

Legal Aid and Community Empowerment in Trademark Protection for Public Procurement: Comparative Reflections from Indonesia, the United States, and Spain

I Gede Agus Kurniawan ^{a✉}, Khalid Mustafa ^b,
Putu Aras Samsithawrati ^c, Fradhana Putra Disantara ^d,
Dinara F. Abdunayimova ^e, Antonio Gutiérrez-Pozo ^f

- ^a Faculty of Law, Universitas Pendidikan Nasional, Bali, Indonesia
- ^b Faculty of Law, Universitas Pendidikan Nasional, Bali, Indonesia
- ^c Faculty of Law, Universitas Udayana, Bali, Indonesia
- ^d Faculty of Law, Universitas Jember, East Java, Indonesia
- ^e University of Illinois Urbana-Champaign, United States
- ^f Facultad de Filosofía, University of Sevilla, Spain

✉ Corresponding email: gedeaguskurniawan@undiknas.ac.id



Abstract

The increasing integration of intellectual property protection into public procurement has transformed trademarks from private commercial assets into strategic legal instruments that support fair competition, legal certainty, and accountable public governance. Nevertheless, many micro, small, and medium enterprises (MSMEs) continue to face significant barriers in obtaining trademark protection due to limited legal literacy, inadequate legal assistance, and fragmented institutional support. This study aims to examine the contribution of legal aid to strengthening trademark protection for business actors participating in public procurement, analyze how community empowerment is institutionalized in Indonesia, the United States, and Spain, and formulate a more inclusive legal framework for Indonesian public procurement through comparative legal analysis. This research employs normative legal research using statutory, conceptual, and comparative approaches. Legal materials consist of legislation, international legal instruments, academic literature, government reports, and institutional publications, which are analyzed through descriptive, comparative, and prescriptive methods. The findings demonstrate that legal aid should be reconceptualized as a preventive governance instrument encompassing legal education, trademark registration assistance, institutional collaboration, and community empowerment rather than merely litigation services. Comparative analysis reveals that the United States and Spain have developed integrated institutional models involving government agencies, universities, legal clinics, professional organizations, and business communities, whereas Indonesia continues to experience fragmented institutional coordination and limited preventive legal support. Accordingly, Indonesia should reconstruct its trademark protection framework by institutionalizing collaborative legal assistance, strengthening trademark literacy, integrating intellectual property protection into public procurement policies, and enhancing interagency cooperation to promote legal certainty, fair competition, inclusive economic participation, and sustainable public procurement governance. This aligns with Sustainable Development Goals (SDGs) 9: Industry, Innovation, and Infrastructure.

KEYWORDS *Community Empowerment, Legal Aid, Public Procurement, Trademark Protection, Sustainable Development Goals (SDGs).*

Introduction

The increasing integration of intellectual property protection into public procurement systems has transformed trademarks from merely commercial identifiers into strategic legal assets that influence market competition, consumer trust, and public governance.¹ Traditionally, trademarks have served to distinguish the goods and services of one business entity from those of another while protecting consumers against deception and unfair competition.² In contemporary procurement practices, however, trademarks perform broader functions by ensuring product authenticity, maintaining quality standards, supporting fair competition, and preventing the circulation of counterfeit or misleading goods within government procurement projects. Public procurement represents a substantial proportion of national expenditures in many countries, making trademark protection an essential component of transparent and accountable governance.³ Consequently, legal certainty concerning trademark rights is no longer exclusively a private commercial concern but has become closely connected with public accountability, efficient expenditure of public funds, and the realization of sustainable economic development.

Despite the growing significance of trademark protection in public procurement, many business actors—particularly micro, small, and medium enterprises (MSMEs), cooperatives, and community-based enterprises—continue to experience considerable legal barriers in obtaining

¹ Pierre El Khoury, “Unfair Competition In The Arab World: A Remedy Completing IP Limits?,” *Journal of Intellectual Property Law And Practice* 19, No. 2 (February 15, 2024): 162–69, <https://doi.org/10.1093/jiplp/jpae003>.

² I Gede Mahatma Yogiswara Winatha, A.A.Gede Agung Indra Prathama, And Putu Chandra Kinandana Kayuan, “Comparative Analysis of Legal Protection And Criteria of Well-Known Marks (Indonesia, United States, India, China, And Germany),” *Audito Comparative Law Journal (ACLJ)* 4, No. 1 (2023): 43–54, <https://doi.org/10.22219/aclj.v4i1.23768>.

³ Otilia Manta And Eglia Mansi, “The Impact of Globalization On Innovative Public Procurement: Challenges And Opportunities,” *Administrative Sciences* 14, No. 4 (April 22, 2024): 80, <https://doi.org/10.3390/admsci14040080>.

and enforcing trademark rights.⁴ These challenges include limited legal literacy, inadequate access to legal assistance, procedural complexity in trademark registration, insufficient awareness of intellectual property as a business asset, and unequal bargaining positions when competing against larger corporations. Such barriers often prevent local enterprises from participating effectively in government procurement markets despite procurement policies intended to encourage wider community participation. As governments increasingly prioritize inclusive procurement policies that support domestic industries and local innovation, the absence of accessible legal assistance creates structural inequalities that undermine these policy objectives.

Indonesia illustrates these challenges in a particularly significant manner. The Indonesian government has introduced numerous reforms intended to improve the governance of public procurement while simultaneously strengthening intellectual property protection and empowering MSMEs through various economic policies. Digital procurement platforms, affirmative procurement policies for small enterprises, and simplification of business licensing procedures have expanded opportunities for local entrepreneurs to enter public procurement markets.⁵ Nevertheless, trademark protection remains unevenly distributed because legal knowledge and legal assistance services are concentrated primarily in urban areas and among relatively established business actors. Many small enterprises continue to perceive trademark registration as expensive, complicated, and unnecessary, despite the substantial legal and commercial risks associated with unregistered marks. As a consequence, numerous local products enter procurement processes

⁴ Willya Achmad, "Msmes Empowerment Through Digital Innovation: The Key To Success of E-Commerce In Indonesia," *Daengku: Journal of Humanities And Social Sciences Innovation* 3, No. 3 (2023): 469–75, <https://doi.org/10.35877/454ri.Daengku1742>.

⁵ Mark Cook, "Soft And Hard Measures In Optimising Wellbeing Through Procurement, Commissioning And Partnering," In *COVID-19 And Social Determinants of Health* (Policy Press, 2023), 338–50, <https://doi.org/10.51952/9781447364979.Ch024>.

without adequate legal protection, increasing their vulnerability to imitation, unfair competition, and contractual disputes.

The legal challenges encountered by Indonesian communities extend beyond trademark registration itself. Effective trademark protection requires continuous legal guidance covering the identification of registrable marks, compliance with administrative procedures, monitoring potential infringements, enforcement of exclusive rights, dispute resolution mechanisms, and strategic commercialization of intellectual property assets. These legal services are frequently inaccessible to economically disadvantaged communities due to financial limitations, geographical disparities, and institutional capacity constraints. Consequently, legal aid should not be understood merely as litigation assistance but rather as a comprehensive mechanism for enabling communities to exercise their legal rights throughout the entire lifecycle of intellectual property protection.

