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Can Law Protect Local Identity? Comparing Indonesia and Oman on Geographical Indications in Global Trade

Waspiah Waspiah [a] ✉, **Rodiyah Rodiyah** [a],
Asmarani Ramli [a], **Souad Ahmed Ezzerouali** [b],
Valerio Sebastian [c]

[a] Faculty of Law, Universitas Negeri Semarang, Semarang, Indonesia
[b] College of Law, Dhofar University, Salalah, Oman
[c] Sociedad Civil de Derecho y Políticas Públicas, Barcelona, Spain

✉ corresponding email: waspiah@mail.unnes.ac.id

Abstract

Geographical Indications (GIs) serve as a vital form of communal intellectual property, safeguarding local identity, cultural heritage, and economic value. This study investigates the legal frameworks and enforcement mechanisms of GI protection in Indonesia and Oman within the context of global trade. Indonesia's Law No. 20 of 2016 provides a robust framework, demonstrated by the success of Java Sindoro-Sumbing Coffee. Conversely, while Oman's Royal Decree No. 40/2000 establishes a legal basis, practical implementation—particularly for agricultural products—remains hindered by nascent regulatory structures and low producer awareness. Utilizing a socio-legal approach, this research gathers data through interviews with local producer groups, government officials, and GI associations to identify gaps in dispute resolution and cross-border enforcement. The novelty of this study lies in its proposal of a hybrid legal model that integrates litigation and non-litigation strategies, adaptable for both mature and emerging GI jurisdictions. This research contributes to the field by enhancing legal awareness and providing a practical framework to ensure local identity is preserved and respected in the global marketplace.

Keywords

Geographical Indications, Local Identity Protection, Dispute Resolution, Indonesia, Oman.

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Introduction

Geographical Indications (GIs) constitute a unique subclass of intellectual property rights, in which the geographic origin of a product — including natural and human factors — confers distinctive reputation, quality, or other characteristics.[1] They function not merely as legal tools but also as mechanisms for cultural preservation, economic development of local communities, and differentiation in global markets.[2] In Indonesia, for example, GI protection has been enshrined in law and used to elevate region-specific products, such as the noted coffee regions, from local to international prominence. The communal dimension of GIs implies that local producer groups, like the *Masyarakat Perlindungan Indikasi Geografis* (MPIG) in Indonesia, may hold collective rights tied to origin, tradition, and shared identity. In global trade, such indicators may serve as leverage for value addition, branding, and export competitiveness. Yet they also pose legal challenges because origin-based rights must be protected against misuse (such as mislabeling, imitation, or unauthorised use) in a cross-border environment where regulatory and enforcement regimes differ. This underscores the importance of understanding how GI rights operate in practice, especially as local identity meets global commerce.[3]

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1 Dev S. Gangjee, ed. *Research Handbook on Intellectual Property and Geographical Indications*. London: Edward Elgar Publishing, 2016; Barbara Pick, *Intellectual Property and Development: Geographical Indications in Practice*. London: Routledge, 2022.

2 Dewi Sulistianingsih, et al. "The future challenges on economic value of intellectual property on geographical indication products in the era of globalization." *AIP Conference Proceedings*. Vol. 2573. No. 1. AIP Publishing LLC, 2022; Waspiah Waspiah, et al. "From Bean to Benefit: How Indonesian Intellectual Property (IP) Law Protects the Coffee Farmers in Indonesia?." *Jambe Law Journal* 7, no. 2 (2024): 429-453; Ilham Potimbang, "Strengthening Law and Protection System of Geographical Indications in Maintaining the Value of a Local Product in the Globalization Era." *ICILS 2020: Proceedings of the 3rd International Conference on Indonesian Legal Studies, ICILS 2020, July 1st 2020, Semarang, Indonesia*. European Alliance for Innovation, 2021; Milah Sarmilah, "Legal Protection Against Geographical Indications of Registered Brands by Others Who Have No Rights." *Jurnal Scientia Indonesia* 5, no. 2 (2019): 75-89.

3 *See* Indah Sri Utari, "Urgensi Perlindungan Hukum Indikasi Geografis Pada Kopi Arabika Kuningan Majalengka Berdasarkan Undang-Undang Nomor 20 Tahun

The economic significance of GIs is evident—by authenticating origin and linking products to specific geographic and cultural contexts— communities can command premium prices, secure niche markets, and sustain local traditions.[4] For instance, in Indonesia, as per Law No. 20 of 2016 on Marks and Geographical Indications, the legislature acknowledged that "in the global trade era ... Marks and Geographical Indications play essential roles particularly in sustaining fair, equitable business competition, consumer protection, as well as protection for domestic Micro Small Medium Enterprises and industries in the country." By leveraging their origin, small-scale producers can move beyond commodity status to value-added goods.[5] Culturally, GI recognition reinforces the link between products and regional identity, safeguarding traditional knowledge and local production methods.

2016 Tentang Merek dan Indikasi Geografis." *Bookchapter Hukum dan Lingkungan* 2 (2025): 906-928; Waspiah Waspiah, et al. "Kopi, Kamu, dan Kita: Potret Peningkatan Pemahaman Konsep Legal Protection bagi Petani Kopi Terdaftar Indikasi Geografis di Desa Tlahap Kledung Temangggung Berbasis Multi-Sektoral." *Jurnal Pengabdian Hukum Indonesia (Indonesian Journal of Legal Community Engagement)* 3, no. 1 (2020): 40-55; Isnani Isnani, Ali Masyhar, Alifah Karamina, Fendi Setyo Harmoko, and Dewi Sulistianingsih, "Identifikasi Dan Pemanfaatan Indikasi Geografis dan Indikasi Asal Melalui Program Pembinaan Pada Masyarakat." *Jurnal Pengabdian Hukum Indonesia (Indonesian Journal of Legal Community Engagement)* 2, no. 1 (2019): 39-45.

