Kosmik Hukum

Fakultas Hukum
Universitas Muhammadiyah Purwokerto
Vol. 25 No. 3 (2025)

Discrimination against Geographical Indications of Traditional Alcoholic Beverages: Anomaly of the National Treatment Principle in International Trade Law

Rian Saputra [1]✉, Dora Kusumastuti[2], Devi Triasari[3]
[1,2] Faculty of Law, Universitas Slamet Riyadi, Surakarta, Indonesia
[3.] Faculty of Law, University Adelaide, Australia

Corresponding: rians7010@gmail.com

Article Process

Submitted:
2025-03-07

Reviewed:
2025-06-21

Accepted:
2025-09-05

Published:
2025-09-17

Abstract

This research seeks to analyse the discrimination and prohibition surrounding the registration of traditional Indonesian alcoholic beverages as Geographical Indication (GI) products using a living law methodology. It also analyses discrimination wherein analogous products from other nations may be registered as GI products in Indonesia. In contrast, domestic products face registration prohibitions, as assessed through the National Treatment Principle in International Trade. This research utilises a normative legal methodology, incorporating both legal and conceptual frameworks. The research findings indicate that, from a living law perspective, the prohibition and discrimination against the registration of traditional alcoholic beverages as GI products under Article 56(1)(a) of Law No. 20 of 2016 do not embody the nation's diverse spirit as envisioned by Savigny's Legal History. Secondly, the fact that analogous products from foreign origins may be registered as Geographical Indications (GIs) in Indonesia, by the non-discrimination principle of the WTO Agreement, necessitates that each member state accord services and service providers from other member states the same treatment as those from its nation. The idea of non-discrimination aims to avert discriminatory practices against foreign products or trade based on the preference for domestic goods or merchants. In the context of enforcing Article 56(1)(a) of Law No. 20 of 2016 on Trademarks and Geographical Indications, the practice diverges from this principle, as the DJKI acknowledges foreign alcoholic beverages as geographical indications, while local traditional alcoholic beverages are not recognised.

Keywords: Geographical Indications, Traditional Alcoholic Beverages, Discrimination, Injustice

I. Introduction

The Uruguay Round of the General Agreement on Tariffs and Trade (GATT), which culminated in the formation of the World Trade Organisation (WTO) in 1994, is recognised for producing an international accord on trade, specifically the Agreement on Trade-Related Aspects of Intellectual Property Rights, commonly referred to as the TRIPS Agreement. This Agreement functions as the global framework for property rights related to intellectual

endeavours, encompassing Geographical Indications (hereinafter referred to as GI).[1] In the realm of intellectual property rights, there exists a universal acknowledgement among nations concerning the products of human intellect, encompassing copyright, patents, trademarks, trade secrets, integrated circuit layout designs, and varieties of plants. Intellectual property constitutes a fundamental aspect of economic law. It serves as a pivotal agenda within the framework of free trade liberalisation, as outlined in the Agreement Establishing the World Trade Organisation (hereinafter referred to as the WTO). The aforementioned agenda represents a consensus achieved during the meeting in Morocco, specifically the Marrakesh Agreement, convened on April 15, 1994, where one of the subjects deliberated upon pertained to TRIPs.[2]

The discourse surrounding IP protection transcends the notion of it being merely a mechanism for safeguarding intellectual property or a perfunctory compliance with international mandates. Instead, it is fundamentally intertwined with the legal and trade frameworks essential for fostering a more lucrative environment for investment and commerce. It is widely recognised that the primary objective of intellectual property protection is to safeguard original creations from unauthorised use in the domains of literature, art, technology, and scientific endeavours. The enactment of TRIPs has introduced significant implications, necessitating ongoing adjustments to align with the evolving landscape of legal advancements that address novel matters previously unregulated by national laws.[3]

The extent of intellectual property protection within a nation frequently serves as an indicator of its economic advancement. A greater number of intellectual properties within a nation correlates with an accelerated pace of economic advancement. As noted by Shahid Alikhan, as referenced by Ansori Sinungan, the establishment of an intellectual property system serves as a foundational element for a contemporary economic framework at the national scale, while simultaneously acting as a catalyst for development. Moreover, intellectual property is recognised as a valuable asset in fostering knowledge-driven economic advancement. It is asserted that adequate legal safeguarding of intellectual property can catalyse economic advancement within a region or nation.[4]

The term IP encompasses a range of definitions, notably the idea that it pertains to the creations of the human mind, which necessitate the investment of energy, time, and financial resources. The act of sacrifice imbues the resultant work with economic value, stemming from the advantages derived from it. In light of this concept, it is essential to acknowledge the outcomes of labour through the provision of legal safeguards for intellectual property. Essentially, intellectual property can be characterised as a form of wealth that emerges from human cognitive capabilities. Intellectual property is classified as a form of entitlement to resources that ultimately yields creative outputs in the realms of knowledge, art, literature, and technology.[5]

At the outset, the IP system was conceived as a private entitlement, signifying a unique privilege conferred by the state upon individuals as recognition for their labour or ingenuity, and to stimulate further advancements by others in the field. Nevertheless, within its evolution, there exist categories of property rights characterised by communal ownership (Sui Generis), which encompass: a. Geographical Indications and b. Expressions of Traditional Knowledge. It is essential to recognise that numerous traditional cultural

---

1 Pawarit Lertdhamtewe, 'The Protection of Geographical Indications in Thailand', *The Journal of World Intellectual Property*, 17.3–4 (2014), pp. 114–28, doi:10.1002/jwip.12023.

2 Marius Schneider and Nora Ho Tu Nam, *Protecting Geographical Indications in Africa*, in *Protecting Geographical Indications in Africa* (2024), doi:10.1093/9780191955082.001.0001.

3 Pek San Tay, 'The Protection of Geographical Indications in Malaysia', *Journal of Malaysian and Comparative Law*, 27.16 (2019), pp. 121–46.

4 L I U Jian, 'Protection and Development of Geographical Indication in China', in *Deputy DG, International Cooperation Department, China* (South Africa, 2019), pp. 1–29.

5 Fabrizio De Filippis and others, 'The International Trade Impacts of Geographical Indications: Hype or Hope?', *Food Policy*, 112 (2022), p. 102371, doi:https://doi.org/10.1016/j.foodpol.2022.102371.

