



## Legal Certainty of Geographical Indications in Java Robusta Coffee Raung Gumitir Jember in the Perspective of Islamic Law

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### **Abstract**

Coffee which is one of the superior products and has a place on the international market and there needs to be certainty about geographical indications which have been adopted in Law Number 20 of 2016 concerning Trademarks and Geographical Indications, aims to protect the rights of the actual brand holders from acts of using the brand without permission from the actual brand rights holder. Ownership of geographical indications is absolute ownership in Islam, but protection according to Islamic law and law is dependent on the community's understanding in coffee management of the quality, reputation and characteristics attached to it. The Regional Government and various parties are trying to promote and market Robusta Java Raung Gumitir Coffee products, but in order to increase economic value and dominate market share, efforts must be made to register geographical indications so that each producer has legal certainty guarantees regarding the rights to the mark. The researcher is interested in taking the title "Legal Certainty of Geographical Indications in Java Robusta Coffee Raung Gumitir Jember in the Perspective of Islamic Law", with the aim of the research to provide benefits to the people of Jember Regency who are predominantly Muslim regarding Intellectual Property Rights of geographical indications according to Islamic law and National Law. This research uses normative legal research, with statutory and conceptual approaches. Drawing conclusions from the results of research using deductive analysis methods.

**Keywords:** *Legal Certainty; Geographical Indications; Java Robusta Coffee Raung Gumitir Jember; Perspective of Islamic Law*

### **Introduction**

In Indonesia, the regulation of trademark rights was first recognized in Indonesia when the Industrial Property Rights Law was issued, namely in "Reglement Industriele Eigendom Kolonien" stb 545 of 1912, then replaced with the Trademark Law Number 21 of 1961, after which it was replaced again with the Law -Brand Law Number 19 of 1992 concerning Trademarks, and amended by Law Number 14 of 1997 concerning Amendments to Trademark Law Number 19 of 1992 concerning Marks. Then the Law was declared no longer valid with the promulgation of Law Number 15 of 2001 concerning

Marks, then replaced again with Law Number 20 of 2016 concerning Marks and Geographical Indications (hereinafter referred to as the Law on Trademarks and Geographical Indications) (Djubaedillah, 2003).

Mark registration relates the granting of a monopoly over a name or symbol so that a mark must have a distinguishing element (capable of distinguishing). In order to have a differentiating element, a brand must be able to provide determination to the goods or services in question. Therefore, a mark must be able to differentiate the goods or services of a trader from those of other traders in the same field (Indonesia Australia: AusID, 2001). The rights to Geographical Indications in the provisions of article 1 of the Law on Trademarks and Geographical Indications are: "Exclusive rights granted by the state to the rights holders of registered Geographical Indications, as long as the reputation, quality and characteristics which form the basis for the protection of such Geographical Indications still exist. and obliges the mark to be registered so that every producer has a guarantee of legal protection of the rights to the mark of his merchandise, so that the brand holder will be recognized for the ownership of the brand of his trade product as referred to in Article 3 of the Law on Trademarks and Geographical Indications. This is in accordance with the adopted principle, namely the first to file principle, not the first come, first out principle. Based on this principle, (Budi Agus Riswandi and M. Syamsudin, 2004)

Geographical indications are starting to develop in Indonesia as evidenced by the increase in the registration of geographical indications at the Directorate General of Intellectual Property Rights almost every year, although this increase has not yet been seen as significant. (Asma Karim and Dayanto, 2016). According to DGIP data from the Ministry of Law and Human Rights, up to September 2021 there have been 92 Indonesian Geographical Indication products registered with the DGIP (Bengkulu, 2021). Indonesia is a country rich in a variety of natural resources, one of which is coffee which is a superior product and has a place on the international market, such as Bali Kintamani Arabica Coffee, Java Coffee, Mandailing Arabica Coffee, and others which are products of the Archipelago that have been around for a long time. known by many countries from the past until now. If Indonesian products that have high quality are not secured by legal protection, it is possible that other parties will appear who claim them. An example of a case of an Indonesian geographical indication product that is claimed by a foreign party as its trademark is Toraja Arabica Coffee. This coffee is grown in Toraja, South Sulawesi, but is registered by the Japanese company Key Coffee Co as their trademark, as a result Toraja Arabica Coffee cannot be marketed internationally except through Key Coffee Co. As a response to returning Toraja Arabica Coffee to its origin, a geographical indication was registered and on October 9, 2013 it was officially registered at the Directorate General of Intellectual Property Rights, Ministry of Law and Human Rights.