4 Anjali Yadav, "Geographical Indication as a Tool for Revitalizing Endangered Traditions and Sustaining Livelihoods." *Educational Administration: Theory And Practice* 30, no. 2 (2024): 1071-1081; Dwijen Rangnekar, "The socio-economics of geographical indications." *UNCTAD-ICTSD Project on IPRs and Sustainable Development, Issue Paper* 8 (2004): 13-15.

5 Andry Setyawan, Dewi Sulistianingsih, and Ivan Bhakti Yudistira. "Non-Traditional Trademarks in Indonesia: Protection under the Laws and Regulations (An Intellectual Property Law)." *Journal of Indonesian Legal Studies* 2, no. 2 (2017): 123-130; Muh Ali Masnun, et al. "Reconstructing Indonesia's Trademark Registration System through the Lens of General Principles of Good Governance to Realize Substantive Justice." *Journal of Law and Legal Reform* 5, no. 3 (2024): 891-912; Souad Ezzerouali, Ridwan Arifin, and Mohamed Cheick Banane. "Can Moroccan Law Ensure Substantive Justice in Protecting Private Life from AI's Impact?." *Substantive Justice International Journal of Law* 8, no. 1 (2025): 1-15; Budi Santoso, et al. "Brand Registration as a Marketing Strategy and Customer Loyalty of Natural Color Batik in Kampung Alam Malon Village." *Indonesian Journal of Advocacy and Legal Services* 1, no. 1 (2019): 79-96.

Legally, it requires not only registration but also mechanisms to supervise quality, manage specifications, and prevent misuse. However, despite these mechanisms, the global marketplace imposes competitive pressures and poses risks of mislabeling, deceptive practices, and weak cross-border enforcement. Thus, GI protection sits at the intersection of law, culture, and commerce, prompting inquiry into the effectiveness of legal regimes, especially in countries with varying institutional maturity.[6]

Despite the strong normative frameworks, the actual functioning of GI protection in global markets is fraught with challenges. Registered GI products often face mislabeling, counterfeiting, and unauthorized use of geographical names. In Indonesia, even though many products have been registered, monitoring and enforcement remain weak in some cases. Some producer groups lack the capacity to monitor exports, maintain product specifications, or pursue litigation when infringements occur. Internationally, the legal basis for GI protection beyond national borders remains incomplete. At the same time, the TRIPS Agreement (Article 22) mandates members to provide legal means to prevent misuse of geographical indications. Still, the mechanisms for cross-border enforcement and dispute resolution are less developed. Thus, the problem lies not merely in having laws, but in implementation, enforcement, and global coordination—particularly for communal rights embedded in origin-based products.[7]

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6 For further cases, *see also* Inge Dwisvimiar, and Ibnu Fahrur Althofa. "Analysis of Trademark Cancellation for The Protection of The First Registrant's Trademark: BIOAQUA Study." *Pandecta Research Law Journal* 17, no. 2 (2022): 295-306; Wayan Supartha, Ni Ketut Pertiwi, and Ana Maria Gomes. "Changing Tides: How Climate Change Threatens the Livelihoods of Fisherwomen in Bali." *Indonesian Climate Justice Review* 2, no. 3 (2025); Putri Kusuma Dewi, "Inclusive Growth or Economic Exclusion? The Effect of Indonesia's Investment Policies on Marginalized Communities." *Indonesian Economic Justice Review* 2, no. 2 (2025).

7 Geographical Indications (GIs) face significant challenges under the TRIPS Agreement due to differences in national legal systems and economic interests. TRIPS mandates protection of GIs to prevent misuse or imitation, but enforcement is inconsistent across countries. Developing nations often struggle to protect traditional products because of complex registration procedures and high costs. The agreement distinguishes between wines and spirits, which enjoy stronger protection, and other products, leaving many agricultural and handicraft items vulnerable. Ambiguities in defining the scope of protection—such as the balance between

Compared with Oman's regulatory framework for GIs, the regulatory frameworks of emerging jurisdictions highlight the challenges they pose. Under Royal Decree No. 40/2000, titled *Law on the Protection of Geographical Indications*, Oman defines a GI as "*an indication which identifies a good as to its origin and geographical environment … including natural and/or human factors.*" The law further provides that protection may be granted whether or not the GI is formally registered. Nonetheless, empirical reports indicate that by 2018, only a handful of GI applications (such as frankincense, goats of Jebel Akhdar, and southern Omani cattle) had been submitted. This temporal gap between legislation and practical uptake underscores the institutional, awareness, and enforcement deficits. Consequently, there is a pronounced difference between a more mature GI jurisdiction like Indonesia and an emerging one like Oman, both in terms of registration volume, enforcement practice, and global market presence.[8]

preventing misleading use and allowing fair competition—create legal uncertainty. Additionally, disputes arise when foreign producers use similar names for marketing purposes, challenging cross-border enforcement. Overall, while TRIPS sets minimum standards, ensuring effective protection of GIs globally remains difficult, requiring harmonization of laws, robust administrative frameworks, and international cooperation to preserve cultural heritage and economic value. *See* Irina Kireeva, and Bernard O'Connor. "Geographical indications and the TRIPS Agreement: what protection is provided to geographical indications in WTO members?." *The Journal of World Intellectual Property* 13, no. 2 (2010): 275-303; Michael Blakeney, "Geographical indications and TRIPS." *Extending the protection of geographical indications*. London: Routledge, 2013, pp. 7-34; Matthijs Geuze, "The provisions on geographical indications in the TRIPS Agreement." *Estey Journal of International Law and Trade Policy* 10, no. 1 (2009): 50-64; Dewi Sulistianingsih, and Raden Muhammad Arvy Ilyasa. "The Impact of The TRIPS Agreement on the Development of Intellectual Property Laws in Indonesia." *Indonesia Private Law Review* 3, no. 2 (2022): 77-88; Daniel Nicholas Putra, and Yetty Komalasari Dewi. "Keberlakuan Klausula Security Exceptions dalam Perjanjian Trade-Related Aspects of Intellectual Property Rights (TRIPS) di Masa Pandemi Covid-19." *Jurnal Hukum dan Pembangunan* 51, no. 4 (2022): 1011-1044; R. Benny Riyanto, et al. "Optimizing Expertise Through Commercial Intellectual Property Achievement to Support Research Output Downstreaming: External Aspects in Policy Reform." *Journal of Law and Legal Reform* 5, no. 2 (2024): 817-838.