Kosmik Hukum Vol. 25 No. 3 (2025): 558-572
E-ISSN: 2655-9242 | P-ISSN: 1411-9781
DOI: 10.30595/kosmikhukum.v25i3.27885

expressions possess distinct regional characteristics, often designated as Geographical Indications (hereinafter referred to as GIs).[6]

The discourse surrounding GI protection remains a significant topic in the international dialogue on intellectual property. The extensive range and advantages of GI protection encompass the safeguarding of traditional knowledge and cultural heritage, which is particularly beneficial for culturally diverse nations such as Indonesia. Within the framework of the national legal system, the protection of geographical indications is governed by Law No. 20 of 2016 concerning Trademarks and Geographical Indications (hereafter referred to as Law No. 20 of 2016). According to Article 1 paragraph 6 of Law No. 20 of 2016, Geographical Indication is defined as a sign that denotes the origin of a product and/or goods, wherein the geographical environment—encompassing natural factors, human influences, or a synthesis of both—plays a significant role in shaping the reputation, quality, and distinctive attributes of the product and/or goods produced.[7]

The entitlement to a geographical indication is characterised as a singular privilege conferred by the state upon the registered holder, contingent upon the continued existence of the reputation, quality, and attributes that underpin the protection of the geographical indication. Given the collective essence of geographical indications as a form of intellectual property, applications for the registration of such rights may solely be submitted by community groups or institutions that represent or possess a vested interest in the relevant product. Geographical indications receive protection upon registration with the Minister of Law and Human Rights and may additionally be registered by international agreements.[8]

The discourse surrounding geographical indications has emerged as a particularly captivating subject within the realm of international intellectual property. Emerging from the French tradition of the 19th century, the concept of geographical indication (GI) was first employed to identify and safeguard the geographical origins of wines from counterfeiting. This practice was subsequently embraced by various European nations and ultimately recognised by the European Union (EU), which integrated it into the TRIPS framework.[9] Originating in Europe, GIs evolved into a worldwide phenomenon and sparked significant international debate. In particular, IG emerged as one of the most intriguing topics during the negotiations of the late 1980s and early 1990s. In 2003, Addor noted that the discourse surrounding intellectual property rights remained a central focus during the World Trade Organisation Negotiations: The Doha Development Agenda, even though WTO members failed to achieve a consensus on the matter.[10]

Nonetheless, the World Intellectual Property Organisation (WIPO), as referenced by Djulaeka, asserts that geographical indications hold significant economic importance; thus, the safeguarding of GIs offers numerous advantages. Primarily, the protection of geographical indications fosters a distinct market identity, which, when effectively promoted and approached with integrity, can result in elevated prices for a product.[11] Secondly, the safeguarding of geographical indications enables local producers to cultivate their brands and engage in commerce under their unique market identity. Furthermore, the protection of

---

6 Chuthaporn Ngokkuen and Ulrike Grote, 'Challenges and Opportunities for Protecting Geographical Indications in Thailand', *Asia-Pacific Development Journal*, 19.2 (2013), pp. 93–123, doi:10.18356/671d744f-en.

7 Jeffrey Neilson, Josephine Wright, and Lya Aklimawati, 'Geographical Indications and Value Capture in the Indonesia Coffee Sector', *Journal of Rural Studies*, 59 (2018), pp. 35–48,doi:https://doi.org/10.1016/j.jrurstud.2018.01.003.

8 Pandu Laksono and others, 'Farmers' Willingness to Adopt Geographical Indication Practice in Indonesia: A Psycho Behavioral Analysis', *Heliyon*, 8.8 (2022), p. e10178, doi:https://doi.org/10.1016/j.heliyon.2022.e10178.

9 Jaqueline Gilmara Barboza Januário and others, 'Geographical Indications: Comparing Protection Models and Reviewing Scientific Literature on Wines', *Food and Humanity*, 5 (2025), p. 100689, doi:https://doi.org/10.1016/j.foohum.2025.100689.

10 Alif Muhammad Gultom and Sri Wartini, 'Preserving Indigenous Cultures: Analyzing Geographical Indication Registration for Indigenous People Protection in Indonesia', *Journal of Judicial Review*, 25.1 (2023), p. 33, doi:10.37253/jjr.v25i1.7647.

11 Tay Pek San, 'Legal Protection of Geographical Indications as a Means to Foster Social and Economic Development in Malaysia', in *Geographical Indications at the Crossroads of Trade, Development, and Culture* (Cambridge University Press, 2017), pp. 281–304, doi:10.1017/9781316711002.013.

geographical indications is intrinsically linked to property rights or economic value, which constitutes its most significant implication.[12]

One perspective posits that safeguarding geographical indications and regional flagship products not only enhances the value of such products but can also serve as a catalyst for advancing the regional creative industry. Undoubtedly, this initiative necessitates backing from multiple sectors, with local government support being paramount for regional flagship products that possess the potential to attain Geographical Indication status. In the year 2020, a total of 99 products were safeguarded under the Geographical Indication regime, encompassing both natural resources and expressions of traditional knowledge.[13]

It is essential to recognise that not every product that fundamentally satisfies the criteria for a geographical indication can be registered and acquire the corresponding rights. Law No. 20 of 2016, as articulated in Article 56(1), delineates restrictions on products that are ineligible for registration as geographical indications, encompassing various parameters, among others: Initially, in opposition to prevailing state ideology, legal frameworks, ethical standards, religious beliefs, societal norms, and public order; Subsequently, engaging in practices that mislead or deceive the public concerning the reputation, quality, characteristics, origin, production methods, and/or application of the product; Lastly, utilising a name that is already associated with an existing plant variety for a similar plant variety, unless supplemented by a term that signifies a related geographical indication factor.[14]

This paper examines Article 56(1)(a) of Law No. 20 of 2016, which delineates the criteria for rejecting an IG registration application that contradicts the state's ideology, legal frameworks, moral standards, religious beliefs, notions of decency, and public order. Agung Indiryanto and Irnie Mela Yusnita elucidate that Article 56(1)(a) of Law No. 20 of 2016 refers to 'a sign, whether manifested as words, symbols, drawings, or other forms, that has the potential to offend the sentiments and tranquilly of a specific religious community, thereby posing a risk of chaos or unrest within society.' The articulation of this definition aims to mitigate potential discord within religious communities. The Directorate General of Intellectual Property (hereinafter referred to as DJKI) Article 56 paragraph (1) letter a of Law No. 20 of 2016 stipulates that alcoholic products are ineligible for registration as GIs. The ramifications of this situation extend to the various traditional alcoholic beverages in Indonesia, which remain unprotected under the Geographical Indication regime. This is further evidenced by the lack of any traditional alcoholic beverages from Indonesia that have achieved registration and protection within this framework. [15]

The DJKI's perspective on traditional alcoholic beverages suggests that these products are not eligible for protection under the IG regime, a stance that appears to be at odds with the author's findings. According to the author's compilation of 99 IG products recorded with the DJKI, a variety of traditional alcoholic beverages from abroad have been documented as IG products. In the course of the author's examination of IG registrations about foreign nations categorised under alcoholic beverages, the subsequent findings were discerned: a. Tequila, originating from Mexico; b. Cognac, hailing from France, c. Scotch Whisky is a product of Scotland. The inquiry at hand pertains to how these three alcoholic beverage products may be registered and afforded protection under the geographical indication regime in Indonesia. This consideration is particularly pertinent given that Article 56(1)(a) of Law No. 20 of 2016, as interpreted, delineates that alcoholic beverages, encompassing both

---

[12] Rian Saputra, Pujiyono, and Sunny Ummul Firdaus, 'Inhibiting Factors Inventorying and Mapping Potential Geographical Indications in Riau Province', *Proceedings of the International Conference on Environmental and Energy Policy (ICEEP 2021)*, 583.Iceep (2021), pp. 146–51, doi:10.2991/assehr.k.211014.032.