Legal aid and community empowerment play an important role as instruments to bridge the gap between law and society.⁶ Legal aid not only serves to provide representation in court, but also to increase public awareness, knowledge, and legal capacity so that they are able to protect their Intellectual Property rights independently.⁷ Meanwhile, community empowerment encourages active participation in the management and utilization of IP as a sustainable economic resource. The combination of these two approaches can create a more inclusive and effective brand protection system, especially for structurally disadvantaged groups. Therefore, understanding the dynamics of legal aid and community empowerment in the context of brand protection is highly relevant to addressing current economic and social challenges.

This broader understanding of legal aid reflects the evolving concept of access to justice. Contemporary legal scholarship increasingly recognizes

⁶ Anil Balan, "Bridging The Gap: Law Students As Agents of Public Legal Education And Community Empowerment," *International Journal of Clinical Legal Education* 32, No. 2 (July 2025): 53–69, <https://doi.org/10.19164/Ijcle.V32i2.1692>.

⁷ Agwu Sunday Okoro, "Access To Justice: The Role of Legal Aid In Society," *Interdisciplinary Studies In Society, Law, And Politics* 1, No. 2 (2022): 34–41, <https://doi.org/10.61838/Kman.Iss1p.1.2.6>.

that meaningful access to justice encompasses preventive legal services, legal education, community empowerment, institutional collaboration, and policy advocacy rather than solely judicial representation. Within the field of intellectual property law, preventive legal assistance is particularly important because the failure to secure trademark rights at an early stage often results in significantly higher economic losses and more complicated legal disputes in later stages. Therefore, community empowerment through legal education and accessible legal services constitutes a preventive strategy that simultaneously promotes legal certainty, economic resilience, and inclusive development.

The comparative experiences of the United States and Spain provide valuable perspectives for understanding how different legal systems integrate legal assistance, institutional support, and trademark protection within broader economic governance frameworks. The United States possesses one of the world's most mature trademark systems, characterized by comprehensive institutional support provided through federal agencies, legal clinics, pro bono programs, university partnerships, and professional legal organizations.⁸ Trademark protection in the United States extends beyond statutory registration by emphasizing education, legal outreach, and capacity-building initiatives that enable entrepreneurs, start-ups, minority-owned businesses, and small enterprises to understand and utilize intellectual property rights effectively. Public-private collaboration has significantly expanded access to trademark-related legal assistance, demonstrating that legal protection can function as an instrument of economic inclusion rather than merely a mechanism for resolving commercial disputes.

Similarly, Spain offers an instructive European perspective by integrating intellectual property protection within broader social and administrative governance frameworks. Spanish legal institutions have increasingly emphasized cooperation among government agencies, professional associations, universities, and regional authorities to improve

⁸ Aibar Seidimbek, Muslim Khassenov, And Marat Alenov, "Providing A Balance Between Employers' And Employees' Interests Through The Development of A Procedural Mechanism For Protecting Their Rights," *Access To Justice In Eastern Europe* 6, No. 2 (2023): 1–22, <https://doi.org/10.33327/Ajee-18-6.2-A000202>.

intellectual property awareness and legal accessibility. The decentralization of administrative governance allows regional institutions to provide localized legal assistance while maintaining consistency with national and European Union trademark regulations. Furthermore, Spain's emphasis on administrative modernization and digital public services has contributed to improving accessibility for businesses seeking trademark protection, including enterprises participating in public procurement markets. These experiences demonstrate that effective trademark governance depends not only upon substantive legislation but also upon institutional accessibility and community-oriented legal services.

The comparison among Indonesia, the United States, and Spain is particularly significant because these jurisdictions represent distinct legal traditions, institutional arrangements, and socioeconomic contexts. Indonesia reflects a developing legal system that continues to strengthen institutional capacity while expanding access to justice for MSMEs and local communities. The United States represents a common law jurisdiction with extensive institutional support for intellectual property protection through collaborative public and private initiatives. Spain represents a civil law jurisdiction operating within the European Union's harmonized intellectual property framework while maintaining decentralized mechanisms for legal assistance and public administration. Examining these three jurisdictions enables a more comprehensive understanding of how different legal traditions address similar challenges concerning trademark protection, community empowerment, and equitable participation in public procurement.

This research seeks to address these gaps by developing a comparative legal analysis of legal aid and community empowerment in trademark protection for public procurement in Indonesia, the United States, and Spain. Rather than limiting legal aid to post-dispute representation, this study conceptualizes legal aid as a multidimensional governance instrument encompassing legal education, preventive legal services, institutional cooperation, community capacity-building, and policy implementation. Such an approach contributes to expanding the theoretical understanding of access to justice within intellectual property law while simultaneously

providing practical recommendations for strengthening inclusive procurement governance.

The novelty of this research lies not merely in comparing three jurisdictions but in identifying the conceptual relationship between legal aid, community empowerment, trademark governance, and public procurement as an integrated legal framework. Existing comparative studies predominantly evaluate differences in trademark legislation or procurement regulations without systematically examining how institutional legal assistance influences the effectiveness of trademark protection among procurement participants. By positioning legal aid as an essential component of intellectual property governance, this study introduces a governance-oriented analytical framework capable of bridging legal protection with economic participation and social inclusion.

Accordingly, this article aims to answer three principal questions: first, how legal aid contributes to strengthening trademark protection for business actors participating in public procurement; second, how Indonesia, the United States, and Spain institutionalize community empowerment within their respective trademark protection systems; and third, how comparative experiences from these jurisdictions may contribute to reconstructing a more inclusive legal framework for trademark protection in Indonesian public procurement. Through these objectives, the study seeks to contribute to comparative intellectual property scholarship while offering practical policy recommendations for improving legal accessibility, strengthening institutional cooperation, and enhancing community participation in procurement systems that are transparent, competitive, and socially equitable.

Several studies that have been conducted show various approaches to the issue of brand protection and community empowerment, both from a legal and socio-economic perspective. Research conducted by Carolina Castaldi et al., in the *Journal of Development Studies* highlights the potential of collective marks as a more inclusive instrument in the intellectual property rights system. This study underlines how collective marks can strengthen the position of small producer groups through economic cooperation and joint legal protection, but has not discussed in depth the role of legal aid in ensuring access to justice for these

communities.⁹ Azwindini Isaac Ramaano's work in Local Development and Society emphasizes the importance of empowering local communities through resource management and sustainable tourism using geographic information systems. While focused on the tourism context, this study demonstrates the relevance of community empowerment in supporting local-based economic development, but it does not directly examine the relationship between empowerment and trademark legal protection.¹⁰ Both of these studies demonstrate the strategic value of social and technological collaboration in creating an inclusive economic system, but are still limited in linking the dimensions of legal protection for MSMEs comparatively across countries.

