment of the Alor Island Vanilla Farmers Association (APVKA), Alor Ikat Weaving Craftsmen Association (APTIA), Alor Songket Weaving Craftsmen Association (APTSA).

The local government should have an important role in fostering and empowering the Alor Island Vanilla Farmers Association (APVKA), Alor Ikat Weaving Craftsmen Association (APTIA), Alor Songket Weaving Craftsmen Association (APTSA). Such development and empowerment are carried out through supervision and interventions by the authority possessed to ensure that the reputation, quality, and characteristics that form the basis for the issuance of Geographical Indications and preventing the illegal use of Geographical Indications are maintained.

For this reason, the Regional Government is obliged to carry out monitoring and supervision not only of Geographical Indications but also of Associations/Institutions that represent the community to protect the uniqueness of Geographical Indications products in the product-producing area.

The role of guidance and empowerment carried out by the government following its authority should be carried out before and after the registration of Geographical Indications, including, among

other things: 1) preparation for fulfilling the requirements for applications for geographical indications; 2) application for registration of geographical indications; 3) socialization and understanding of the protection of geographical indications; 4) mapping and inventory of potential geographic indication products; 5) utilization and commercialization of geographical indications; 6) training and mentoring; 7) facilitating the development, processing, and marketing of geographically indicated goods and/or products; 8) monitoring, evaluation, and legal protection.

The Alor Regency Regional Government has not carried out its important role in fostering and empowering the Alor Island Vanilla Farmers Association (APVKA), the Alor Ikat Weaving Craftsmen Association (APTIA), the Alor Songket Weaving Craftsmen Association (APTSA).

Related agencies which are leading sectors, such as the Alor Regency Agriculture and Plantation Service, the Alor Regency Industry Office, and the Alor Regency Trade Office, did not perform the role to the fullest. This is due to the limited programs and activities as well as the budget that is owned so that the interventions carried out concerning guidance and empowerment of community associations/institutions that are given the responsibility of managing Geographical Indication products are also very limited so they cannot be maximized in their implementation.

As a result of the two factors mentioned above that occurred, both the Alor Island Vanilla Farmers Association (APVKA), the Alor Ikat Weaving Craftsmen Association (APTIA), the Alor Songket Weaving Craftsmen Association (APTSA), and the local government of Alor Regency, have resulted in several conditions related to with Geographical Indication products for Alor Islands Vanilla, Alor Ikat Weaving, and Alor Songket Weaving, including:

- 1) The management of registered Geographical Indication products, namely Alor Archipelago Vanilla, Alor Ikat Weaving, and Alor Songket Weaving, do not match the information contained in the description document.
- 2) Associations/Institutions that have been formed do not carry out their functions properly.
- 3) Associations/Institutions manage Geographical Indication products without proper management.
- 4) Product marketing is carried out without packing/packaging, without a logo, and determining product quality as specified in the description document.
- 5) The price of the product is determined by the farmers/craftsmen/weavers/traders themselves.
- 6) The area of product distribution is no longer following what is stated in the description document because there has been an expansion of the area.
- 7) The list of farmers, weavers, and traders no longer matches what was stated in the description document.

As a result of the events mentioned in points 1 - 7, it can result in the loss of reputation, quality, and product characteristics which are the uniqueness of the territory that owns the Geographical Indications. In comparison, this is a requirement of a Geographical Indication product.


For this reason, an important role is needed from the regional government as a community representative in the area that owns Geographical Indication products to provide guidance and empowerment for community associations/institutions that are given the responsibility of representing the entire community of owners of typical Geographical Indication products to protect and manage these products.

The limitations of local government in carrying out this role need to be supported by a legal umbrella through local regulations that specifically regulate the protection of intellectual property which accommodates the role of local government in fostering and empowering the community for the Protection of Geographical Indications (MPIG), so that local governments can freely intervene - interventions needed through activity programs and budgets allocated as needed in the framework of fostering and empowering the Geographical Indication Protection Society (MPIG) so that there is capacity strengthening in carrying out various things needed in protecting and managing region-specific products owned by the regions due to factors geographical.

CONCLUSION

Based on information from several research informants above, it can be concluded that the efforts of the local government of Alor Regency in overcoming the various obstacles above include:

- a. Providing understanding through socialization related to matters contained in existing description documents to be used as a reference in managing the Geographical Indication of Alor Islands Vanilla products, Alor Ikat Weaving, and Alor Songket Weaving, starting from the production process to marketing for Ikat Weaving and Songket Weaving products and starting from the process of seeding, planting, harvesting, to marketing for vanilla products.
- b. Coordinate with the management of the Alor Island Vanilla Farmers Association (APVKA), Alor Ikat Weaving Craftsmen Association (APTIA), and Alor Songket Weaving Craftsmen Association (APTSA), to find out internal and external problems within the organization.

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- c. Strive for budget availability to be able to intervene through programs and activities to overcome obstacles and problems faced by the Alor Islands Vanilla Farmers Association (APVKA), Alor Ikat Weaving Craftsmen Association (APTIA), Alor Songket Weaving Craftsmen Association (APTSA), so that they can have the capacity in managing the registered geographical indication products of vanilla to the Alor Islands, Weaving Ikat Alor and Weaving Songket Alor properly.

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