[13] Triyono Adi Saputro and Yudho Taruna Muryanto, 'The Establishment Of Geographical Indication Protection Community as A Legal Protection On MSME's Products', in *JPH: Jurnal Pembaharuan Hukum*, no. 3 (2021), VIII.

[14] Hari Sutra Disemadi and others, 'The Dichotomy of Traditional Cuisine Protection in Indonesia: Geographical Indications vs. Traditional Knowledge', *Jurnal Hukum Novelty*, 14.2 (2023), pp. 224 – 239, doi:10.26555/novelty.v14i2.a27282.

[15] Rian Saputra, 'Development of Creative Industries as Regional Leaders in National Tourism Efforts Based on Geographical Indications', *Bestuur*, 8.2 (2020), pp. 121–28, doi:10.20961/bestuur.43139.

Kosmik Hukum Vol. 25 No. 3 (2025): 558-572
E-ISSN: 2655-9242 | P-ISSN: 1411-9781
DOI: 10.30595/kosmikhukum.v25i3.27885

traditional and non-traditional varieties, are excluded from protection under the GI framework in Indonesia.[16]

Upon initial examination, it becomes apparent that the principle of equity is not adequately addressed within the registration framework for Geographical Indication products, particularly in the context of alcoholic beverages in Indonesia. As previously elucidated by the author, in practical terms, Geographical Indication products categorised as alcoholic beverages can indeed receive protection under the Geographical Indication regime in Indonesia. In contrast, this protection does not extend to local products. However, in the discourse surrounding legal regulations, it is imperative to consider fairness as a fundamental component, in conjunction with utility and certainty. What is the perspective of national and international laws on this phenomenon? This subject warrants thoughtful examination, as the essence of any legal principle is rooted in the concept of fairness.[17]

Furthermore, in the discourse surrounding traditional alcoholic beverages that may attain Geographical Indication status, Indonesia presents a diverse array of products that are equally of high quality and possess an international market presence, attributable to their rich cultural and historical significance. Among these are the traditional alcoholic beverages of Central Maluku, referred to as sopi, which is regarded as 'the most significant beverage that must be present at every celebration, encompassing funerals, expressions of gratitude, and the birth of children.' In Central Kalimantan, the Dayak Ngaju tribe, inhabitants of the Katingan River basin, possess a traditional alcoholic beverage known as baram. Baram, composed of rice, yeast, an array of spices, and sugar, holds considerable importance within the cultural framework of the Dayak Ngaju community. Within a hallowed framework, Baram serves as a complement to Kaharingan religious ceremonies, including Basarah, Napesan, and Tiwah. Within a hallowed framework, baram is crafted collaboratively by the community and consecrated by a Kaharingan spiritual authority referred to as a pisur.[18]

Finally, arak bali plays a significant role in the daily lives of the Balinese, serving as an essential element in their traditional and religious rituals within the region. The Balinese community regards arak as a significant offering to the deities during religious ceremonies, which are often conducted either within the home or at sacred sites such as temples. In religious ceremonies, arak serves a dual purpose: it is utilised for worship, functioning both as an offering to the Almighty God and as a symbolic contribution in the Mecaru ceremony (Sacred Sacrifice for Bhuta Kala). This aims to foster a sense of equilibrium within the cosmos, specifically between Bhuana Alit (the human form) and Bhuana Agung (the greater universe). The series of death ceremonies in Bali, known as Ngaben, clearly demonstrates its function as an offering positioned on the northeast side of the sanggah, aimed at honouring the Sun God. Moreover, the presentation of the offering is meticulously arranged, featuring an array of flowers atop the lingga, alongside fruits and cakes artfully displayed to enhance its aesthetic appeal. Underneath the sanggah, an assortment of foods, accompaniments, and traditional alcoholic beverages, including tuak, arak, and brem, are arranged collectively.[19]

The eastern region of Karangasem, Bali, has been inhabited by arak farmers since the 1700s and remains their home to this day. The local community holds a conviction regarding the presence of the deity Ida Ratu Betara Arak Api, who is said to dwell within the Pura Dalam Dusun Merita temple. The arak farmers hold the conviction that ceasing the production of arak would incite the wrath of the Arak Api deity, potentially leading to

---

[16] Disemadi and others, 'The Dichotomy of Traditional Cuisine Protection in Indonesia: Geographical Indications vs. Traditional Knowledge'; Tay Pek San, 'Legal Protection of Geographical Indications as a Means to Foster Social and Economic Development in Malaysia', in *Geographical Indications at the Crossroads of Trade, Development, and Culture* (Cambridge University Press, 2017), pp. 281–304, doi:10.1017/9781316711002.013.

[17] Shun Wu and Chen Sun, 'Linking Agricultural Water-Food-Environment Nexus with Geographical Indication Products Using Geographic Information', *Desalination and Water Treatment*, 320 (2024), p. 100901, doi:https://doi.org/10.1016/j.dwt.2024.100901.

[18] Cita Yustisia Serfiyani, Iswi Hariyani, and Citi Rahmati Serfiyani, 'Perlindungan Hukum Terhadap Minuman Alkohol Tradisional Khas Indonesia', *Negara Hukum*, 11.2 (2020), pp. 267–87.

[19] Jessica, 'Kajian Politik Hukum Terhadap Upaya Legalisasi Arak Bali', *Jurnal Kertha Negara*, 9.11 (2021), pp. 904–15 <https://www.who.int/data/gho/data/themes/global-information-system->.

catastrophic consequences. This vocation, intricately linked to age-old rituals, healing methodologies, and indigenous beliefs that have persisted through the ages, is safeguarded by Ida Bhatara Arak Api. "In consideration of this, the restriction on registering traditional alcoholic beverages as an IG product is profoundly lamentable," particularly given the influx of imported alcoholic beverages into Indonesia, which are currently overshadowing the local market, alongside the proliferation of hazardous homemade or illicitly mixed alcoholic beverages.

The restriction on the registration of traditional alcoholic beverages as IG products is outlined in Article 56(1)(a) of Law No. 20 of 2016. The interpretation provided by the DJKI, by this provision, indicates that traditional alcoholic beverages fall within the category of products that are not eligible for protection under the IG regime. Consequently, Law No. 20 of 2016, as a legal instrument, fundamentally undermines the principle of pluralism within the national legal framework. Nevertheless, evidence suggests that a dimension of pluralism exists within Indonesian society, which inherently implies the presence of varying value systems amidst that diversity.[20]

Notwithstanding the aforementioned contradictions, the stipulation that traditional alcoholic beverages are excluded from protection under the GI regime distinctly suggests that the standards or norms of specific religions or particular groups within the country predominantly influence the governance of GI registration in Indonesia. Traditional alcoholic beverages have played a significant role in the cultural fabric of various Indonesian communities throughout the archipelago since ancient times. Traditional alcoholic beverages unique to Indonesia, including Bali arak, ballo, moke, and others, have historically served purposes beyond merely containing a specific alcohol content. Their influence has been profound and has held considerable significance in the lives of indigenous communities throughout history, encompassing religious rituals, traditional customs, and symbols integral to daily activities. These beverages are utilised judiciously, adhering to the guidelines established by the pertinent indigenous communities. The subsequent discussion addresses the legal perspective on this phenomenon, encompassing both domestic legislation and international legal frameworks. This question warrants significant attention, particularly in light of the explicit discrimination observed in the registration of Geographical Indication products in Indonesia, especially concerning traditional alcoholic beverages.