The Law on Trademarks and Geographical Indications stipulates that the ownership of Trademark Rights is controlled by the Holders of Geographical Indication Rights and Users who obtain licenses from the holders. As a party submitting an application as stipulated in Article 53 Paragraph 3 of the Law on Trademarks and Geographical Indications, the Petitioner is: (a) an institution that represents the community in a certain geographical area that operates a product in the form of natural resources, or handicrafts, or industry; and (b) provincial or district/city regional government. In the elucidation of Article 53 of the Law, what is meant by "institutions that represent the community in certain geographic areas" include producer associations, cooperatives, and the geographical indication protection society (MPIG). Moral rights in geographical indication products actually belong to the people of Jember district because they are located in a geographical area. On Wednesday (26/10/2022) (Achmad Faizal, n.d.) Coffee with the brand "Javesast Coffe" from Jember has been successfully exported to Egypt as much as 200 tonnes which is a commodity developed under a communal branding scheme. In the first stage, 18 tons of coffee were exported. The remainder will be exported in stages until it reaches 200 tonnes with a total export value of more than Rp 6 billion. The Head of the Office of Cooperatives and Small and Medium Enterprises of the East Java Province, Andromeda Qomariah, claims that the development of a product brand with a communal branding scheme is the first in East Java and even in Indonesia. This makes the government try to protect the authenticity of these coffee products, one of which is by creating Geographical Indication Areas (KIG). With the KIG system, coffee produced outside of the mountainous

region will not be able to use the name Ijen Raung. "This KIG includes process efforts to purify the original type of coffee in the Mount Ijen and Raung areas. So if a farmer group wants to sell coffee out of Bondowoso or for export, then they have to go through the KIG regulations to guarantee its authenticity," said the Head of the East Java Plantation Service, Moch Samsul Arifien (Kominfo East Java, 2015). Jember Regency through the Horticulture and Plantation Food Crops Service on Friday 14 October 2022 (Jember Regency Kominfo Service, n.d.) who also provided assistance with the registration of the Geographical Indications of Java Robusta Coffee Argopuro Jember and Java Robusta Coffee Raung Gunitir Jember, by the Society for the Protection of Geographical Indications of Java Robusta Coffee Raung Gunitir Jember at the Regional Office of the Ministry of Law and Human Rights Surabaya, this is also one of the efforts to provide legal protection for these coffees, because Geographical Indications must have special aspects from the name of the origin of the goods that can be used as a distinguishing mark, then the next aspect is that the place of origin. These have a big influence on improving the quality of these goods so as to increase the economic value (Isnani, 2019). The Regional Governments of Jember Regency and Bondowoso Regency must be able to determine legal steps by making policies whether Geographical Indications for coffee products are in one area or different so as not to cause problems in the future so as to achieve priority goals for coffee products so that there is an increase in productivity and quality which will later have an impact on the selling price of coffee.