Audiya Dewi Rachmawati et al., in *Pena Justisia: Media Komunikasi dan Kajian Hukum* examines the comparison of collective mark regulations between Indonesia and Brazil, focusing on legal certainty for MSMEs. This research makes an important contribution to normative understanding, but has not explored the aspects of legal aid and community empowerment as a means of effective implementation of brand protection.¹¹ Meanwhile, Bambang Pujiyono and Iman Tri Wibowo, at the International Conference on Community Development, focused on brand training as a form of MSME empowerment. This research provides empirical evidence on the effectiveness of training in increasing legal awareness among small business owners, but does not yet discuss comparisons across jurisdictions or legal

⁹ Carolina Castaldi, Milene Simone Tessarin, And Rahmi Can Yamanoglu, "Inclusive Intellectual Property Rights? The Case of Collective Trademarks," *The Journal Of Development Studies* 1, No. 1 (July 31, 2025): 1–18, <https://doi.org/10.1080/00220388.2025.2533906>.

¹⁰ Azwindini Isaac Ramaano, "Geographical Information Systems In Sustainable Rural Tourism And Local Community Empowerment: A Natural Resources Management Appraisal For Musina Municipality' Society," *Local Development & Society* 4, No. 1 (January 2023): 74–105, <https://doi.org/10.1080/26883597.2021.2011610>.

¹¹ Audiya Dewi Rachmawati, Rika Ratna Permata, And Laina Rafianti, "The Proper Regulation of Collective Trademarks For Msmes Based On Legal Certainty: A Comparative Study With Brazil," *Pena Justisia: Media Komunikasi Dan Kajian Hukum* 24, No. 1 (September 2025): 4525–38, <https://doi.org/10.31941/Pj.V24i1.6616>.

systems.¹² Fairuzi Is'ad and Budi Agus Riswandi in *JIPRO: Journal of Intellectual Property* conducted a comparative analysis of the protection of well-known brands in Indonesia and Spain, but the focus was still limited to the substantive legal aspects, not on the social dimensions and access to justice.¹³ Although some of these studies contribute to the brand protection literature, none have comprehensively integrated legal and community empowerment approaches within a comparative framework between Indonesia, the United States, and Spain.

Method

This research employs a normative legal research design using a comparative law approach to examine the role of legal aid and community empowerment in strengthening trademark protection within public procurement systems. Normative legal research is appropriate because the study primarily analyzes legal norms, statutory regulations, legal principles, institutional arrangements, and scholarly doctrines governing trademark protection and legal assistance.¹⁴ The comparative approach enables a systematic evaluation of similarities, differences, and best practices among Indonesia, the United States, and Spain in integrating legal aid mechanisms into intellectual property governance and public procurement.

The study utilizes both statutory and conceptual approaches. The statutory approach examines the legal frameworks regulating trademarks, legal aid, and public procurement in each jurisdiction, including relevant

¹² Bambang PUJIYONO And Iman Tri WIBOWO, "The Empowerment Of Small And Medium Enterprises In Ciledug District, Tangerang City Through Training On Trademark," *ICCD* 3, No. 1 (October 2021): 381–83, <https://doi.org/10.33068/Iccd.Vol3.Iss1.384>.

¹³ Fairuzi Is'ad And Budi Agus Riswandi, "Legal Protection For Well-Known Trademark Between Indonesia And Spanish (Case Study Between Lois And Newlois)," *JIPRO: Journal Of Intellectual Property* 5, No. 2 (2022): 169–89, <https://doi.org/10.20885/Jipro.Vol5.Iss2.Art5>.

¹⁴ Maalikatussofa Masnun, Muh. Ali, Prasetio, Dicky Eko, "Reconstruction Of The Normative Legal Research Paradigm In Responding To Global Challenges: An Epistemological Analysis," *Novum: Jurnal Hukum* 12, No. 3 (2025): 372–84, <https://doi.org/10.2674/Novum.V12i03.74364>.

legislation, administrative regulations, and institutional policies governing access to legal services and intellectual property protection. The conceptual approach analyzes the underlying legal theories concerning access to justice, community empowerment, intellectual property rights, good governance, and inclusive public procurement to establish a coherent analytical framework for comparative evaluation. The legal materials consist of primary, secondary, and tertiary sources. Primary legal materials include national legislation on trademarks, public procurement, and legal aid from Indonesia, the United States, and Spain, together with relevant international legal instruments concerning intellectual property protection. Secondary legal materials comprise academic books, peer-reviewed journal articles, comparative law studies, official reports, policy papers, and institutional publications discussing intellectual property governance, legal empowerment, and procurement reform. Tertiary legal materials, including legal dictionaries, encyclopedias, and bibliographic references, are employed to clarify legal terminology and support doctrinal interpretation.

Data were collected through an extensive literature review and documentary analysis of legislation, judicial decisions where relevant, government reports, and academic publications. The collected legal materials were analyzed qualitatively using descriptive, comparative, and prescriptive methods.¹⁵ Descriptive analysis explains the legal frameworks and institutional arrangements within each jurisdiction, while comparative analysis identifies convergences, divergences, and transferable legal practices. Finally, prescriptive analysis formulates recommendations for reconstructing Indonesia's legal framework by integrating comparative best practices to strengthen legal aid, enhance community empowerment, and improve trademark protection within public procurement. Through this analytical framework, the research seeks to contribute both theoretically and practically to the development of more inclusive and sustainable intellectual property governance.

¹⁵ Tunggal Ansari Setia Negara, "Normative Legal Research In Indonesia: Its Origins And Approaches," *ACLJ* 4, No. 1 (2023): 5.

Result & Discussion

A. Legal Aid Contributes to Strengthening Trademark Protection for Business Actors Participating in Public Procurement

The growing importance of intellectual property rights within public procurement has fundamentally transformed the role of trademarks from conventional commercial identifiers into strategic legal assets that directly influence market access, fair competition, and public accountability.¹⁶ In contemporary procurement systems, trademarks no longer function solely to distinguish goods and services in private markets but also serve as indicators of product authenticity, quality assurance, business reputation, and legal certainty for both government institutions and private suppliers.¹⁷ Governments increasingly require procurement participants to demonstrate compliance with legal and administrative standards, including intellectual property protection, to minimize procurement risks and ensure that public funds are expended efficiently. Consequently, trademark protection has become an essential component of good procurement governance because it protects both the proprietary interests of business actors and the public interest in obtaining genuine, high-quality products and services.

Within this evolving legal landscape, the effectiveness of trademark protection depends not merely on the existence of substantive trademark legislation but also on the accessibility of legal institutions capable of enabling business actors to understand, exercise, and enforce their intellectual property rights.¹⁸ This relationship highlights the increasingly

¹⁶ Venson Sarita And Shiella Mae Inutan, "Technology Transfer Management Practices Among Selected State Universities And Colleges In Davao Region, Philippines," *Journal Of Interdisciplinary Perspectives* 3, No. 4 (2025), <https://doi.org/10.69569/jip.2025.070>.