II. Research Problems

This research aims to explore the connections between geographical indications for traditional alcoholic beverages and Friedrich Carl von Savigny's concept of Living Law, as well as to examine how the principle of national treatment in international trade law addresses the discrimination faced by the geographical indications of traditional Indonesian alcoholic beverages. The aim is to illustrate the presence of traditional alcoholic beverages through the lens of Friedrich Carl von Savigny's Living Law, while also emphasising the shortcomings of international law in resolving the contradictions inherent in the National Treatment principle.

III. Research Methods

This study represents a normative legal inquiry, undertaken by scrutinising legal issues through diverse methodologies within the realm of legal research.[21] These methodologies encompass the regulatory framework and the conceptual framework. The regulatory approach entails a comprehensive examination of all relevant legal statutes about the issues at hand,

[20] Eko Mukminto and Awaludin Marwan, 'Pluralisme Hukum Progresif: Memberi Ruang Keadilan Bagi Yang Liyan', *Masalah-Masalah Hukum*, 48.1 (2019), p. 13, doi:10.14710/mmh.48.1.2019.13-24.

[21] Peter Mahmud Marzuki, *Penelitian Hukum* (Kencana, 2019).

Kosmik Hukum Vol. 25 No. 3 (2025): 558-572
E-ISSN: 2655-9242 | P-ISSN: 1411-9781
DOI: 10.30595/kosmikhukum.v25i3.27885

encompassing both national and international dimensions.[22] At the national level, the statutory approach involves a thorough examination of Law No. 20 of 2016, which pertains to Trademarks and Geographical Indications. Simultaneously, on the global stage, the author scrutinises the provisions within the TRIPs Agreement and delineates the presence of the principle of non-discrimination in the realm of international trade law.[23] The analytical framework entails exploring the presence of traditional alcoholic beverages within the cultural fabric of various regions in Indonesia and correlating this with the living law perspective.

IV. Result and Discussion

1. Geographical Indications for Traditional Alcoholic Beverages: The Perspective of Friedrich Carl von Savigny's Living Law

Friedrich Carl von Savigny articulated that effective law is that which emerges from the prevailing legal norms and practices of society. As articulated by Von Savigny in his Historical School of Law, law is fundamentally a historical phenomenon; thus, the existence of each law varies according to the specific context of its enactment, including the place and time. The law should be perceived as a manifestation of the essence or spirit of a nation.[24] In essence, Savigny aimed to establish that law is not fabricated but is instead shaped by the customs that dominate society or through the rulings of the judiciary. When customs have been refined and embraced by society, it is only then that the legislative body codifies these principles or traditions into law.[25] Friedrich Carl von Savigny's doctrine posits that law is an integral aspect or expression of a nation's essence. The foundation of law emerges from the collective will and awareness of a society, manifesting through its traditions, customs, social practices, and underlying beliefs.[26] Within the framework of this analysis, the challenge of registering conventional alcoholic beverages as components of an IG, as outlined in Article 56(1)(a) of Law No. 20 of 2016, presents a situation where the interpretation of IG registration is precluded if it "contradicts the ideology of the state, laws and regulations, morality, religion, decency, and public order." This overlooks the complexity and nuances of Indonesian society, which is marked by its multicultural nature and often emphasises the norms of specific religions, consequently diminishing the significance of other elements such as the culture and traditions of indigenous and traditional communities.

It is important to recognise that the exploration of traditional alcoholic beverages presents a nuanced and contentious topic, particularly as these beverages, regardless of their traditional status, are deemed haram (forbidden) within Muslim communities, and Indonesia, as a nation, is predominantly Muslim.[27] Nevertheless, one's evaluation of conventional alcoholic drinks is ultimately contingent upon the perspective adopted. When examining legal studies through the lens of consumer protection law, it becomes evident that the distribution of traditional alcoholic beverages is allowed to cater to the demands of non-Muslim consumers, except traditional alcoholic products that lack legal recognition.[28] In a similar vein, when legal studies are

---

[22] Hartiwiningsih, Hartiwiningsih, Lego Karjoko, and Soehartono Soehartono, Metode Penelitian Hukum, ed. by Universitas Terbuka, Pertama (Universitas Terbuka, 2019), i.

[23] L I U Jian, 'Protection and Development of Geographical Indication in China', in *Deputy DG, International Cooperation Department, China* (South Africa, 2019), pp. 1–29; Chuthaporn Ngokkuen and Ulrike Grote, 'Challenges and Opportunities for Protecting Geographical Indications in Thailand', *Asia-Pacific Development Journal*, 19.2 (2013), pp. 93–123, doi:10.18356/671d744f-en.

[24] Brian Z. Tamanaha, *Legal Pluralism Explained: History, Theory, Consequences*, in *Legal Pluralism Explained: History, Theory, Consequences* (Oxford University Press, 2021), doi:10.1093/oso/9780190861551.001.0001; Mukminto and Marwan, 'Pluralisme Hukum Progresif: Memberi Ruang Keadilan Bagi Yang Liyan'.

[25] John Griffiths, 'Legal Pluralism', in *International Encyclopedia of the Social & Behavioral Sciences (Second Edition)*, ed. by James D Wright, Second Edi (Elsevier, 2015), pp. 757–61, doi:https://doi.org/10.1016/B978-0-08-097086-8.86073-0.

[26] Abdifatah Ismael Tahir, 'Legal Pluralism, Obscure Reforms and Adjudication of Land Conflicts in Hargeisa, Somaliland', *Land Use Policy*, 120 (2022), p. 106286, doi:https://doi.org/10.1016/j.landusepol.2022.106286.

[27] Basma Al-Ansari and others, 'Alcohol Policy in Iran: Policy Content Analysis', *International Journal of Drug Policy*, 73 (2019), pp. 185–98, doi:https://doi.org/10.1016/j.drugpo.2019.07.032.

[28] Serfiyani, Hariyani, and Serfiyani, 'Perlindungan Hukum Terhadap Minuman Alkohol Tradisional Khas Indonesia'; Jessica, 'Kajian Politik Hukum Terhadap Upaya Legalisasi Arak Bali'.

approached through the lens of Islamic law, traditional alcoholic beverages are unequivocally categorised as haram products for Muslims. The examination would vary when considered through the lens of legal culture and intellectual property, especially about communal intellectual property that is intricately linked to the safeguarding of traditional knowledge.