In principle, Islam guarantees the protection of rights for everyone. Each owner has the right to fulfill his rights. The owner can demand restitution or compensation if there is a violation or damage to his rights and the party with the authority is obliged to force the violating party to fulfill the rights that should have belonged to the original owner. Ownership of geographical indications for the holder is included in perfect ownership (*al-milk al-tām*) in the perspective of Islamic law, namely ownership of something and its benefits, so that it becomes legal for the owner to take legal action against that thing as long as there are no *syar'ī* obstacles. Among the characteristics of *al-milk al-tām* are: (a) its ownership is not limited in time; (b) the ownership cannot be aborted, but transferred; (Mustafa Ahmad al-Zarqā', 2004) *Maslahah al-mursalah* is maintaining *syara'* intentions by rejecting everything that damages creatures (Totok Jumantoro and Samsul Munir Amin, 2005), using this concept is expected to help the problems faced by the Jember Regency Government and its people by maximizing the potential of Java Robusta Coffee Raung Gunitir Jember (<https://www.dgip.go.id>, 2022) which is a community asset as an effort to improve the welfare and sustainability of coffee in the region, so that it can provide more benefits for the economic development of the community. Based on the description above, the researcher is interested in taking the title "**Legal Certainty of Geographical Indications on Java Robusta Coffee Raung Gunitir Jember in the Perspective of Islamic Law**", with the formulation of the problem **How is the Legal Certainty of Geographical Indications on Robusta Java Coffee Raung Gunitir Jember in the Perspective of Islamic Law.**

## **Methods**

In this research method, research uses a type of normative legal research, with the approach method, namely the statutory approach and the conceptual approach. The legal materials used are primary legal materials in the form of Al-Quran, Hadith, MUI Fatwa No: 1/MUNAS VII/MUI/5/2005 concerning Protection of Intellectual Property Rights (IPR) and Law Number 20 of 2016 concerning Marks and Indications Geographical, laws and regulations relating to it and. Secondary legal material in the form of all publications on law such as theses, legal dissertations, legal journals. Drawing conclusions from research results using deductive analysis methods.

## Results

### 1. Legal Certainty of Geographical Indications on Ijen Raung Coffee in the Perspective of Islamic Law

With the development of international trade in the 19th century, it quickly became apparent that national protection of intellectual property rights was insufficient as products were often copied outside their country of origin. Several international agreements contain provisions relating to the protection of Geographical Indications and, interestingly, none of them limit the scope of protection for agricultural Geographical Indication products. (Alexandre et al., 2013). The Paris Convention for the Protection of Industrial Property adopted in 1883 was the first international treaty providing for the protection of “origins”. (Article 1 (2) 'The Protection of Industrial Property Has as Its Object Patents, Utility Models, Industrial Designs, Trademarks, Service Marks, Trade Names, Indications of Source or Appellations of Origin, and the Repression of Unfair Competition,' nd)

Legal protection for brand holders is regulated in the Trademark and Geographical Indication Law, which aims to protect the rights of the actual brand holder from using the brand without the permission of the actual brand right holder. Ownership of geographical indications is perfect ownership, but legal protection depends on the quality, reputation and characteristics attached to them. Geographical indications are recognized if they go through a formal registration process, (Objective Development, 2011)

Article 61 of the Law on Trademarks and Geographical Indications explains that "geographical indications are protected as long as reputation, quality and characteristics are maintained which form the basis for the protection of geographic indications on a product". So that the legal protection against it will be removed when an item and/or product with a geographical indication of its quality, reputation and characteristics changes. The right form of legal protection for holders of geographical indication rights is to register the Java Robusta Coffee Raung Gumitir Jember brand with the Directorate General of Intellectual Property Rights, of course by completing the requirements in the provisions of the Law on Marks and Geographical Indications. The Brand Rights Certificate given to coffee under the brand name “Kopi Robusta Java Raung Gumitir Jember” will provide legal protection. With the certificate of trademark rights as well, So consumers are also protected. Consumers will not be fooled by similar coffee products that use the brand “Robusta Java Coffee Raung Gumitir Jember”. Legal certainty can provide legal protection for Geographical Indication products that protect against counterfeit goods, namely similar products produced outside the Geographical Indications area but with lower quality but marketed under the same name. Counterfeiting can have a negative impact on an item and/or product, because counterfeit goods and/or products are often cheaper and of poor quality and do not have the special characteristics of genuine goods and/or products Legal certainty can provide legal protection for Geographical Indication products that protect against counterfeit goods, namely similar products produced outside the Geographical Indications area but with lower quality but marketed under the same name. Counterfeiting can have a negative impact on an item and/or product, because counterfeit goods and/or products are often cheaper and of poor quality and do not have the special characteristics of genuine goods and/or products Legal certainty can provide legal protection for Geographical Indication products that protect against counterfeit goods, namely similar products produced outside the Geographical Indications area but with lower quality but marketed under the same name. Counterfeiting can have a negative impact on an item and/or product, because counterfeit goods and/or products are often cheaper and of poor quality and do not have the special characteristics of genuine goods and/or products (Peter Damary and Riyaldi, 2018). In Bentham's theory, benefit is something that can be owned and can bring benefits, profits, pleasure, and happiness, or something that can prevent damage, displeasure, crime, or unhappiness. (Jeremy Bentham, 2000). Registration has implications for the effectiveness of legal protection for Geographical Indication products which indicate the name of the area