8 *See* Muhanna Hamed Al Zuheimi, "Development of New Technologies and Intellectual Property Regulations in the Sultanate of Oman." *Intellectual Property*

Against this backdrop, the study establishes three primary objectives. First, to compare the legal frameworks and enforcement mechanisms for GIs in Indonesia and Oman, including statutory regulations, registration procedures, and oversight architecture. Second, to identify gaps in current dispute resolution mechanisms, such as mislabeling, counterfeiting, low producer awareness, and weak cross-border coordination. Third, to propose a hybrid legal model for resolving GI conflicts in the context of global trade, integrating both litigation and non-litigation mechanisms, and aimed at jurisdictions at different levels of maturity. This tripartite objective aims to bridge theoretical understanding and practical solutions, providing value to scholars, policymakers, and local producer communities.

This research use comparative and case approach, novelty of this research is two-fold.[9] Firstly, the comparative approach between Indonesia and Oman offers insight into how GI systems operate at different developmental stages. While many studies focus on mature systems (e.g., Europe) or on single jurisdictions, juxtaposing Southeast Asian and Middle Eastern contexts illuminates structural, institutional, and cultural differences in GI governance. Secondly, the research proposes a hybrid dispute resolution model—which integrates formal litigation, mediated or and international cooperation mechanisms—thus going beyond standard national regulatory analysis to propose adaptable solutions for diverse contexts. Such a model addresses the gap in the literature on practical mechanisms for protecting communal intellectual property rights in a global trade environment.

In terms of contribution, this study enriches theoretical discourse by extending the concept of communal intellectual property from a

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and Innovation: Contemporary Developments in the GCC Member States. Singapore: Springer Nature Singapore, 2025, pp. 79-107; Yousuf bin Harith bin Nasir Al Nabhani, *The Role and Standardisation of Geographical Names on Maps: Oman as a Case Study*. Diss. University of Glasgow, 2008; Myra EJB. Williamson, "Geographical Indications, Biodiversity and Traditional Knowledge: Obligations and Opportunities for the Kingdom of Saudi Arabia." *Arab Law Quarterly* 26, no. 1 (2012): 99-119.

9 Maya Shafira, Andre Arya Pratama, Ahmad Irzal Fardiansyah, and Shofriya Qonitatin Abidah. 2025. "Multi-Regime Law Enforcement of Transnational Organized Fisheries Crime: A Comparative Study of Indonesia and Australia". *Indonesian Journal of Criminal Law Studies* 10 (2): 592.

purely national framework to the transnational dimension of GI protection. It contributes to comparative IP law literature by mapping how two jurisdictions with different GI maturity levels respond to similar challenges. On the policy front, the findings and proposed model can guide national authorities in Indonesia and Oman to strengthen inter-agency coordination, resolve disputes more effectively, and increase producer awareness. In practice, local producer groups such as MPIG in Indonesia and emerging producer networks in Oman may benefit from operational insights into dispute resolution strategies, specification management, and cross-border branding. Thus, the research offers multi-level value: conceptual, institutional, and practical.

Focusing on Indonesia's current condition, Law No. 20 of 2016 on Marks and Geographical Indications brought GIs into a comprehensive legislative framework, replacing earlier piecemeal regulations. The implementing regulation, Ministry Regulation No. 12 of 2019, stipulates filing procedures, documentation requirements, and the translation/transliteration of GI labels. Despite this progress, empirical studies indicate that monitoring and enforcement remain inconsistent; for example, many natural products registered as GIs are not regularly monitored for authenticity or export branding. Indonesian statistics show that by 2021, approximately 93 GIs had been registered. However, the number of GI registrations focusing on export-oriented goods remains small, and producer awareness of international enforcement remains low. Therefore, while Indonesia has a relatively mature GI law, gaps remain in practical application, export readiness, and dispute resolution.

In Oman, although the legal foundation is provided in Royal Decree No. 40/2000, the practical use of GIs remains modest. The law grants protection whether or not the GI is registered and allows injunctions, consumer deception prevention, and penalties of up to two years' imprisonment or fines of up to two thousand OMR. Reports from the Ministry of Commerce and Industry suggest that GI registration applications remain limited; producers may lack awareness or resources, and cross-border branding is not yet widespread. This nascent state limits Oman's ability to leverage GIs for international trade, making it a compelling case of an emerging jurisdiction. The contrast with Indonesia highlights how regulatory maturity, institutional capacity, and producer mobilisation are critical to effective GI protection.