In Balinese Hindu culture and society, this can likewise be observed in the documentation of traditional ceremonies conducted on the Island of the Gods. The Balinese community regards arak as a significant offering to the deities during religious ceremonies, which are often conducted within the confines of their homes or at sacred sites such as temples. In religious ceremonies, arak serves a dual purpose: it is not only presented as an offering before the Almighty God but also functions as a symbolic contribution in the Mecaru ceremony (Sacred Sacrifice for Bhuta Kala). This aims to foster a sense of equilibrium within the cosmos, specifically between Bhuana Alit (the human form) and Bhuana Agung (the universe). In a sequence of death rituals in Bali known as ngaben, an offering is positioned on the northeast side of the sanggah, serving as a tribute to the Sun God. The offering is meticulously arranged, featuring an array of flowers atop the lingga, complemented by fruits and pastries artfully positioned to create a visually appealing presentation. Underneath the sanggah, an array of foods, side dishes, and traditional alcoholic beverages, including tuak, arak, and brem, are arranged in unison. The eastern region of Karangasem, Bali, has been inhabited by Balinese arak farmers since the 1700s and remains so to this day. [29] The local community holds a conviction regarding the presence of the deity Ida Ratu Betara Arak Api, who is said to dwell within the Pura Dalam Dusun Merita temple. The arak farmers hold the conviction that ceasing their production of arak would incite the wrath of the deity Arak Api, potentially leading to catastrophic consequences.

This profession, intricately linked to age-old rituals, medicinal practices, and indigenous beliefs, enjoys the safeguarding of Ida Bhatara Arak Api. The principles of societal and cultural diversity are duly acknowledged and integrated, as articulated in Article 18B paragraph (2) of the 1945 Constitution. This provision affirms the state's recognition and respect for the unity of customary law communities and their traditional rights, provided they remain vibrant and aligned with societal progress and the foundational tenets of the Unitary State of the Republic of Indonesia, as delineated by law. This article posits that the values of volksgeist acknowledged are those that remain vividly present, possessing distinct materiality and relevance within the customary community.[30]

The stipulations outlined in Article 18b paragraph (2) suggest that the 1945 Constitution prioritises codified law above customary law. This suggests that acknowledging the enduring values of volksgeist within a community in a specific region necessitates regulation through formal written legislation. To examine the role of volksgeist within the legal framework, it is essential to reflect on one of the sociological jurisprudence schools articulated by Eugen Ehrlich. The fundamental idea underlying Ehrlich's perspective on law is known as the living law.[31] Effective positive law is that which aligns with the living law of society, embodying the values that resonate within it. In light of the diverse legal frameworks operating within Indonesia, Koesnoe posits that the principles of volksgeist should serve as the cornerstone of national legislation. The values associated with volksgeist are delineated as not originating from the determinations of legal authorities, nor do they manifest as actual behaviours typically recognised as customs. Instead, they constitute an integral aspect of customary law, serving as the foundational rationale for all specific stipulations within that legal framework. Consequently,

[29] Jessica, 'Kajian Politik Hukum Terhadap Upaya Legalisasi Arak Bali'; Serfiyani, Hariyani, and Serfiyani, 'Perlindungan Hukum Terhadap Minuman Alkohol Tradisional Khas Indonesia'.

[30] Muhammad Bakri, 'Unifikasi Dalam Pluralisme Hukum Tanah Di Indonesia (Rekonstruksi Konsep Unifikasi Dalam Uupa)', *Kertha Patrika*, 33.1 (2008), pp. 1–5, doi:10.24843/kp.2008.v33.i01.p07.

[31] Anthony C. Diala, 'The Concept of Living Customary Law: A Critique', *Journal of Legal Pluralism and Unofficial Law*, 49.2 (2017), pp. 143–65, doi:10.1080/07329113.2017.1331301.

Kosmik Hukum Vol. 25 No. 3 (2025): 558-572
E-ISSN: 2655-9242 | P-ISSN: 1411-9781
DOI: 10.30595/kosmikhukum.v25i3.27885

the foundational concepts, ambitions, and tenets that inform customary law in the formulation of more specific legal provisions extend to the actual circumstances within society.[32]

In a manner distinct from Koesnoe, Satjipto Raharjo examined the values of volksgeist utilising a sociological, anthropological, and functional framework that aligns more closely with Talcott Parsons' sociological theory. He contended that the principles of volksgeist constituted living laws, which means laws that embody the thoughts and ideals inherent in Indonesian law. In this context, Mochtar Kusumaatmadja's ideas are regarded as significantly shaped by the principles of the Sociological Jurisprudence school of thought. Mochtar perceives law as more than just a normative phenomenon; it encompasses the entirety of principles and rules that regulate human existence within society. Moreover, law constitutes a social phenomenon intrinsically linked to the values prevalent within a society, reflecting a shared value system. Indeed, a society's legal framework serves as a mirror to its prevailing values.[33]

To substantiate his assertion, Mochtar articulated that effective legislation is that which aligns with the prevailing norms within society, inherently reflecting the values that dominate the social landscape. In essence, Laica Marzuki articulated that law constitutes an integral component of culture, serving as a mirror of the cultural value system inherent within society. It is often asserted that law constitutes not merely a component of culture but also emerges as a product of cultural dynamics. The law constitutes an integral aspect of the ethical framework within a cultural system, encompassing legal sentiments, legal consciousness, legal doctrines, and legal regulations. He determined that the optimal integration of national law is realised through the incorporation of legal codification, all the while remaining cognisant of the principles inherent in the living law within society.[34]

Considering its significance and immediacy, Savigny's insights are essential for the ongoing evolution of legal thought throughout history and into the future. As previously articulated, Savigny emphasises that law should reflect the essence and awareness of society, specifically the spirit of the people (Volksgeist). The law serves as a reflection of the collective ethos of society. The foundations of Savigny's position are clear in his dismissal of the suggestion to establish a uniform legal code throughout Germany by modifying the Napoleonic Code. He contended that such an approach would yield laws that were disconnected from, or devoid of, the essence of the nation and the prevailing legal customs of German society. According to Savigny, it is essential to maintain the continuity of the nation's spirit, which is both reflected and manifested in the law.[35]

This approach ensures a seamless connection and coherence among the legal frameworks of the past, present, and future. The ideas of Savigny undoubtedly encounter contemporary challenges and implications. This pertains specifically to the essence of the national spirit or its representations. The process of identification within the framework of the Indonesian nation-state presents considerable complexities.[36] Indonesia, characterised by its rich diversity and multiculturalism, showcases a multitude of forms and representations of its national spirit. Despite this variety, each manifestation must be regarded as an integral component of the nation's wealth. The essence of the national spirit is fundamentally shaped by its capacity to adapt to the

---

[32] John O'Neill, 'Unified Science as Political Philosophy: Positivism, Pluralism and Liberalism', *Studies in History and Philosophy of Science Part A*, 34.3 (2003), pp. 575–96, doi:https://doi.org/10.1016/S0039-3681(03)00048-7.

[33] O'Neill, 'Unified Science as Political Philosophy: Positivism, Pluralism and Liberalism'; Arsyad Aldyan and others, 'Legal Pluralism in Environmental Management: Evidence from Bali, Indonesia', *Journal of Law, Environmental and Justice*, 3.2 (2025), pp. 229–67, doi:10.62264/jlej.v3i2.131.