that produces a natural or handicraft product that has a certain character and quality because it is influenced by natural/geographical factors or human factors or both (Ramli et al., 2015).

The purpose of Islamic law is the benefit of human life both spiritually and physically, individually or socially, and the benefit is intended not only in this world but also for eternal life in the hereafter. (Pledge, 212 CE), so that Islam does not only talk about the hereafter, but also how to maximize the potential that exists in the world as implied in al-Qur'an Surat al-Jumu'ah [62]:10 "When the prayers have been carried out, then scatter yourselves around earth; seek Allah's bounty and remember Allah a lot so that you will be successful." Allah SWT in Islam is the real and absolute owner of the universe, only Allah can bestow every human right on ownership. In Islam the absolute and absolute owner (the true owner of wealth and property) is Allah SWT as his word contained in the Qur'an Surat al-Baqarah [2]: 284 "To Allah belongs all that is in the heavens and whatever is in earth" Then Allah gave it to man the right to rule over it,

Welfare does not stop at the object itself, but a goal so that humans can effectively account for their role (Hasbi Ash-Shiddieqy, 2010). Islam recommends that the owner of the right be broad-minded and generous in demanding his rights (Ghufron A. Mas'adi, 2002) by endeavoring to maintain quality and sustainability so that it is beneficial to the life of the Ummah, Religion Islam has ordered to avoid harm and bring benefit to its people. Jumhur ulama' are of the opinion that Geographical Indications are ownership rights that are protected by Shari'a, both moral rights and economic rights. Hasbi ash-Shiddieqy emphasized that *maslahah mursalah* can be used as a legal argument if the *maslahah mursalah* is a true *maslahah* that is recognized and considered *maslahah* by the jurists that the laws produced are truly beneficial to humanity and truly reject harm. from humans (Hasbi asy-Shiddieqy, 2001).

The protection of Geographical Indications in terms of the *maqashid sharia* approach in terms of moral rights is a form of manifestation of the protection of reason (*hifdz al-aql*) for the rights of Geographical Indications to the owner, and in terms of economic rights is a manifestation of property protection (*hifdz al-mal*) in the form of the ability to take economic benefits for the owner. If we deepen the meaning of *maslahah* contained in Geographical Indications as stated by Amir Syarifuddin, namely (Hendri Hermawan Adinugraha and Mashudi, 2018): First, realizing benefits, goodness and pleasure for humans which is called *jalb al-manafi'* (bringing benefits). The goodness and pleasure as meant are those that are felt directly by people when they perform an act ordered by Allah SWT, but there are also those who feel it after the deed is done, or even feel it only on the Hereafter (Hereafter). Second, avoiding mankind from damage and ugliness which is called *dar'u al-mafasid*. There is also damage and ugliness that is felt immediately or after doing something that is prohibited. These two elements show that *maslahah* is an important thing to do in order to provide the maximum benefit for mankind, where to make this happen, then we need a rule or law that can be used as a guideline in taking an action, decision or decree, if we relate it to the existence of Geographical Inaction then this can be useful if it has been legally registered and will improve the economy of the people of Jember Regency. Basically *maslahat* theory according to Masdar F. Masudi, is the same as the theory of social justice in terms of philosophy of law (Masdar F. Mas'udi, 1995), where the concept of *maslahah mursalah* is also in line with the concept of *maqasid al-shari'ah* (Dyah Ochtorina Susanti, 2018) that is, to realize goodness while avoiding evil or attracting benefits and rejecting harm and the term that is commensurate with the core of *maqasid al-shari'ah* is *maslahat*, because the determination of law in Islam must lead to benefit. With regard to activities in the economic sector, especially coffee yields, part of the scope of *fiqh mu'amalah* which is related to the principles of *maqashid sharia*, namely *Hifz al-mal* (protection of property), so that activities carried out by coffee farmers include activities in carrying out social functions. has an epistemological basis that originates from *maqashid al-Syari'ah* reasoning. besides that Geographical Indications when viewed from the side of *Fiqh al-Bi'ah* (environmental jurisprudence), namely *fiqh* which explains the rules of human ecological behavior by referring to *syari'* texts which have the goal of achieving environmental preservation and benefit making Geographical Indications a must Muslims also strive for protection. According to Yusuf Qardhawi in *Ri'ayah al-Bi'ah fiy Syari'ah al-Islam*, states that preserving