¹⁷ Fredo Schotanus, "What To Do With Competition For Public Contracts In The EU," *Journal Of Public Procurement* 25, No. 4 (December 5, 2025): 599–608, <https://doi.org/10.1108/JOPP-11-2025-136>.

¹⁸ Eny Sulistyowati Muh. Ali Masnun, Dicky Eko Prasetyo, Mohd Badrol Awang, "Reconstructing Indonesia's Trademark Registration System Through The Lens Of

significant role of legal aid as an instrument of legal empowerment rather than merely a mechanism for dispute resolution. Traditional perspectives often conceptualize legal aid as legal representation provided to economically disadvantaged individuals during litigation. However, modern legal systems increasingly recognize legal aid as a comprehensive framework encompassing legal education, preventive legal counseling, institutional assistance, administrative guidance, mediation, negotiation, and legal advocacy.¹⁹ Such a broader conception is particularly relevant within intellectual property law because the greatest legal challenges frequently arise before disputes occur, namely during the stages of trademark selection, registration, commercialization, licensing, and participation in competitive procurement processes.

Business actors participating in public procurement encounter legal complexities that differ substantially from those experienced in ordinary commercial transactions.²⁰ Public procurement operates within a highly regulated environment characterized by administrative compliance, transparency requirements, competitive bidding procedures, accountability mechanisms, and rigorous contractual obligations.²¹ Suppliers are expected not only to offer economically competitive products but also to guarantee that the goods or services supplied do not infringe existing intellectual property rights. Failure to comply with trademark regulations may expose procurement participants to administrative sanctions, contractual termination, financial losses, reputational damage,

General Principles of Good Governance To Realize Substantive Justice,” *Journal Of Law And Legal Reform* 5, No. 3 (2024): 891–912.

¹⁹ Dedi Mulyadi Et Al., “Socialization Of Village Head Regulations Regarding The Legal Aid Service Center of Warudoyong Village , Cianjur District Towards A Digital Society,” *International Journal Of Social Science And Humanities* 4, No. 1 (2022): 2017–19.

²⁰ I Gede Agus Kurniawan Et Al., “Legal Reform In Business Dispute Resolution: A Study of Legal Pluralism In Indonesia, Vietnam, And Thailand,” *Journal Of Law And Legal Reform* 6, No. 2 (April 2025): 69–116, <https://doi.org/10.15294/jllr.v6i2.21128>.

²¹ Aji Baskoro, “Combating Corruption In Procurement: The Synergy of Law Enforcement, Civil Society, And Digital Oversight,” *Jurnal Pengadaan Indonesia* 4, No. 1 (April 30, 2025): 24–39, <https://doi.org/10.59034/jpi.v4i1.59>.

and civil litigation. Accordingly, legal certainty concerning trademark ownership becomes an indispensable prerequisite for sustainable participation in government procurement.

Despite this necessity, significant disparities remain in the ability of business actors to obtain adequate trademark protection. Large corporations generally possess sufficient financial resources to retain specialized intellectual property attorneys, conduct trademark clearance searches, monitor potential infringements, and pursue litigation whenever disputes arise. By contrast, micro, small, and medium enterprises (MSMEs), social enterprises, cooperatives, and community-based producers frequently lack the legal capacity necessary to navigate increasingly sophisticated intellectual property regimes. Their limitations extend beyond financial constraints and include inadequate legal literacy, limited access to professional legal services, unfamiliarity with administrative procedures, and insufficient understanding of the strategic commercial value of trademarks. Consequently, these enterprises often enter procurement markets without legally protected brands, thereby increasing their vulnerability to imitation, unfair competition, and contractual uncertainty.

This structural imbalance illustrates that legal inequality within intellectual property governance is not solely attributable to deficiencies in substantive legislation but also to unequal access to legal institutions. Access to justice, therefore, should be understood not merely as equal access to courts but as equal opportunity to utilize legal mechanisms that enable individuals and business entities to protect their legitimate interests before disputes emerge. The theory of legal empowerment provides an important analytical framework for understanding this phenomenon. Legal empowerment emphasizes that individuals and communities become capable of improving their socioeconomic conditions when they possess sufficient legal knowledge, institutional support, and practical capacity to exercise their legal rights effectively. Within the context of trademark protection, legal empowerment requires more than statutory recognition of exclusive trademark rights; it requires accessible legal assistance capable of translating complex legal norms into practical guidance that business actors can implement throughout their commercial activities.

Legal aid consequently performs multiple interconnected functions that contribute to strengthening trademark protection. First, it enhances legal awareness by educating entrepreneurs regarding the legal significance of trademarks as valuable business assets rather than optional administrative formalities.²² Many small enterprises continue to perceive trademarks merely as marketing symbols without recognizing their broader legal implications concerning exclusive ownership, licensing opportunities, business valuation, investment attractiveness, and competitive differentiation. Through systematic legal education, legal aid institutions encourage entrepreneurs to recognize that trademark registration constitutes a strategic investment capable of generating long-term economic benefits while simultaneously reducing legal uncertainty.

Second, legal aid reduces procedural barriers associated with trademark registration. Intellectual property registration often involves technical legal requirements concerning distinctiveness, classification of goods and services, documentary evidence, administrative deadlines, and examination procedures. Although these requirements are intended to ensure legal certainty, they frequently discourage small enterprises possessing limited administrative capacity. Legal assistance simplifies these procedures by providing legal consultation, document preparation, procedural guidance, and administrative representation where appropriate.²³ Consequently, legal aid functions as an institutional facilitator that narrows the gap between formal legal rights and practical accessibility.

Third, legal aid strengthens preventive legal protection by assisting business actors in identifying potential legal risks before entering procurement processes.²⁴ Preventive legal services may include trademark

²² Ching-Fang Hsu, Ivan Kan-Hsueh Chiang, And Yun-Chien Chang, "Lawyers' Legal Aid Participation: A Qualitative And Quantitative Analysis," *Journal Of Empirical Legal Studies* 21, No. 2 (June 2024): 337–74, <https://doi.org/10.1111/jels.12385>.

²³ Okoro, "Access To Justice: The Role Of Legal Aid In Society."

²⁴ Muhamad Akhsanul Fadli, "Transcendental Approach In Legal Aid Concept In Indonesia: A Philosophy of Law Perspective," *The Indonesian Journal Of International Clinical Legal Education* 3, No. 4 (2021): 465–80, <https://doi.org/10.15294/ijicle.V3i4.48293>.

clearance searches, assessment of potential infringement risks, contractual review, licensing advice, compliance audits, and legal due diligence. Such preventive measures substantially reduce the probability of disputes that might otherwise interrupt procurement contracts or expose suppliers to financial liabilities. Preventive legal assistance is particularly valuable because intellectual property disputes within procurement projects frequently generate broader administrative consequences affecting procurement efficiency, government credibility, and public expenditure.