[34] Pedi Obani and Joyeeta Gupta, 'Legal Pluralism in the Area of Human Rights: Water and Sanitation', *Current Opinion in Environmental Sustainability*, 11 (2014), pp. 63–70, doi:https://doi.org/10.1016/j.cosust.2014.09.014.

[35] Saldi Isra and Hilaire Tegnan, 'Legal Syncretism or the Theory of Unity in Diversity as an Alternative to Legal Pluralism in Indonesia', *International Journal of Law and Management*, 63.6 (2021), pp. 553–68, doi:10.1108/IJLMA-04-2018-0082.

[36] Linda Mensah, 'Legal Pluralism in Practice: Critical Reflections on the Formalisation of Artisanal and Small-Scale Mining (ASM) and Customary Land Tenure in Ghana', *The Extractive Industries and Society*, 8.4 (2021), p. 100973, doi:https://doi.org/10.1016/j.exis.2021.100973.

multifaceted nature of a pluralistic society, necessitating that the law embody this complexity, which may lead to a form of legal pluralism.

The outcome varies when the national essence within the Indonesian framework is examined in conjunction with the nation-state and the concept of nationalism, resulting in the curation and amalgamation of various national essences into a collectively recognised national spirit. In the latter scenario, a process of prismatisation and contemplation regarding the national spirit will occur, culminating in legal unification within the realm of law. Nonetheless, this necessitates a considerable investment of time, which is why Savigny adopted a historical lens to examine the ongoing development of law, aiming to grasp the 'genuine understanding of our own (legal) circumstances.'

2. Geographical Indications for Traditional Alcoholic Beverages: Anomaly of the National Treatment Principle in International Trade Law

The TRIPs Agreement constitutes Annexe IC of the WTO Agreement. The foundational concept of the WTO originated from the General Agreement on Tariffs and Trade (GATT), which has been operational since 1947. Following the ratification of the convention that established the WTO, GATT continued to play a role in the WTO negotiations, alongside the General Agreement on Trade in Services (GATS) and the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs). The fundamental tenet that underpins GATS is the principle of non-discrimination. This principle is grounded in the tenet of equality as established by international law. This principle forbids nations from engaging in discriminatory practices against one another in their international economic endeavours.[37]

The concept of non-discrimination can be categorised into two distinct principles: the Most Favoured Nation (MFN) principle and the National Treatment principle. Primarily, the MFN principle, regarded as the cornerstone of international economic law, mandates that trade among member nations be executed without discrimination. This principle requires a nation's government to refrain from exhibiting bias against services and service providers originating from foreign nations. Any action that differentiates between the services and service providers of one nation and those of other member nations contravenes the General Agreement on Trade in Services (GATS). The implication of this principle's incorporation into the GATS is that any member nation engaging in discrimination against foreign service providers breaches the GATS, except in cases where a temporary exemption from the Most Favoured Nation (MFN) principle has been authorised. In summary, all nations must be treated with parity, ensuring that each country benefits from the advantages afforded by trade policy. The application of this principle is not without exceptions, particularly about the interests of developing nations.[38]

The implementation of the Most Favoured Nation principle is governed by exceptions delineated in Article II(2) of the General Agreement on Trade in Services (GATS), which articulates: "A member may uphold a measure that contradicts paragraph 1, provided that such a measure is enumerated in, and satisfies the criteria of, the Annex on Article II Exemptions." The MFN principle mandates that each member shall promptly and without conditions extend treatment that is at least as favourable as that granted to other members. For instance, when a foreign entity receives authorisation to function within the jurisdiction of a GATS member, that authorisation must be promptly and unequivocally extended to all other GATS members. The implication of implementing the MFN system, as previously discussed, is that any discriminatory action by a member country against all suppliers of goods or services stands in opposition to the GATs.[39]

---

[37] Mihaela Daciana Bolos, 'IP Protection and International Trade', *Procedia Economics and Finance*, 3 (2012), pp. 908–13, doi:https://doi.org/10.1016/S2212-5671(12)00249-3.

[38] Daud Rismana and Hariyanto, 'LEGAL PROTECTION OF INTELLECTUAL PROPERTY RIGHTS: WHAT IS URGENCY FOR THE BUSINESS WORLD?', *Jurnal IUS Kajian Hukum Dan Keadilan*, 9.1 (2021), pp. 96–111.

[39] C. Chatterjee, *Legal Aspects of Trade Finance*, in *Legal Aspects of Trade Finance*, 1st ed. (2015), doi:10.4324/9781315707969.

Kosmik Hukum Vol. 25 No. 3 (2025): 558-572
E-ISSN: 2655-9242 | P-ISSN: 1411-9781
DOI: 10.30595/kosmikhukum.v25i3.27885

Secondly, the principle of national treatment. The MFN principle mandates that nations must not differentiate between foreign countries, while the principle of national treatment requires that domestic enterprises and foreign products be treated equally without discrimination. This tenet is encapsulated within Article XVII of the GATs. This principle aims to establish uniformity in trade, thereby preventing any form of discriminatory treatment. This principle embodies a progressive notion that restricts governmental interference in the domestic trade arena, thereby ensuring that all products in circulation can engage in fair competition without obstacles.[40]

The principle of national treatment mandates that each member nation extend the same treatment to services and service providers from other member nations as it does to those from its jurisdiction. The application of this treatment to services and service providers is imperative for the sectors enumerated in the Schedule of Commitments (SoC), in conjunction with their respective requirements. Consequently, each member nation is permitted to delineate a series of stipulations and qualifications pertinent to the implementation of the National Treatment principle, which may then be incorporated into its national commitment list. Member countries are permitted to request national treatment solely from a specific country, as delineated in the commitments outlined in that country's list.[41]

"Every country involved, about the sectors or sub-sectors outlined in the Schedule of Commitments and adhering to all stipulated conditions and qualifications, shall provide services and service suppliers from other nations with treatment that is at least as favourable as that granted to its own services and service suppliers." The implementation of the National Treatment principle within GATs diverges from its application in GATT, as the former imposes limitations and lacks universal applicability. Within the framework of the General Agreement on Trade in Services (GATS), the principle of National Treatment applies solely to member countries of the World Trade Organisation (WTO) that have formally documented specific commitments about designated service sectors. Within the GATs, one can identify two distinct categories of obligations: the first encompasses a collection of concepts, principles, and rules that establish obligations relevant to all measures influencing trade in services. Secondly, a collection of distinct obligations arises from negotiations, forming commitments pertinent to the service sectors and subsectors listed in the Schedules of Commitments (SoC) of member nations.[42]

The legal issue selected by the author for this paper revolves around traditional alcoholic beverages that are ineligible for registration as IG under Article 56(1)(a) of Law No. 20 of 2016, which indeed poses a significant dilemma. On one hand, traditional alcoholic beverages belonging to local communities are ineligible for registration as IG products; conversely, there exist analogous products from abroad that qualify for registration as GI products in Indonesia. The author elucidates this through a table that delineates the diverse array of alcoholic beverages from overseas that have been designated as GI products in Indonesia.[43]

Tabel 1. Foreign Alcoholic Beverages Registered as Geographical Indication Products in Indonesia

No	Product	Country of Origin

[40] Sandra Wachter, Brent Mittelstadt, and Chris Russell, 'Why Fairness Cannot Be Automated: Bridging the Gap between EU Non-Discrimination Law and AI', *Computer Law and Security Review*, 41 (2021), p. 105567, doi:10.1016/j.clsr.2021.105567.