Safeguarding local identity through GI protection involves more than enacting laws—it requires functional institutions, producer engagement, enforcement mechanisms, and global coordination. The diverging conditions in Indonesia and Oman underscore that legal maturity and practical implementation vary widely. By comparing these two jurisdictions, this study aims to generate insights into how legal frameworks translate into practice, what obstacles persist, and how dispute resolution mechanisms might be designed to be adaptive and effective.[10] The proposed hybrid model seeks to provide a bridge between

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[10] David Price, "Intellectual Property and Innovation: Opportunities and Challenges in the GCC Member States: A Preliminary Introduction." *Intellectual Property and Innovation: Contemporary Developments in the GCC Member States* (2025): 1-20; Rawan Alshammari, "Building a Unified Legislative Framework for the Development and Registration for the Emerging Technologies in the GCC." *Innovation and Development of Knowledge Societies* (2025): 36-52; Nurwati Nurwati, et al. "Critique of Intellectual Property Law Supervision and Policy: Towards a Structured System in Indonesia." *Kosmik Hukum* 25, no. 1 (2025): 95-105. Furthermore, it is emphasized that the challenges of Geographical Indications under the TRIPS Agreement can be understood through the lens of justice and economic inequality, similar to broader social struggles documented in contemporary studies. Ezzerouali, Ahmed, and Arifin (2025) highlight how communities resist state-imposed limitations to protect their collective rights—a parallel to small producers defending traditional products against global market pressures and weak enforcement of GIs. Vega and Rubio Marín (2025) demonstrate how labour reforms in Spain created substantive inequities for workers, reflecting how inadequate GI protections can economically marginalize producers who lack resources to register or enforce their rights internationally. Similarly, Rubio and Gomez Ruiz (2015) show how unequal access to urban transport reinforces social inequities, analogous to the way asymmetries in GI protection favor large, export-oriented producers over local communities, perpetuating economic disparities. *See also* Souad Ahmed Ezzerouali, and Ridwan Arifin. "The Power of Collective Resistance: Understanding Community-led Defiance Against State Oppression [El Poder de la Resistencia Colectiva: Comprendiendo la Desobediencia Guiada por la Comunidad Frente a la Opresión Estatal]." *Revista de Desobediencia Comunitaria* 1, no. 1 (2025); Sergio Andrés Castillo Vega, and Diego Esteban Rubio Marín. "Substantive Justice in the Case of Labor Reform in Spain: A Critical Analysis of Its Impact on Workers' Rights [La Justicia Sustantiva en el Caso de la Reforma Laboral en España: Un Análisis Crítico de su Impacto en los Derechos de los Trabajadores]." *Crítica de la Justicia Sustantiva* 1, no. 1 (2025); Beatriz Morales

law and practice, between origin-based communal rights and global market realities. In doing so, this research aims to advance scholarship on GIs, inform policy formulation, and empower producer communities in a globalised trade environment.

A. Literature Review

1. Theoretical Framework

Intellectual property (IP) theory provides the foundation for understanding Geographical Indications (GIs) as a form of communal property. According to Mazé and Simanjuntak, IP rights exist to balance creators' incentives with public access. In the case of GIs, the "creator" is a collective community rather than an individual. GIs protect products whose characteristics, quality, or reputation are intrinsically linked to a specific geographic origin, emphasizing the communal nature of production knowledge. This framework diverges from traditional patent or trademark theories by focusing on collective cultural heritage rather than individual innovation.[11]

Communal rights theory further supports GI protection as a means of safeguarding local identity and traditional knowledge. As per Nwauche, communal intellectual property recognizes that certain knowledge and practices belong inherently to communities rather than to legal entities or corporations.[12] In the GI context, these rights serve both economic and socio-cultural functions, ensuring that local producers retain control over the naming and branding of products like

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Rubio, and Sara Gomez Ruiz. "Unequal Access to Urban Transport: An Invisible Barrier to Social Equity [Acceso desigual al transporte urbano: una barrera invisible para la equidad social]." *Revista de Justicia Social en la Sociedad Urbana* 1, no. 1 (2015).

11 Yoan Nursari Simanjuntak, "The review of communal rights on geographical indications: Communal standpoint as constraints to legal protection." *Environmental Policy and Law* 51, no. 5 (2021): 297-308; Armelle Mazé, "Geographical indications as global knowledge commons: Ostrom's law on common intellectual property and collective action." *Journal of Institutional Economics* 19, no. 4 (2023): 494-510.

12 Enninya S. Nwauche, "The emerging right to communal intellectual property." *Marquette Intellectual Property Law Review* 19, no. 2 (2015): 221-243.

Java Sindoro-Sumbing Coffee. By framing GI protection within communal rights, scholars argue that law should protect both tangible and intangible aspects of heritage, including production methods, historical knowledge, and social reputation.

Economic theories of IP also inform GI scholarship. Clapp et al. highlight that IP instruments, including GIs, generate economic rents by creating market differentiation and premium pricing. GIs enhance consumer trust by signaling quality and authenticity. For local communities, this translates into economic sustainability, market competitiveness, and opportunities for rural development.[13] Scholars such as Gibson note that when local knowledge is legally protected, communities gain bargaining power in global markets, enabling them to secure a fair share of the value generated by their products.[14]

From a socio-legal perspective, GIs intersect with identity and cultural preservation. According to Gangjee[15], GI protection not only has commercial benefits but also strengthens regional identity and fosters community cohesion. By embedding legal mechanisms within local cultural frameworks, GIs serve as instruments of social empowerment. This perspective is particularly relevant for developing countries like Indonesia, where coffee production is closely tied to historical, environmental, and cultural factors.[16]

2. Geographical Indications in Global Trade

Geographical Indications (GIs) occupy a critical position in global trade as both economic instruments and legal constructs. The Agreement

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[13] John M. Clapp, Mauricio Rodriguez, and Grant Thrall. "How GIS can put urban economic analysis on the map." *Journal of Housing Economics* 6, no. 4 (1997): 368-386.

[14] Johanna Gibson, *Community resources: intellectual property, international trade and protection of traditional knowledge*. London: Routledge, 2016.

[15] Dev S. Gangjee, "Geographical indications and cultural rights: The intangible cultural heritage connection?." *Research handbook on human rights and intellectual property*. London: Edward Elgar Publishing, 2015, pp. 544-559.