The preventive dimension of legal aid reflects a broader transformation in contemporary governance from reactive dispute resolution toward proactive risk management. Governments increasingly recognize that preventing legal conflicts is considerably more efficient than resolving disputes after contractual relationships have deteriorated. Within public procurement, preventive trademark protection safeguards not only private commercial interests but also broader public interests by ensuring uninterrupted procurement implementation, maintaining supplier reliability, and preserving market confidence. Accordingly, legal aid contributes simultaneously to individual legal protection and institutional governance objectives.

Furthermore, legal aid promotes fair competition by reducing asymmetrical legal capacities among procurement participants. Public procurement is founded upon the principles of equality, transparency, competitiveness, and non-discrimination. Nevertheless, genuine equality cannot be achieved merely through formally identical procurement rules if participants possess substantially unequal legal capacities. Large corporations generally enjoy structural advantages because they employ experienced legal departments capable of managing complex intellectual property portfolios. Smaller enterprises, despite offering innovative products and competitive prices, often remain disadvantaged because of inadequate legal support. Legal aid therefore functions as a corrective institutional mechanism that equalizes opportunities by enabling economically weaker enterprises to compete under more equitable legal conditions.

The relationship between legal aid and trademark protection also extends beyond individual business interests to broader socioeconomic

development. Trademarks frequently represent accumulated goodwill, cultural identity, local innovation, and community-based production systems. Numerous MSMEs participating in public procurement produce goods rooted in local knowledge, traditional craftsmanship, or regional economic specialization.²⁵ Without adequate trademark protection, these enterprises risk losing commercial identity through imitation or misappropriation by larger competitors possessing greater financial and legal resources. Legal aid therefore contributes not only to protecting proprietary rights but also to preserving local economic resilience, promoting community entrepreneurship, and encouraging sustainable regional development.

Accordingly, the contribution of legal aid to trademark protection should not be evaluated exclusively according to the number of disputes resolved or legal cases litigated. Its broader institutional value lies in its capacity to transform intellectual property protection into an accessible public service that empowers business actors before legal conflicts emerge. By combining legal education, administrative assistance, preventive counseling, institutional collaboration, and community empowerment, legal aid bridges the persistent gap between formal legal rights and their effective realization. This transformation is particularly significant within public procurement, where trademark protection directly influences competition, innovation, market participation, and the efficient utilization of public resources. Consequently, legal aid should be recognized not merely as a supplementary welfare service but as an essential pillar of inclusive intellectual property governance capable of strengthening both economic development and the rule of law.

The relationship between legal aid and trademark protection cannot be adequately understood without examining the broader concept of access to justice, which has evolved considerably within contemporary legal scholarship. Traditionally, access to justice was interpreted narrowly as the opportunity for individuals to obtain legal representation and pursue

²⁵ Muthia Sakti And Dwi Aryanti Ramadhani, "Halal Certification Of Micro And Small Enterprises' Food Products For Consumer Protection," *Amsir Law Journal* 5, No. 1 (2023): 23–36, <https://doi.org/10.36746/Alj.V5i1.296>.

claims before judicial institutions. This litigation-centered perspective emphasized the availability of courts, procedural fairness, and equality before the law. However, modern legal theory increasingly recognizes that meaningful access to justice extends far beyond courtroom participation. Individuals and business entities cannot effectively exercise their legal rights unless they possess sufficient legal knowledge, institutional support, financial capacity, and administrative assistance to navigate increasingly complex regulatory systems. Consequently, legal aid has developed into a multidimensional mechanism that combines legal education, legal counseling, preventive assistance, mediation, institutional advocacy, and policy support to ensure that legal rights become practically accessible rather than merely formally recognized.

Within the context of trademark protection, access to justice assumes particular significance because intellectual property rights are highly technical and administratively driven. Unlike many civil rights that arise automatically upon legal recognition, trademark rights generally require affirmative legal action, including trademark selection, clearance searches, registration procedures, renewal obligations, monitoring activities, and enforcement mechanisms. These procedural requirements demand specialized legal knowledge that many business actors—particularly MSMEs, cooperatives, women-owned enterprises, and community-based producers—often do not possess. Consequently, formal equality before trademark legislation does not necessarily guarantee substantive equality in the enjoyment of trademark protection. Although all business actors are theoretically entitled to register trademarks, only those possessing sufficient legal literacy and institutional support can fully utilize the legal framework. This disparity illustrates that access to justice within intellectual property law depends not merely upon statutory rights but also upon the practical availability of legal assistance.

The theory of legal empowerment provides an important analytical perspective for addressing this institutional challenge. Legal empowerment emphasizes that law should function as a practical instrument enabling individuals and communities to improve their socioeconomic conditions rather than merely regulating social behavior through coercive legal rules. According to this perspective, legal rights become meaningful only when

individuals possess the capacity to understand, exercise, and enforce those rights independently. Therefore, legal aid should not be perceived as charitable assistance for disadvantaged groups but rather as an investment in strengthening legal capability within society. Business actors who receive appropriate legal assistance become more capable of protecting their commercial identities, negotiating contractual relationships, managing legal risks, and participating confidently in competitive procurement markets. Legal empowerment consequently transforms legal aid from a reactive dispute-resolution mechanism into a proactive strategy for sustainable economic development.

Community empowerment represents another essential dimension of legal aid within trademark protection. Unlike conventional legal services directed exclusively toward individual clients, community empowerment seeks to strengthen collective legal capacity among groups sharing similar economic interests and structural challenges. Community empowerment recognizes that sustainable legal development cannot rely solely upon individual litigation but requires the dissemination of legal knowledge throughout society. Accordingly, legal aid institutions increasingly organize legal awareness campaigns, educational workshops, intellectual property clinics, community consultations, digital legal platforms, and collaborative partnerships with universities, professional organizations, and government agencies. These initiatives enable communities to acquire practical legal skills while simultaneously strengthening institutional trust between citizens and public authorities.

In the field of trademark protection, community empowerment produces significant long-term benefits because trademarks frequently represent collective economic identities rather than merely individual commercial assets. Local producers, cooperatives, artisan associations, agricultural communities, and traditional industry clusters often develop distinctive brands reflecting regional identity, cultural heritage, and local innovation. The legal protection of these trademarks therefore extends beyond individual business interests and contributes to preserving community reputation, regional competitiveness, and sustainable local

economic development.²⁶ Through community-based legal education, entrepreneurs become capable of recognizing the commercial value of trademarks, preventing unauthorized imitation, developing licensing strategies, and integrating intellectual property into broader business planning. Consequently, legal aid contributes to strengthening not only individual legal certainty but also collective economic resilience.