the environment and managing natural resources is of the same value as maintaining the maqashid Sharia. (Yusuf Al-Qardhawi, 2001).

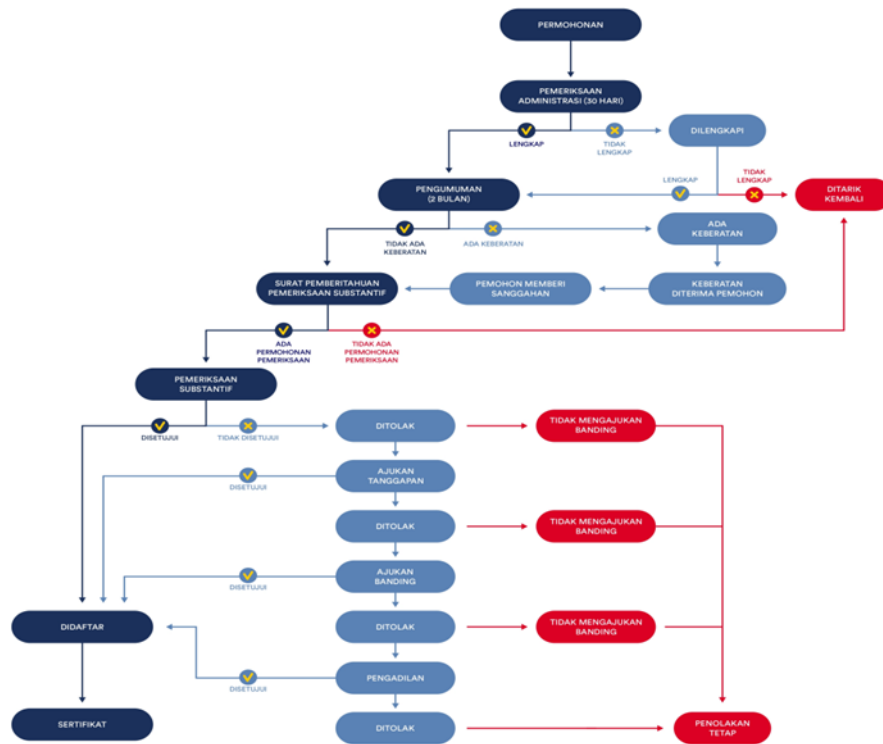
In the MUI Fatwa No: 1/MUNAS VII/MUI/5/2005 concerning Protection of Intellectual Property Rights (IPR) that "IPR that is protected by Islamic law is IPR that does not conflict with Islamic law." Which means Brand Rights which only products that are halal and not products that contain haram or gharar or unclear elements are protected by Islamic law. Rights come from the Arabic haq, literally (etymologically) meaning certainty or determination, as contained in the Qur'an Surah Ya Sin [36]: 7 which means: they have no faith"(Nasrun Haroen, 2007). If someone already has an object that is legal according to syara', that person is free to act on that object, whether it will be sold or mortgaged, either by himself or through other people's intermediaries. (Syamsul Anwar, 2011). Marks and Geographical Indications are a branch of Intellectual Property Rights. Both of these are regulated in Law Number 20 of 2016 concerning Marks and Geographical Indications. According to the provisions of Law Number 20 of 2016 concerning Trademarks and Geographical Indications, a Geographical Indication is a sign that indicates the area of origin of an item or product that has certain characteristics due to natural factors / human factors or a combination of both that affect the goods or products.