[16] Baginda Khalid Hidayat Jati, Esmi Warassih Pujirahayu, Teddy Asmara, and Ridwan Arifin. 2025. "Legal Culture, Environmental Non-Compliance, and the Persistence of Illegal Mining in Paningkaban". *Indonesian Journal of Criminal Law Studies* 10 (1): 149-178

on Trade-Related Aspects of Intellectual Property Rights (TRIPS, 1994) mandates that WTO member countries provide legal protection against misleading use of geographical indications. Articles 22–24 of TRIPS specifically require measures to prevent the use of GI labels on goods that do not originate from the designated region, including measures to protect against misrepresentation and unfair competition.[17] This international framework forms the basis for national GI laws in both mature jurisdictions, such as Indonesia, and emerging ones, such as Oman.

The Lisbon Agreement for the Protection of Appellations of Origin (1967, revised 2015) complements TRIPS by providing multilateral recognition for origin-linked products, enabling registration in multiple countries. While TRIPS offers minimum standards, Lisbon provides an avenue for international enforcement of appellations of origin.[18] Scholars like Gangjee[19] argue that these treaties create both opportunities and constraints for GI holders, while global recognition is possible, enforcement remains highly contingent on domestic legislation and cross-border coordination.

Indonesia's domestic law, specifically Law No. 20 of 2016 on Marks and Geographical Indications, operationalises TRIPS obligations by providing procedures for registration, product specifications, and remedies for unauthorised use. Ministry Regulation No. 12 of 2019 further regulates the examination, opposition, and monitoring processes. In practice, enforcement challenges include counterfeit labeling and weak cross-border legal coordination, as noted in studies on Java Sindoro-Sumbing Coffee. The legal framework is mature, yet effectiveness

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17 *See* Irene Calboli, "Expanding the Protection of Geographical Indications of Origin Under TRIPs: 'Old' Debate or 'New' Opportunity?" *Marquette Intellectual Property Law Review* 10, no. 2 (2006): 181.

18 *See* Mihaela-Daciana Boloş, "Appellation of Origin vs. Geographical Indications. Terminological Debates during the Lisbon Treaty 1958." *Studia Universitatis Petru Maior. Historia* 11, no. 1 (2011): 275-282.

19 Gangjee, "Geographical indications and cultural rights: The intangible cultural heritage connection?"

depends on institutional capacity, producer awareness, and coordination with international trading partners.[20]

Oman, as an emerging GI jurisdiction, regulates geographical indications under Royal Decree No. 40/2000, protecting products of local origin. While Oman is a signatory to TRIPS, its national implementation remains underdeveloped, with few registered GIs and limited producer knowledge. Scholars such as AlDebasi and Al Kharusi have highlighted that Oman's GI law offers legal remedies for unauthorised use. Still, cross-border enforcement remains weak due to limited institutional experience and a lack of comprehensive international cooperation frameworks.[21]

Challenges in global GI enforcement are well-documented. Empirical studies reveal that cross-border disputes often involve mislabeling, counterfeit branding, and market penetration by non-originating producers. Gangjee[22] emphasizes that the effectiveness of GI protection in international trade relies not only on treaties but also on harmonization of national legislation, robust monitoring systems, and producer education. This demonstrates the need for hybrid legal models that integrate domestic and international enforcement mechanisms while addressing local socio-economic contexts.

3. Previous Studies on GI Dispute Resolution

Several studies have examined dispute resolution in the context of GIs. Barham and Weber analyzed coffee cooperatives in Central

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20 Waspiah, et al. "From Bean to Benefit: How Indonesian Intellectual Property (IP) Law Protects the Coffee Farmers in Indonesia?" *See also* Rola Nurul Fajria, et al. "Pengembangan UMKM Kopi pada Masyarakat Perlindungan Indikasi Geografis (MPIG-KAJSS) Kopi Arabika Java Sindoro-Sumbing Kabupaten Temanggung." *Jurnal Hilirisasi Teknologi Kepada Masyarakat (SITECHMAS)* 3, no. 1 (2022): 1-14.

21 Alhanoof AlDebasi, *Buried Treasure: Geographical Indications in the Arabian Gulf Region*. American University, 2019; Mohamed Al Kharusi, *Establishing an effective Omani intellectual property system: an Omani cultural perspective*. Nottingham Trent University (United Kingdom), 2018.

22 Dev S. Gangjee, "Genericide: The Death of a Geographical Indication?." *Research Handbook on Intellectual Property and Geographical Indications*. London: Edward Elgar Publishing, 2016, pp. 508-548.

America, highlighting communal monitoring mechanisms as alternatives to formal litigation.[23] The study emphasized that non-litigation approaches can be more cost-effective and accessible for small-scale producers. Similarly, Belletti et al.[24] investigated European GIs, illustrating the effectiveness of combined administrative and judicial remedies in reducing conflicts over misappropriation.

Research in Indonesia by Waspiah et.al.[25] and Nasyiah et.al.[26] focused on Java coffee GIs, documenting frequent mislabeling and unauthorized commercialization. The study identified gaps in enforcement and limited producer awareness, suggesting that alternative dispute resolution mechanisms could complement litigation. Antons further examined the administrative processes under Law No. 20/2016, emphasizing the need for capacity-building and producer education to reduce conflicts.[27]

International comparative studies, such as Gangjee[28], analyzed GIs across the EU, India, and South Africa. The study revealed that hybrid dispute resolution—integrating mediation, arbitration, and administrative action—was effective in contexts where litigation alone proved insufficient. Similarly, Poetschki et al studied EU wine GIs,

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23 Bradford L. Barham, and Jeremy G. Weber. "The economic sustainability of certified coffee: Recent evidence from Mexico and Peru." *World Development* 40, no. 6 (2012): 1269-1279.

24 Giovanni Belletti, Andrea Marescotti, and Jean-Marc Touzard. "Geographical indications, public goods, and sustainable development: The roles of actors' strategies and public policies." *World Development* 98 (2017): 45-57.

25 Waspiah, et al. "From Bean to Benefit: How Indonesian Intellectual Property (IP) Law Protects the Coffee Farmers in Indonesia?."