The concept of community legal empowerment further emphasizes that sustainable intellectual property governance requires active participation by civil society rather than exclusive reliance upon governmental regulation. Effective trademark protection depends upon continuous interaction among government institutions, legal professionals, universities, business associations, chambers of commerce, civil society organizations, and local communities. Each institution performs complementary functions within an integrated governance framework. Government agencies establish regulatory standards and administrative procedures; universities contribute research and legal education; professional organizations provide specialized expertise; civil society organizations facilitate outreach activities; and business communities disseminate practical knowledge through peer learning. Legal aid functions as the institutional mechanism connecting these diverse stakeholders while ensuring that intellectual property governance remains accessible to economically disadvantaged groups.

The significance of legal aid becomes even more pronounced when viewed through the principles of inclusive economic development. Contemporary development theory increasingly recognizes that sustainable economic growth cannot be measured solely through aggregate economic indicators but must also consider equitable access to economic opportunities. Governments therefore encourage wider participation of MSMEs, women entrepreneurs, youth enterprises, indigenous communities, and social enterprises within public procurement markets. Nevertheless, these policy objectives remain difficult to achieve if

²⁶ Hernida Wati Daeli And Nooraini Dyah Rahmawati, "Collective Trademarks As Legal Protection For Micro, Small, And Medium Enterprises In The Special Region of Yogyakarta," *Fortiori Law Journal* 5, No. 01 (June 26, 2025): 121–40, <https://doi.org/10.47200/Flj.V5i01.3058>.

participating enterprises continue to experience substantial legal barriers. Community empowerment through legal aid addresses this challenge by strengthening institutional capability before enterprises enter procurement markets. Rather than providing temporary financial assistance, legal aid builds long-term legal competence that enables business actors to participate independently in future commercial activities.

The effectiveness of legal aid in strengthening trademark protection also depends upon the quality of institutional coordination among relevant stakeholders. Fragmented institutional responsibilities frequently reduce the accessibility of legal services because entrepreneurs must interact separately with intellectual property offices, procurement authorities, business licensing agencies, local governments, and legal service providers. Integrated legal assistance models therefore represent an important institutional innovation. One-stop legal service centers, university intellectual property clinics, government-sponsored legal consultation programs, and collaborative legal networks enable business actors to obtain comprehensive assistance through coordinated institutional mechanisms. Such institutional integration significantly reduces administrative complexity while improving regulatory compliance.

The integration of trademark protection into public procurement reflects the growing convergence between intellectual property law and administrative law. Traditionally, procurement regulations primarily emphasized procedural fairness, financial accountability, competitive bidding, and efficient allocation of public resources. However, the increasing complexity of procurement markets has required governments to address broader legal concerns, including product authenticity, technological innovation, supply chain integrity, and protection against intellectual property infringement. Government agencies increasingly recognize that procurement decisions involving counterfeit goods, unauthorized trademarks, or products infringing intellectual property rights may generate significant financial losses, contractual disputes, reputational damage, and disruptions to public services.²⁷ Therefore,

²⁷ Marie J. Dela Rama, Michael E. Lester, And Warren Staples, "The Challenges Of Political Corruption In Australia, The Proposed Commonwealth Integrity

effective trademark protection has become an indispensable component of procurement governance that safeguards both private commercial interests and broader public interests.

Furthermore, this integrated theoretical framework has broader implications for sustainable economic development. International development policies increasingly emphasize the importance of inclusive economic participation, innovation-driven growth, and support for MSMEs. Public procurement has emerged as an important policy instrument for achieving these objectives because government purchasing power can stimulate domestic production, technological innovation, and local entrepreneurship. However, procurement policies encouraging MSME participation will remain only partially effective if participating enterprises lack adequate legal capacity to protect their commercial identities. Legal aid therefore becomes a critical enabling institution that aligns intellectual property governance with broader economic development strategies.

Ultimately, the theoretical implications of this study extend beyond trademark law itself. They demonstrate that effective legal systems should not be evaluated exclusively according to legislative quality or judicial effectiveness but also according to their capacity to empower individuals and communities through accessible legal institutions. The reconstruction of Indonesia's legal aid framework should be guided by four interrelated principles. First, preventive legal assistance should be institutionalized as a core function of legal aid alongside litigation services. Second, community empowerment should become the primary strategy for increasing trademark literacy among MSMEs and local business communities. Third, institutional integration should be strengthened through systematic cooperation among intellectual property authorities, procurement agencies, universities, legal aid organizations, and business associations. Fourth, digital legal accessibility should be expanded to ensure that technological modernization enhances rather than restricts access to justice. Collectively, these principles establish the foundation for an inclusive legal

Commission Bill (2020) And The Application of The APUNCAC," *Laws* 11, No. 1 (2022): 2–12, <https://doi.org/10.3390/Laws11010007>.

aid model capable of strengthening trademark protection while simultaneously improving procurement governance, encouraging innovation, and supporting sustainable economic development. Such a model represents not merely an administrative reform but a paradigmatic shift toward a more responsive, participatory, and justice-oriented system of intellectual property governance.

B. Community Empowerment in Trademark Protection: A Comparative Analysis of Indonesia, the United States, and Spain and Its Implications for Indonesian Public Procurement

Community empowerment has emerged as one of the most significant paradigms in contemporary legal governance because it redefines the relationship between law, society, and economic development.²⁸ Unlike traditional legal approaches that position citizens primarily as passive recipients of legal protection, community empowerment emphasizes the active participation of individuals, business actors, and civil society organizations in understanding, utilizing, and enforcing their legal rights.²⁹ Within the field of intellectual property law, this paradigm is particularly important because trademarks are not merely legal entitlements granted by the state but strategic economic assets whose value depends upon the capacity of business actors to manage, protect, and commercialize them effectively. Consequently, strengthening trademark protection requires more than comprehensive legislation or effective judicial enforcement; it requires the systematic empowerment of business communities through accessible legal institutions, legal education, institutional collaboration, and continuous capacity building.

²⁸ Ridwan Arma Subagio Dicky Eko Prasetyo, "Optimalisasi Peran Pendidikan Dan Pemberdayaan Masyarakat Dalam Menghadapi Covid-19 Di Desa Sukorejo Kabupaten Bojonegoro," *Pelatihan, Pengembangan, Dan Pengabdian Masyarakat* 1, No. 2 (2021): 44.

²⁹ Edy Mulyono Et Al., "Legal Uncertainty And Barriers To Women's Representation In Village Governance," *Indonesian Journal Of Innovation Studies* 26, No. 1 (January 15, 2025): 4–7, <https://doi.org/10.21070/Ijins.V26i1.1283>.