Protection of the Rights of Geographical Indications in Islam has conditions that must be met in order for a brand work to be recognized as the right to own property. These conditions are closely related to copyrighted works which are the medium for expressing the creator's ideas. Among the conditions are:

1. It does not contain any unlawful elements in it such as usury, khamar (liquor), maysir (gambling), dog and pork meat, carrion and blood.
2. Not causing damage to society such as violence, pornography, inviting people to commit sins destroying the environment and so on.

## **2.Registration of Geographical Indications of Java Robusta Coffee Raung Gunitir Jember**

Registration of Geographical Indications according to Law no. 20 of 2016 concerning Trademarks and Geographical Indications is carried out by applicants who are community representative institutions in certain geographical areas that seek goods and/or products for their regional Geographical Indications and applications can also be represented by Provincial or Regency/City Regional Governments. Furthermore, the provisions for registering Geographical Indications are regulated in Government Regulation No. 51 of 2007 concerning Geographical Indications.



### Drawing of Procedure for Registration of New Geographical Indications

Source: <https://dgip.go.id/menu-utama/indication-geography/condition-prosedur>

CHAPTER III Government Regulation Number 51 of 2007 concerning Geographical Indications explains the requirements and registration of Geographical Indications as follows:

#### Article 5

- (1) The application is submitted in writing in Indonesian by the Petitioner or through his attorney by filling out the form in 3 (three) copies to the Directorate General.
- (2) The form and content of the Application form as referred to in paragraph (1) shall be determined by the Directorate General.
- (3) The applicant as referred to in paragraph (1) consists of:
  - a. Institution that representing the community in the area that produces the goods in question, consisting of:
    1. Parties who exploit natural products or natural resources;
    2. Producers of agricultural products;
    3. Manufacturers of handicraft products or industrial products; or
    4. Traders who sell the goods;
  - b. Institution that authorized to do so; or

c. consumer group of the goods.

Requirements that must be completed next in the application for registration of Geographical Indications are administrative requirements. Administrative requirements regulated in article 6 of Government Regulation Number 51 of 2007 concerning Geographical Indications regulate as follows:

- 1) The application as referred to in Article 5 must include the following administrative requirements:
  - a. Date, month and year;
  - a. Applicant's full name, nationality and address; and
  - b. Full name and address of attorney, if the application is filed through a proxy.
- 2) The application as referred to in paragraph (1) must be accompanied by:
  - a. Special power of attorney, if the application is filed through a power of attorney; and
  - b. Proof of fee payment.
- 3) The application as referred to in paragraph (1) must be accompanied by a book of requirements consisting of:
  - a. Name of the Geographical Indication being applied for registration;
  - b. Description of the characteristics and qualities that distinguish certain goods from other goods of the same category, and explains the relationship with the area where the goods are produced;
  - c. Description of the geographical environment as well as natural factors and human factors which form a single entity in giving effect to the quality or characteristics of the goods produced;
  - d. Description of regional boundaries and/or maps of areas covered by Geographical Indications;
  - e. Description of the history and traditions related to the use of Geographical Indications to mark goods produced in the area, including acknowledgment from the public regarding the Geographical Indications;
  - f. Description explaining the production process, processing process, and manufacturing process used to enable each producer in the area to produce, process, or make related goods.
  - g. Description of the method used to test the quality of the goods produced; and
  - h. Labels used on goods and containing Geographical Indications.
  - i. The description of regional boundaries and/or maps of areas covered by Geographical indications as referred to in paragraph (3) letter e must obtain a recommendation from the competent authority.