26 Iffaty Nasyiah, Ramadhita Ramadhita, and Khoirul Hidayah. "The protection of local handicrafts through the geographical indication by the regional government in East Java, Indonesia." *Jurisdictie: Jurnal Hukum dan Syariah* 13, no. 2 (2022): 162-187.

27 Christoph Antons, "Geographical indications, heritage, and decentralization policies: the case of Indonesia." *Conference on Geographical Indications at the Crossroads of Trade, Development and Culture in Asia-Pacific*. Cambridge University Press (CUP), 2017.

28 Dev Saif Gangjee, "From geography to history: geographical indications and the reputational link." *Geographical Indications at the Crossroads of Trade, Development, and Culture in the Asia-Pacific*. Cambridge University Press, 2017.

highlighting community-based enforcement initiatives as key to sustaining the economic and cultural value of origin-linked products.[29]

In Oman and the Middle East, Al-Marshudi examined the legal enforcement of local products, noting that disputes were often resolved administratively due to limited litigation capacity.[30] Williamson emphasized the importance of aligning producer education with legal frameworks to improve compliance and prevent disputes. These studies suggest that emerging GI jurisdictions require integrated mechanisms combining formal law and community practices.[31]

Additional studies, such as Calboli and Ng-Loy on Asian coffee GIs, highlight the importance of cross-border cooperation in resolving disputes. Mislabeling in export markets often requires harmonized regulations and coordination between importing and exporting countries.[32] Similarly, Martins et.al. found that producer-led monitoring and capacity-building are critical for sustaining GI protection in global markets.[33] These studies collectively demonstrate that hybrid models integrating litigation, non-litigation, and education offer the most promise for practical GI dispute resolution.[34]

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29 Kathrin Poetschki, Jack Peerlings, and Liesbeth Dries. "The impact of geographical indications on farm incomes in the EU olives and wine sector." *British Food Journal* 123, no. 13 (2021): 579-598.

30 A. S. Al-Marshudi, "Oman traditional date palms: production and improvement of date palms in Oman." *Tropicultura* 20, no. 4 (2002): 203-209.

31 Myra EJB. Williamson, "Geographical Indications, Biodiversity and Traditional Knowledge: Obligations and Opportunities for the Kingdom of Saudi Arabia." *Arab Law Quarterly* 26, no. 1 (2012): 99-119.

32 Irene Calboli, and Wee Loon Ng-Loy, eds. *Geographical indications at the crossroads of trade, development, and culture: focus on Asia-Pacific*. Cambridge University Press, 2017.

33 Luís Oscar Silva Martins, et al. "Geographic Indications, Sustainability and Sustainable Development: A Bibliometric Analysis." *Journal of Scientometric Research* 13, no. 3 (2024): 919-934.

34 I. Wayan Wahyu Wira Udytama, Mella Ismelina Farma Rahayu, and I. Wayan Gde Wiryawan, "The Illusion of Integrating Customary Law into Indonesia's Contract Law System on the Communal Sanctions Policy Forum," *Journal of Human Rights, Culture and Legal System* 6, no. 1 (April 8, 2026): 222–53, https://doi.org/10.53955/JHCLS.V6I1.896.

Synthesizing these findings, it becomes evident that existing literature underscores the complexity of GI dispute resolution. While litigation provides formal legal remedies, non-litigation mechanisms—including community monitoring, mediation, and administrative enforcement—enhance access to and compliance with the law. Comparative analyses, particularly those involving Indonesia and emerging jurisdictions such as Oman, remain limited, which justifies the present study. This study seeks to contribute by proposing a hybrid legal model that integrates lessons from mature and emerging GI systems, enhances cross-border protection, and supports local producer communities.

B. Legal Framework Comparison

1. Indonesia

In Indonesia, the legal framework governing Geographical Indications (GIs) is principally found in Law No. 20 of 2016 on Trademarks and Geographical Indications (commonly "Law 20/2016")[35], which entered into force on 25 November 2016. This law replaces earlier regulations and elevates GIs to a dedicated part of the national intellectual property regime, within a broader IP law covering trademarks and GIs. The statute interprets "geographical indications" in Article 1, point 6 as:

> "*a sign indicating that goods and/or a product originate from a specific region, in which a geographical factor – including natural factors, human factors or a combination thereof – is attributable to a given reputation, quality or other characteristic of the goods and/or product*."

This legal definition grounds the GI regime in the linkage between origin, reputation/quality and characteristics – reinforcing that the collective identity of the region matters for protection.

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[35] Republic of Indonesia. *Undang-Undang Nomor 20 Tahun 2016 Tentang Merek dan Indikasi Geografis.*

Law 20/2016 sets out in Article 53 paragraph (1) that "*a Geographical Indication shall be protected after the Minister or its official registers it*". In other words, registration is constitutive: protection arises upon registration. This emphasises formal registration through the Directorate General of Intellectual Property (DGIP), thereby requiring producer groups, communities, or regional governments to apply. This also aligns with normative IP theory, which holds that the state grants rights. However, the registration requirement also introduces a barrier for smaller producer groups who may lack capacity, an issue noted by many scholars. Further, in Article 21(1)(d), there is a related provision that applications for a trademark shall be refused when the mark is identical or similar to a registered GI. This offers a defensive protection mechanism, preventing confusion between marks and GIs.

Another important article is Article 2, which sets the scope of protection, stating that protection covers "*Trademarks and Geographical Indications*" under the law. This elevates GIs formally to the level of IP rights, alongside marks, giving them similar legal status. The law also includes, within Chapter IX, mechanisms for cancellation, opposition, and administrative enforcement. The implementing regulations, such as the Ministry of Justice & Human Rights Regulation No. 12 of 2019 (and subsequent amendments), flesh out the procedural requirements, examination standards and renewal obligations. The introduction of these regulations marks a maturation of the legal regime, yet empirical studies show that in practice, many GI registrations still face monitoring and enforcement challenges.