The theoretical evolution of community empowerment reflects broader developments within modern governance. Classical legal systems generally concentrated on the state's responsibility to enact legislation and adjudicate disputes, assuming that legal certainty would naturally arise from the existence of clear legal rules.³⁰ However, experience across numerous jurisdictions demonstrates that formal legal recognition alone does not necessarily translate into effective legal protection. Legal rights frequently remain underutilized when individuals lack legal awareness, financial resources, institutional support, or procedural knowledge. This phenomenon is particularly evident in the field of trademark protection, where the acquisition and enforcement of trademark rights require proactive legal action rather than passive reliance upon statutory recognition. Entrepreneurs must identify distinctive marks, understand legal classifications, comply with registration procedures, monitor market activities, and respond appropriately to infringement risks. Without adequate legal capability, these formal rights often remain inaccessible despite their availability under national legislation.

Community empowerment therefore serves as the practical mechanism through which legal empowerment is implemented within intellectual property governance. Within public procurement, the importance of community empowerment becomes even more pronounced. Public procurement is no longer viewed solely as an administrative mechanism for purchasing goods and services but increasingly functions as an instrument of economic policy, industrial development, innovation promotion, and social inclusion. Governments worldwide employ procurement policies to stimulate domestic production, encourage technological innovation, support MSMEs, and strengthen local industries. Consequently, participation in procurement markets requires business actors to satisfy increasingly sophisticated legal, administrative, and commercial standards. Among these standards, trademark protection occupies a strategic position because procurement authorities must ensure

³⁰ Achmad Fauzi Et Al., "Computerized Accounting Training With Local Software To Facilitate Financial Reporting For Bumdes Management In Cisaat Village , Subang (West Java)," *International Journal Of Engagement And Empowerment* 2, No. 3 (2022): 304–16.

that publicly funded purchases involve authentic products, legally protected commercial identities, and suppliers capable of guaranteeing the legality of their goods and services.

However, many community-based enterprises encounter significant institutional barriers when attempting to participate in procurement markets. These barriers rarely arise from inadequate product quality alone but frequently result from limited legal literacy, insufficient understanding of intellectual property law, unfamiliarity with trademark registration procedures, and restricted access to professional legal services. Numerous MSMEs continue to regard trademark registration as an optional administrative expense rather than a strategic investment that enhances commercial credibility and procurement eligibility. Consequently, these enterprises remain vulnerable to trademark disputes, commercial imitation, and exclusion from procurement opportunities despite possessing competitive products. Community empowerment directly addresses these structural disadvantages by strengthening legal awareness before business actors engage in procurement activities.

The institutionalization of community empowerment in trademark protection demonstrates significant variation across legal systems because each jurisdiction adopts different approaches to balancing state intervention, private sector participation, and community engagement. Although Indonesia, the United States, and Spain recognize trademarks as legally protected intellectual property rights, their institutional mechanisms for empowering business communities differ substantially. These differences are shaped by legal traditions, administrative structures, economic policies, and governance philosophies. A comparative examination of these three jurisdictions illustrates that the effectiveness of trademark protection depends not only on comprehensive legislation but also on the existence of integrated institutional networks capable of translating legal norms into practical legal capacity for business actors. Consequently, the comparative experiences of these jurisdictions provide valuable lessons for strengthening community empowerment within Indonesia's public procurement system.

Indonesia has made considerable progress in modernizing its intellectual property regime through legislative reform and administrative

digitalization. Trademark protection is supported by a comprehensive statutory framework, while public procurement policies increasingly encourage the participation of Micro, Small, and Medium Enterprises (MSMEs) as part of broader national economic development strategies.³¹ Government procurement is expected to function not merely as a purchasing mechanism but also as an instrument for promoting domestic industries, increasing local competitiveness, and supporting sustainable economic growth. Nevertheless, despite these legal developments, community empowerment within trademark governance remains relatively underdeveloped.

One of the principal institutional challenges in Indonesia concerns the limited integration between intellectual property administration, legal aid institutions, procurement authorities, and MSME development agencies. These institutions generally perform their respective functions independently, resulting in fragmented legal assistance for entrepreneurs. Business actors frequently receive business development training, financial support, or procurement information without corresponding legal education regarding trademark protection. Conversely, intellectual property awareness programs are often conducted separately from procurement capacity-building initiatives. This institutional fragmentation prevents entrepreneurs from recognizing trademarks as strategic assets directly influencing procurement eligibility, commercial credibility, and long-term business sustainability.

Furthermore, Indonesian legal aid institutions continue to prioritize litigation-oriented services addressing criminal, civil, and administrative disputes involving economically disadvantaged individuals. Although this orientation reflects the historical objectives of legal aid legislation, it provides relatively limited support for preventive legal counseling within commercial and intellectual property matters. Entrepreneurs seeking assistance with trademark registration, legal risk assessment, licensing strategies, or procurement compliance frequently rely upon private legal

³¹ Erwin Sunanda Et Al., "Menakar Efektivitas Politik Hukum Perdagangan Dalam Menopang Kemandirian UMKM Di Indonesia," *Asas Wa Tandhim: Jurnal Hukum, Pendidikan Dan Sosial Keagamaan* 4, No. 2 (July 16, 2025): 341–62, <https://doi.org/10.47200/Awtjhpsa.V4i2.2899>.

professionals whose services remain financially inaccessible for many MSMEs. Consequently, access to trademark protection is influenced not only by legal entitlement but also by institutional and economic capacity.

In contrast, the United States has developed a considerably more integrated model of community empowerment within trademark governance.³² Rather than concentrating exclusively on judicial enforcement, American intellectual property policy emphasizes preventive legal assistance, institutional collaboration, and public legal education. The United States recognizes that innovation and entrepreneurship flourish when legal institutions actively assist businesses before legal disputes occur. Consequently, trademark protection is supported by a broad institutional ecosystem involving federal agencies, universities, professional organizations, nonprofit legal service providers, and business development institutions.

A distinguishing characteristic of the American model is its strong emphasis on university-based intellectual property clinics. These clinics provide supervised legal assistance to startups, small businesses, nonprofit organizations, and individual entrepreneurs while simultaneously educating future legal professionals. This arrangement creates reciprocal institutional benefits. Entrepreneurs receive affordable legal services that would otherwise be financially unattainable, while law students acquire practical experience in trademark registration, legal counseling, intellectual property strategy, and client representation. Universities therefore function not merely as educational institutions but also as active participants in national intellectual property governance.

Community empowerment in the United States further extends to procurement governance. Federal procurement policies supporting small businesses are complemented by advisory services assisting entrepreneurs in understanding procurement regulations, contractual obligations,

³² Carolina Castaldi, Milene Simone Tessarin, And Rahmi Can Yamanoglu, "Inclusive Intellectual Property Rights? The Case of Collective Trademarks," *The Journal Of Development Studies* 62, No. 3 (March 4, 2026): 501–18, <https://doi.org/10.1080/00220388.2025.2533906>.

compliance requirements, and intellectual property considerations.³³ Trademark protection is therefore integrated into broader business development strategies rather than treated as an isolated legal issue. Business actors receive continuous institutional guidance throughout business formation, trademark registration, commercialization, procurement participation, and market expansion. Such preventive institutional support substantially reduces legal risks while encouraging long-term business sustainability.