Applications for registration of Geographical Indications must meet the substantive requirements and administrative requirements in order to pass substantive and administrative examinations. Article 7 Government Regulation no. 51 of 2007 concerning Geographical Indications stipulates that administrative checks are carried out no later than 14 (fourteen) days after receipt of the application. Administrative checks in this case cover the completeness of the application for registration of Geographical Indications submitted by the Applicant. The application submitted must meet the requirements described in Article 5, Article 6 paragraph (2) letter b, and Article 6 paragraph (3). Examination of the requirements for registration of Geographical Indications does not only extend to Administrative inspection. Article 8 Government Regulation No. 51 of 2007 concerning Geographical Indications describes the Substantive Examination of the registration of Geographical Indications. The Substantive Examination shall be carried out within 1 (one) month from the date when the complete administrative requirements for the application for Geographical Indications are fulfilled. The substantive examination is carried out by a Geographical Indication Expert Team appointed by the Directorate General of Intellectual Property Rights. Government Regulation Number 51 of 2007 concerning Geographical Indications Article 8 stipulates that a substantive examination is carried out in accordance with the provisions of article 1



number 1, article 3, and article 6 paragraph (3). These provisions contain protected Geographical Indications as signs that show the characteristics and quality of goods from certain areas that have different characteristics from similar goods from other regions.

Article 53 of Law Number 20 of 2016 concerning Trademarks and Geographical Indications explains that an item that can be protected by Geographical Indications must meet the following elements:

- 1) Geographical Indications can be protected after the Geographical Indications are registered by the minister;
- 2) To obtain the protection referred to in paragraph (1), the applicant for Geographical Indications must submit an application to the minister;
- 3) The applicant as referred to in paragraph (2) is:
  - a. an institution that represents the community in a certain geographical area that operates goods and/or products in the form of: natural resources, handicrafts, or industrial products.
  - b. provincial or district/city regional government.
- 4) Provisions regarding announcements, objections, objections and withdrawals as referred to in Articles 14 to 19 shall apply mutatis mutandis to applications for registration of Geographical Indications.

Java Robusta Coffee Raung Gumitir Jember has fulfilled one of the elements to obtain legal protection as a Geographical Indication as referred to in Article 53 of Law no. 20 of 2016, namely Java Robusta Coffee Raung Gumitir Jember is an industrial product originating from Jember Regency. An application for a Geographical Indication may not be registered and rejected if:

- 1) An application for a Geographical Indication cannot be registered if:
  - a. Contrary to state ideology, laws and regulations, morality, religion, decency, and public order;
  - b. Mislead or deceive the public regarding reputation, quality, characteristics, source of origin, product manufacturing process, and/or use;
  - c. Is a name that has been used as a plant variety and is used for similar plant varieties, unless there is an additional word equivalent indicating a similar geographic indication factor.
- 2) Geographical indication application is rejected if:
  - a. Geographical Indication Description Document cannot be verified; and/or
  - b. Has similarities in its entirety with registered Geographical Indications.

Violation of Geographical Indications is contained in Article 66 of Law no. 20 of 2016 which reads:

- 1) Use of Geographical Indications, either directly or indirectly on goods and/or products that do not meet the Document Description of Geographical Indications;
- 2) Use of a Geographical Indication sign, either directly or indirectly, on goods and/or products that are protected or not protected with the intention of:
  - a. Shows that the goods and/or products are comparable in quality to the goods and/or products protected by Geographical Indications;
  - b. Benefit from the use; or
  - c. Benefit from the reputation of Geographical Indications;
  - d. Use of Geographical Indications that can mislead the public in relation to the geographic origin of the goods;
  - e. Use of Geographical Indications by non-users of registered Geographical Indications;

- f. Imitation or misuse which can be misleading with respect to the origin of the goods and/or products or the quality of the goods and/or products contained in:
- a) wrapping or packing;
  - b) Information in advertisements;
  - c) Information in the document regarding said goods and/or products;
  - d) Information that can be misleading about its origin in a package.
  - g. Other actions that can mislead the general public regarding the truth of the origin of said goods and/or products.