[41] Rubén Boga, 'A (European) Recipe for Latin America? Insights from Five Agri-Food Geographical Indications in Peru and Ecuador', *Journal of Rural Studies*, 119 (2025), p. 103788, doi:https://doi.org/10.1016/j.jrurstud.2025.103788.

[42] Xiaoting Yang and others, 'Geographical Origin Authentication of Agricultural Products in the China–EU Geographical Indications Agreement: A Comprehensive Review of Chinese Products', *Trends in Food Science & Technology*, 152 (2024), p. 104679, doi:https://doi.org/10.1016/j.tifs.2024.104679.

[43] Alif Muhammad Gultom and Sri Wartini, 'Preserving Indigenous Cultures: Analyzing Geographical Indication Registration for Indigenous People Protection in Indonesia', *Journal of Judicial Review*, 25.1 (2023), p. 33, doi:10.37253/jjr.v25i1.7647; Pandu Laksono and others, 'Farmers' Willingness to Adopt Geographical Indication Practice in Indonesia: A Psycho Behavioral Analysis', *Heliyon*, 8.8 (2022), p. e10178, doi:https://doi.org/10.1016/j.heliyon.2022.e10178.

1	Tequila	Mexico
2	Scotch Whisky	Scotland
3	COGNAC	France
4	Polish Vodka	European Union
5	Herbal Vodka	Poland

Source: Registered Geographical Indications, Directorate General of Intellectual Property, 2024

This situation illustrates that the principle of non-discrimination remains unfulfilled, thereby undermining the fundamental aspect of justice as a legal tenet. The principle of non-discrimination serves to avert bias against foreign products or trade, ensuring that local products or traders are not unjustly favoured over their international counterparts. In the context of enforcing Article 56(1)(a) of Law No. 20 of 2016 concerning Trademarks and Geographical Indications, there exists a notable deviation from established principles. The Directorate General of Intellectual Property (DJKI) acknowledges and accommodates foreign products, specifically alcoholic beverages, as geographical indications (GIs). In contrast, local products, particularly traditional alcoholic beverages, are not afforded the same recognition.[44]

This presents a paradox and diverges from the traditional perspectives held by developing nations concerning the principle of non-discrimination. Typically, these countries argue that international law, particularly the principle of non-discrimination, is a construct developed by Western nations that have since attained developed status. This assertion is grounded in the historical context that international law was originally applicable solely among European nations. Consequently, within the framework of this analysis, both products must receive equal consideration to prevent any perception of inequity and to safeguard the economic rights of the communities associated with the products under examination.

V. Conclusion

In light of the findings presented in this paper, it is evident that, when considering the concept of living law, the prohibition and discrimination against the registration of traditional alcoholic beverages as Geographical Indication products, as outlined in Article 56(1)(a) of Law No. 20 of 2016, fails to embody the diverse character of this nation, a notion that aligns with Savigny's Legal History. Furthermore, the fact that analogous products from foreign origins may be registered as Geographical Indications in Indonesia, by the principle of non-discrimination outlined in the WTO Agreement, necessitates that each member state accords services and service providers from other member states the same treatment as those from its nation. The principle of non-discrimination aims to avert discriminatory practices concerning the importation of products or trade from foreign nations, particularly those that favour domestic goods or traders over their international counterparts. In the context of enforcing Article 56(1)(a) of Law No. 20 of 2016 concerning Trademarks and Geographical Indications, the practice diverges from this principle. Foreign products, specifically alcoholic beverages, are recognised and accepted as geographical indications by the DJKI, whereas local products, particularly traditional alcoholic beverages, are not afforded the same level of recognition.

References

Al-Ansari, Basma, and others, 'Alcohol Policy in Iran: Policy Content Analysis', *International Journal of Drug Policy*, 73 (2019), pp. 185–98, doi:https://doi.org/10.1016/j.drugpo.2019.07.032

[44] San, 'Legal Protection of Geographical Indications as a Means to Foster Social and Economic Development in Malaysia'; Disemadi and others, 'The Dichotomy of Traditional Cuisine Protection in Indonesia: Geographical Indications vs. Traditional Knowledge'.

Aldyan, Arsyad, and others, 'Legal Pluralism in Environmental Management: Evidence from Bali, Indonesia', *Journal of Law, Environmental and Justice*, 3.2 (2025), pp. 229–67, doi:10.62264/jlej.v3i2.131

Bakri, Muhammad, 'Unifikasi Dalam Pluralisme Hukum Tanah Di Indonesia (Rekonstruksi Konsep Unifikasi Dalam Uupa)', *Kertha Patrika*, 33.1 (2008), pp. 1–5, doi:10.24843/kp.2008.v33.i01.p07

Boga, Rubén, 'A (European) Recipe for Latin America? Insights from Five Agri-Food Geographical Indications in Peru and Ecuador', *Journal of Rural Studies*, 119 (2025), p. 103788, doi:https://doi.org/10.1016/j.jrurstud.2025.103788

Bolos, Mihaela Daciana, 'IP Protection and International Trade', *Procedia Economics and Finance*, 3 (2012), pp. 908–13, doi:https://doi.org/10.1016/S2212-5671(12)00249-3

Chatterjee, C., *Legal Aspects of Trade Finance*, in *Legal Aspects of Trade Finance*, 1st ed. (2015), doi:10.4324/9781315707969

Diala, Anthony C., 'The Concept of Living Customary Law: A Critique', *Journal of Legal Pluralism and Unofficial Law*, 49.2 (2017), pp. 143–65, doi:10.1080/07329113.2017.1331301

Disemadi, Hari Sutra, and others, 'The Dichotomy of Traditional Cuisine Protection in Indonesia: Geographical Indications vs. Traditional Knowledge', *Jurnal Hukum Novelty*, 14.2 (2023), pp. 224 – 239, doi:10.26555/novelty.v14i2.a27282

Filippis, Fabrizio De, and others, 'The International Trade Impacts of Geographical Indications: Hype or Hope?', *Food Policy*, 112 (2022), p. 102371, doi:https://doi.org/10.1016/j.foodpol.2022.102371

Griffiths, John, 'Legal Pluralism', in *International Encyclopedia of the Social & Behavioral Sciences (Second Edition)*, ed. by James D Wright, Second Edi (Elsevier, 2015), pp. 757–61, doi:https://doi.org/10.1016/B978-0-08-097086-8.86073-0

Gultom, Alif Muhammad, and Sri Wartini, 'Preserving Indigenous Cultures: Analyzing Geographical Indication Registration for Indigenous People Protection in Indonesia', *Journal of Judicial Review*, 25.1 (2023), p. 33, doi:10.37253/jjr.v25i1.7647