Spain presents a different but equally instructive institutional model rooted in the civil law tradition and the multilevel governance structure of the European Union. Spanish trademark governance combines national regulation with regional institutional participation, creating a decentralized framework for community empowerment.³⁴ Regional governments, chambers of commerce, universities, professional associations, and business support organizations cooperate extensively in disseminating legal knowledge concerning intellectual property protection. This decentralized approach reflects the understanding that legal accessibility improves when legal institutions operate closer to local communities and adapt their services to regional economic characteristics.

An important feature of the Spanish model is the integration of trademark protection within broader innovation and entrepreneurship policies. Intellectual property is not regarded solely as a legal matter but as an essential component of industrial competitiveness, technological innovation, and regional economic development. Consequently, community empowerment initiatives frequently combine legal education with business mentoring, innovation support, export promotion, and digital transformation programs. Entrepreneurs therefore acquire not only

³³ Carolina Castaldi Et Al., "Are Intellectual Property Rights Working For Society?," *Research Policy* 53, No. 2 (March 2024): 104936, <https://doi.org/10.1016/j.respol.2023.104936>.

³⁴ Patricio Sáiz And José L. Zofío, "The Making And Consolidation of The First National Trademark System: The Diffusion of Trademarks Across Spanish Regions, 1850–1920," *Regional Studies* 56, No. 2 (February 25, 2022): 256–75, <https://doi.org/10.1080/00343404.2021.1887472>.

legal knowledge but also practical strategies for incorporating trademarks into comprehensive business development plans.

Spain also illustrates the importance of digital public administration in expanding access to trademark protection. Electronic trademark registration systems, online administrative services, and digital procurement platforms have substantially simplified legal procedures while improving administrative efficiency.³⁵ Nevertheless, technological modernization has been accompanied by institutional assistance ensuring that small enterprises are not excluded because of limited digital literacy. Government agencies, regional business organizations, and legal advisory centers continue to provide direct assistance enabling entrepreneurs to utilize electronic legal services effectively. This balanced approach demonstrates that digital transformation should complement rather than replace community-oriented legal assistance.

A comparative assessment of these three jurisdictions reveals important institutional similarities despite their differing legal traditions. All three countries recognize that trademarks contribute significantly to business competitiveness, innovation, and market confidence. Each jurisdiction has introduced legal frameworks supporting intellectual property protection while encouraging MSME participation in economic development. Furthermore, all three acknowledge the importance of administrative modernization through digital services and simplified registration procedures. These common characteristics indicate an emerging international consensus that intellectual property governance should facilitate entrepreneurship rather than impose unnecessary regulatory burdens.

However, significant institutional differences remain regarding the role of community empowerment. Indonesia continues to rely predominantly upon government-centered administrative regulation with comparatively limited institutional integration among legal aid providers, procurement authorities, and intellectual property agencies. Community empowerment remains fragmented across multiple institutions whose programs frequently operate independently. By contrast, the United States

³⁵ Sáiz And Zoffo.

emphasizes collaborative governance involving universities, professional organizations, private legal practitioners, and nonprofit institutions working alongside government agencies. Spain adopts an intermediate approach characterized by decentralized regional participation and coordinated multilevel governance.

These differences produce important implications for trademark accessibility. Business actors operating within the American and Spanish systems generally benefit from broader opportunities to obtain preventive legal assistance before commercial disputes emerge. Continuous legal education, institutional mentoring, and community outreach encourage entrepreneurs to regard trademark protection as an integral component of business strategy rather than a reactive legal necessity. Indonesian entrepreneurs, however, often encounter trademark issues only after entering commercial markets, reflecting the relatively limited availability of preventive legal services directed toward MSMEs.

The comparative analysis therefore suggests that effective community empowerment depends less upon the formal strength of trademark legislation than upon the quality of institutional coordination supporting its implementation. Strong legal frameworks may establish comprehensive legal rights, but these rights remain underutilized when entrepreneurs lack adequate legal literacy, institutional support, or affordable legal services. Conversely, institutional collaboration among government agencies, universities, professional organizations, business associations, and civil society significantly enhances the practical accessibility of trademark protection. The experiences of the United States and Spain demonstrate that community empowerment succeeds when legal institutions function as proactive partners in business development rather than merely as regulators or dispute-resolution mechanisms.

Accordingly, the comparative institutional practices examined in this section provide an important analytical foundation for reconstructing Indonesia's approach to trademark protection within public procurement. Rather than focusing exclusively on legislative reform, Indonesia may strengthen procurement governance by developing integrated community empowerment programs that combine legal education, preventive legal assistance, institutional collaboration, digital legal services, and

procurement advisory support. Such an approach would transform trademark protection from a predominantly administrative process into a comprehensive mechanism for promoting legal certainty, business competitiveness, and inclusive economic participation within public procurement.

The comparative examination of Indonesia, the United States, and Spain demonstrates that the effectiveness of community empowerment in trademark protection is determined less by the existence of comprehensive legal norms than by the institutional capacity to translate those norms into practical legal capabilities for business actors. Although all three jurisdictions recognize trademarks as legally protected intellectual property rights and acknowledge the strategic role of SMEs or MSMEs in national economic development, their approaches to community empowerment differ considerably in terms of institutional coordination, legal accessibility, preventive legal assistance, and governance philosophy. These differences reveal that sustainable trademark protection depends not only on legislative certainty but also on the quality of legal institutions that facilitate the participation of business communities within increasingly competitive procurement markets.

Conclusion

The analysis demonstrates that legal aid contributes significantly to strengthening trademark protection by transforming legal assistance from a reactive litigation mechanism into a preventive instrument that enhances legal awareness, facilitates trademark registration, and improves regulatory compliance among business actors participating in public procurement. Through the integration of legal education, institutional collaboration, and community empowerment, legal aid enables MSMEs and other business entities to protect their intellectual property rights more effectively while increasing legal certainty, fair competition, and the integrity of public procurement systems. Comparative experiences from Indonesia, the United States, and Spain further indicate that sustainable trademark protection depends not only on comprehensive legal frameworks but also

on accessible and integrated legal aid institutions capable of empowering business actors throughout the entire procurement process.

The comparative analysis demonstrates that effective community empowerment in trademark protection depends not merely on comprehensive intellectual property legislation but on the existence of integrated institutional frameworks that combine legal education, preventive legal assistance, interagency collaboration, and accessible administrative services for business actors. The experiences of the United States and Spain illustrate that sustained cooperation among government institutions, universities, professional organizations, and business communities significantly enhances trademark awareness, legal compliance, and the competitiveness of SMEs in public procurement, while Indonesia continues to face challenges arising from fragmented institutional coordination and limited preventive legal support. Accordingly, Indonesia should reconstruct its community empowerment model by institutionalizing collaborative legal assistance, strengthening trademark literacy, and integrating intellectual property protection into public procurement policies to create a more inclusive, competitive, and legally certain procurement system that supports sustainable economic development.

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