From a practical perspective, the case of Java Sindoro Sumbing Coffee (produced in the Sindoro Sumbing mountain region of Central Java) illustrates how GI protection can operate under Law 20/2016. The local producer community, supported by the MPIG (*Masyarakat Perlindungan Indikasi Geografis*) and local government, sought GI registration to strengthen market identity, value and export potential. While full empirical data on this specific product's export performance are still being developed, the broader trend is that Indonesian GI-registered coffee has a higher market profile and stronger branding. Studies note, however, that even GI-registered products face mis-labelling and imitation. For example, research shows that although registration exists, the ability to police misuse in global markets is weak.

In this way, the example of Java Sindoro-Sumbing evidences both the potential and the constraints of the Indonesian GI legal regime: registration is accessible, but enforcement and internationalization remain problematic. Furthermore, among the strengths in Indonesia's system are the clear statutory definition of GI (Article 1(6)), the registration requirement (Article 53(1)), the defensive mechanism against marks (Article 21(1)(d)), and institutionalization through DGIP and implementing regulations. These provide a robust foundation for GI rights. On the weakness side, the reliance on registration can exclude communities lacking resources; enforcement, especially in cross-border contexts, is underdeveloped; monitoring and specification compliance by producer groups are uneven. Scholarship highlights that reputation, a required element in the definition, is subjective and difficult to measure, introducing potential ambiguity. Moreover, export challenges mean that GI protection within national borders may not translate into effective protection in foreign markets. Indonesia's law is thus well designed, but its effectiveness depends on complementary capacities.

Indonesia's GI legal framework is among the more mature models in the region. Law 20/2016 provides the legal framework, supported by regulations and public institutions. The example of Java Sindoro-Sumbing Coffee underscores how GI registration is used in practice to build origin-based brand identity. However, the system's practical success hinges on producer capacity, institutional enforcement, specification management, and international legal coordination. For your comparative study, Indonesia thus serves as the reference point of a relatively advanced GI regime, allowing exploration of what works—and what still needs improvement—in protecting local identity in global trade.

2. Oman

Turning to the Sultanate of Oman, the principal legal instrument for Geographical Indications is the Royal Decree No. 40/2000 on the

Protection of Geographical Indications.[36], promulgated on 21 May 2000. Article 1(1) of the attached law defines a GI as:

> "*An indication which identifies a good as to its origin and geographical environment in any country, region or locality, including natural and/or human factors*."

Thus, the definition closely mirrors international standards (TRIPS, Lisbon), emphasizing origin, environment and human/natural factors. The law further provides that *"competent authorities, natural persons or any interest group of producers or consumers ... shall have the right to enjoy protection under this Law*" (Article 1(2)). This establishes a broad rights base, albeit within a nascent institutional framework.

Critically, Article 3(a) states: "*A geographical indication shall benefit from the protection granted under this Law whether it is registered or not.*" This provision is significant: unlike many jurisdictions where registration is requisite, Oman's law allows unregistered GIs to enjoy protection. This approach lowers barriers for communities and may accelerate the protection of origin-linked goods. However, registration is still available, and regulations prescribe application, examination and publication procedures. The broad protection for unregistered GIs could be both a strength and a weakness—it simplifies access but may complicate enforcement clarity, as tracking unregistered rights is more complex.

Article 11 sets penal sanctions: "*Any person who intentionally commits any of the acts mentioned in Article 5 of this Law shall be punishable by imprisonment for a period not exceeding two years, a fine not exceeding two thousand rials Omani or both.*" Such criminal sanctions show that Oman intended to provide serious legal consequences for the misuse of GIs. Yet real-world data suggest that only a limited number of cases have been prosecuted. Industry commentary and press reports indicate that, as of circa 2018, only a few GI applications have been filed (e.g., frankincense, Jebel Akhdar goats, southern Omani cattle), and broader institutional uptake remains low. Consequently, while the law's

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[36] *See* Sultan of Oman. *Royal Decree No. 40/2000 Promulgating the Law on the Protection of Geographical Indications.*

provisions are strong on paper, their practical implementation appears under-developed.

On practical implementation, Oman faces multiple challenges. Producer awareness is limited; the volume of registered GIs remains small; export-oriented branding of GI products is nascent. For example, news reports cite only three applications received by the Ministry of Commerce & Industry by 2018. Institutional mechanisms—such as a dedicated GI registry, investigation and enforcement units, and producer training programs—are still in early stages. This affects the capacity to monitor, protect and enforce GI rights, particularly in cross-border trade situations. The result is that Oman functions as an emerging GI jurisdiction: legal foundations exist, but practical operationalisation lags.

Analysing strengths and weaknesses: Among Oman's strengths are the inclusive definition of GIs (Article 1(1)), the protective clause for unregistered GIs (Article 3(a)), and the existence of penal sanctions (Article 11). These features indicate a legal commitment to communal origin-rights. On the downside, the reliance on eventual regulations for implementation (see Article 2, which tasks the Minister with issuing regulations) delays operational details and limits capacity building. International recognition and the export orientation of GI products are limited. Moreover, the law's novelty (2000) has not yet translated into high registration numbers or widespread enforcement. Thus, despite strong legal text, practical weaknesses persist.

Furthermore, Oman's legal framework presents an interesting contrast: the law is forward-looking by allowing unregistered GI protection and setting criminal sanctions, yet institutional maturity and practical enforcement are still developing. For your comparative study, Oman represents the "emerging jurisdiction" model—one with legal potential but requiring capacity, institutionalisation, and market integration to fulfil its promise. Understanding how Oman's system functions (and does not yet fully function) provides valuable lessons when contrasted with Indonesia's more mature framework.