Hartiwiningsih, Hartiwiningsih, Lego Karjoko, and Soehartono Soehartono, *Metode Penelitian Hukum*, ed. by Universitas Terbuka, Pertama (Universitas Terbuka, 2019), I

Isra, Saldi, and Hilaire Tegnan, 'Legal Syncretism or the Theory of Unity in Diversity as an Alternative to Legal Pluralism in Indonesia', *International Journal of Law and Management*, 63.6 (2021), pp. 553–68, doi:10.1108/IJLMA-04-2018-0082

Januário, Jaqueline Gilmara Barboza, and others, 'Geographical Indications: Comparing Protection Models and Reviewing Scientific Literature on Wines', *Food and Humanity*, 5 (2025), p. 100689, doi:https://doi.org/10.1016/j.foohum.2025.100689

Jessica, 'Kajian Politik Hukum Terhadap Upaya Legalisasi Arak Bali', *Jurnal Kertha Negara*, 9.11 (2021), pp. 904–15 <https://www.who.int/data/gho/data/themes/global-information-system->

Jian, L I U, 'Protection and Development of Geographical Indication in China', in *Deputy DG, International Cooperation Department, China* (South Africa, 2019), pp. 1–29

Laksono, Pandu, and others, 'Farmers' Willingness to Adopt Geographical Indication Practice in Indonesia: A Psycho Behavioral Analysis', *Heliyon*, 8.8 (2022), p. e10178, doi:https://doi.org/10.1016/j.heliyon.2022.e10178

Lertdhamtewe, Pawarit, 'The Protection of Geographical Indications in Thailand', *The Journal of World Intellectual Property*, 17.3–4 (2014), pp. 114–28, doi:10.1002/jwip.12023

Mensah, Linda, 'Legal Pluralism in Practice: Critical Reflections on the Formalisation of Artisanal and Small-Scale Mining (ASM) and Customary Land Tenure in Ghana', *The Extractive Industries and Society*, 8.4 (2021), p. 100973, doi:https://doi.org/10.1016/j.exis.2021.100973

Mukminto, Eko, and Awaludin Marwan, 'Pluralisme Hukum Progresif: Memberi Ruang Keadilan Bagi Yang Liyan', *Masalah-Masalah Hukum*, 48.1 (2019), p. 13, doi:10.14710/mmh.48.1.2019.13-24

Neilson, Jeffrey, Josephine Wright, and Lya Aklimawati, 'Geographical Indications and Value Capture in the Indonesia Coffee Sector', *Journal of Rural Studies*, 59 (2018), pp. 35–48, doi:https://doi.org/10.1016/j.jrurstud.2018.01.003

Ngokkuen, Chuthaporn, and Ulrike Grote, 'Challenges and Opportunities for Protecting Geographical Indications in Thailand', *Asia-Pacific Development Journal*, 19.2 (2013), pp. 93–123, doi:10.18356/671d744f-en

Obani, Pedi, and Joyeeta Gupta, 'Legal Pluralism in the Area of Human Rights: Water and Sanitation', *Current Opinion in Environmental Sustainability*, 11 (2014), pp. 63–70, doi:https://doi.org/10.1016/j.cosust.2014.09.014

O'Neill, John, 'Unified Science as Political Philosophy: Positivism, Pluralism and Liberalism', *Studies in History and Philosophy of Science Part A*, 34.3 (2003), pp. 575–96, doi:https://doi.org/10.1016/S0039-3681(03)00048-7

Peter Mahmud Marzuki, *Penelitian Hukum* (Kencana, 2019)

Rismana, Daud, and Hariyanto, 'LEGAL PROTECTION OF INTELLECTUAL PROPERTY RIGHTS: WHAT IS URGENCY FOR THE BUSINESS WORLD?', *Jurnal IUS Kajian Hukum Dan Keadilan*, 9.1 (2021), pp. 96–111

San, Tay Pek, 'Legal Protection of Geographical Indications as a Means to Foster Social and Economic Development in Malaysia', in *Geographical Indications at the Crossroads of Trade, Development, and Culture* (Cambridge University Press, 2017), pp. 281–304, doi:10.1017/9781316711002.013

Saputra, Rian, 'Development of Creative Industries as Regional Leaders in National Tourism Efforts Based on Geographical Indications', *Bestuur*, 8.2 (2020), pp. 121–28, doi:10.20961/bestuur.43139

——, Pujiyono, and Sunny Ummul Firdaus, 'Inhibiting Factors Inventorying and Mapping Potential Geographical Indications in Riau Province', *Proceedings of the International Conference on Environmental and Energy Policy (ICEEP 2021)*, 583.Iceep (2021), pp. 146–51, doi:10.2991/assehr.k.211014.032

Saputro, Triyono Adi, and Yudho Taruna Muryanto, 'The Establishment Of Geographical Indication Protection Community as A Legal Protection On MSME's Products', in *JPH: Jurnal Pembaharuan Hukum*, no. 3 (2021), VIII

Schneider, Marius, and Nora Ho Tu Nam, *Protecting Geographical Indications in Africa*, in *Protecting Geographical Indications in Africa* (2024), doi:10.1093/9780191955082.001.0001

Serfiyani, Cita Yustisia, Iswi Hariyani, and Citi Rahmati Serfiyani, 'Perlindungan Hukum Terhadap Minuman Alkohol Tradisional Khas Indonesia', *Negara Hukum*, 11.2 (2020), pp. 267–87

Tahir, Abdifatah Ismael, 'Legal Pluralism, Obscure Reforms and Adjudication of Land Conflicts in Hargeisa, Somaliland', *Land Use Policy*, 120 (2022), p. 106286, doi:https://doi.org/10.1016/j.landusepol.2022.106286

Tamanaha, Brian Z., *Legal Pluralism Explained: History, Theory, Consequences*, in *Legal Pluralism Explained: History, Theory, Consequences* (Oxford University Press, 2021), doi:10.1093/oso/9780190861551.001.0001

Tay, Pek San, 'The Protection of Geographical Indications in Malaysia', *Journal of Malaysian and Comparative Law*, 27.16 (2019), pp. 121–46

Wachter, Sandra, Brent Mittelstadt, and Chris Russell, 'Why Fairness Cannot Be Automated: Bridging the Gap between EU Non-Discrimination Law and AI', *Computer Law and Security Review*, 41 (2021), p. 105567, doi:10.1016/j.clsr.2021.105567

Wu, Shun, and Chen Sun, 'Linking Agricultural Water-Food-Environment Nexus with Geographical Indication Products Using Geographic Information', *Desalination and Water Treatment*, 320 (2024), p. 100901, doi:https://doi.org/10.1016/j.dwt.2024.100901

Yang, Xiaoting, and others, 'Geographical Origin Authentication of Agricultural Products in the China–EU Geographical Indications Agreement: A Comprehensive Review of Chinese Products', *Trends in Food Science & Technology*, 152 (2024), p. 104679, doi:https://doi.org/10.1016/j.tifs.2024.104679