As for the form of protection against geographical indications, namely sanctions for perpetrators of criminal acts relating to geographical indications and origin indications, there is a Law on Trademarks and Geographical Indications, namely in Article 92 paragraph (1) Criminal imprisonment for a maximum of 5 (five) years and/or a maximum fine Rp. 1,000,000,000.00 (one billion rupiah) for anyone who intentionally and without right uses a sign that is the same in its entirety with a geographical indication belonging to another party for the same or similar goods registered; Article 92 paragraph (2) A maximum imprisonment of 4 (four) years and/or a maximum fine of Rp. 800,000,000 00 (eight hundred million rupiah) for any person who intentionally and without right uses a sign that is essentially the same as a geographical indication belonging to another party for goods that are the same or similar to the goods registered; Article 93 paragraph (1) A maximum imprisonment of 4 (four) years and/or a maximum fine of Rp. 800,000,000.00 (eight hundred million rupiahs) for anyone who intentionally and without right uses a sign with the right to use a protected mark based on indications of origin on goods or services so as to deceive or mislead the public regarding the origin of said goods or services.

Indonesia, which is known for its cultural diversity, historical roots, strong products, collective ownership culture. The interest in retaining control over the products of their own region by providing protection for Geographical Indications can raise the welfare of producers in certain areas, because Geographical Indications that have been registered, ownership rights are communal. The protection of geographical indications can cause the product value to be higher, so that geographic indications can drive the economy of Jember Regency from the origin of geographic indication products. The concept of geographic indications is communal protection, therefore in the process of protecting geographic indications its implementation can be carried out by empowering NGOs, government agencies, local residents to make descriptions/descriptions of their products registered as geographical indications. The role of the Directorate General of Intellectual Property Rights, especially the Sub Directorate of Geographical Indications in protecting products included in geographical indications, namely: 1. Dissemination of geographical indications to areas that have geographic indication products; 2. Inventarize products that have geographic indication values in collaboration with the Regional Office of the Ministry of Law and Human Rights and related agencies; 3. Administration of applications for registration of geographical indications. (Anggraeni, 2002) Legal protection for Geographical Indications for coffee with the Jember Robusta Coffee brand can be given if it has been registered with the Directorate General of Intellectual Property Rights. Legal protection in the form of Geographical Indications aims to obtain legal certainty. As long as it maintains the quality and characteristics of the Jember Robusta Coffee which has been registered as a Geographical Indication. With the Geographical Indications given to Jember Robusta Coffee, it is hoped that it will bring benefits to the community or even bring harm. and mafsadah namely good and bad, benefit and harm, good and bad, useful and good, while mafsadah is all bad, harmful and not good for humans. (Izz ad-Din bin Abdul Salam, 1994)

## **Conclusion**

Geographical indications are property rights that are protected by Islamic law, both morally and economically. The protection of Geographical Indications in terms of the maqashid sharia approach in terms of moral rights is a form of manifestation of the intellectual protection (hifdz al-aql) of the rights of

Geographical Indications to their owners, and in terms of economic rights it is a manifestation of the protection of property (hifdz al-mal) in the form of the ability to take economic benefits for the owner. Increasing the role of continuously monitoring and maintaining the quality of products with geographical indications and indications of origin, increasing education programs and outreach to the public regarding the importance of protecting geographical indications and the benefits to be gained from legal protection of geographical indications from an economic, social and cultural perspective; Facilitating with facilities and infrastructure to lead the community and farmers to be able to realize and register products with geographical indications and indications of origin to become geographical indications in Jember Regency. As for the form of protection against geographical indications, namely the existence of sanctions for perpetrators of criminal acts regarding geographical indications and indications of origin, there is the Law on Trademarks and Geographical Indications.

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