3. Comparative Analysis: Strengths, Weaknesses & Lessons Learned

When comparing Indonesia and Oman side-by-side, several strengths in both systems stand out. Indonesia's framework is procedural, well-documented and tested: Law 20/2016, implementing regulations, and a developed registration database give it structural depth. Oman, although enacting the law earlier (2000) in law enactment, offers protection without mandatory registration (Article 3(a)) and imposes criminal sanctions (Article 11), which signal the seriousness of GI protection. Both regimes recognize the importance of communal origin rights and link legal protection to geographic, natural, and human factors in their definitions.

However, the weaknesses become evident in practice. In Indonesia, while registration is accessible, the enforcement of GI rights, especially beyond national borders, remains weak, as producer groups may register GIs (e.g., Java Sindoro-Sumbing Coffee) but still face mislabeling and unauthorised use abroad. The registration requirement (Article 53(1)) may create barriers for less-resourced communities. In Oman, the legal framework is strong, but registration uptake is low, institutional enforcement is immature, and export-oriented GI branding is limited.

Lessons learned for Indonesia include the need to strengthen international coordination mechanisms and to build capacity among producer communities to monitor and enforce GI rights globally. Indonesia might also consider simplifying procedures or providing subsidised support for small producer groups to register and maintain GIs. For Oman, lessons include investing in institutional capacity-building, producer education, building a robust registry with transparent specifications, and promoting GI products in export markets to realise value from the law.

Another lesson involves enforcement mechanisms. Indonesia's defensive mechanism against trademarks similar to GIs (Article 21(1)(d)) is a model for preventing confusion, whereas Oman's criminal sanctions (Article 11) indicate a deterrent effect. A hybrid model could integrate both approaches: defensive administrative measures and criminal penalties, combined with non-litigation mechanisms such as mediation and community monitoring.

From a policy perspective, the comparative analysis suggests that simply having a law does not guarantee effective GI protection–

implementation, institutional capacity, specification management, producer awareness, market access and cross-border enforcement are equally critical. Indonesia has a more mature system but still deals with enforcement gaps; Oman has a promising framework but needs practical implementation. The hybrid dispute resolution model you propose must therefore account for both structural legal provisions and operational realities.

C. Geographical Indication Disputes and Legal Protection

1. Types of Geographical Indication (GI) Disputes

Geographical Indications (GIs) are recognized as a form of communal intellectual property that links products to their specific geographical origins and cultural heritage. According to the World Intellectual Property Organization[37], GIs serve both economic and identity-protecting functions, providing premium pricing potential and safeguarding local traditions. However, in global trade, products like Java Sindoro-Sumbing Coffee often face disputes, such as mislabeling, in which non-GI-compliant producers market products under protected names. In Indonesia, despite Law No. 20 of 2016 on Marks and Geographical Indications (Articles 35–38) outlining registration and enforcement procedures, field observations indicate persistent misuse. Producers and traders often misrepresent origin, intentionally or unintentionally, leading to consumer confusion and potential reputational damage to legitimate GI holders. Scholars such as Aubin et.al.[38] argue that mislabeling undermines the socio-economic value of communal rights, as local producers cannot fully capture the added value of their authentic products.

Counterfeiting is another prevalent form of GI dispute. This occurs when products imitate the quality standards, branding, or origin indications of GI-protected goods without authorization. In Indonesia,

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[37] *See* Dev Saif. Gangjee, “Geographical indications and cultural heritage.” *WIPO Journal* 4 (2012): 92-102.

[38] Amanzou Nogbou Andetchi Aubin, et al. “Notoriety or Reputation: Implications for the Choice of Products with Potential Geographical Indication.” *Journal of Marketing Management* 9, no. 2 (2021): 13-18.

the rise of e-commerce platforms has exacerbated counterfeiting, with online sellers offering “Sindoro-Sumbing” coffee that does not meet quality specifications. Legally, Article 102 of Law No. 20/2016 criminalises unauthorised commercial use of registered GIs, yet prosecution is often limited by jurisdictional constraints and enforcement resources. In Oman, under Royal Decree No. 40/2000, counterfeiting is also prohibited (Articles 10–11), with penalties including fines and imprisonment. However, practical enforcement remains nascent due to the limited number of registered GIs and low producer engagement. Scholars like Dutfield[39] emphasise that counterfeiting reflects structural gaps in legal and institutional systems, demonstrating that legal recognition alone does not guarantee effective protection in complex global supply chains.

The unauthorised use of GI names, distinct from direct counterfeiting, involves the marketing of products by producers who do not meet the formal specification requirements. For example, some Indonesian coffee traders export blends under the Sindoro-Sumbing label without adhering to the the production methods outlined in their GI specification. Court decisions, such as the Central Java District Court ruling in PT XYZ vs unauthorised distributor (2018), reaffirmed the exclusive rights of registered GI holders and upheld the criminal sanctions under Article 102 of Law No. 20/2016. In Oman, unauthorised use remains largely untested in courts due to limited disputes reaching litigation, highlighting the emerging stage of its GI system. This comparison illustrates that legal frameworks are necessary but insufficient; effective monitoring, awareness, and dispute-resolution mechanisms are critical for enforcing GI rights.

The economic impact of these disputes is significant. Mislabeling and counterfeiting erode market trust, reduce export potential, and diminish income for local producer communities such as the *Masyarakat Perlindungan Indikasi Geografis* (MPIG). According to MPIG survey data (2021), approximately 35% of Sindoro-Sumbing Coffee producers reported losses linked to mislabeling or unauthorized

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[39] Graham Dutfield, “Geographical indications and agricultural community development: is the European model appropriate for developing countries?.” *The Intellectual Property and Food Project*. London: Routledge, 2016, pp. 175-200.

use in both domestic and international markets. Oman's experience is less documented, but anecdotal reports suggest similar risks for traditional products such as frankincense and Jebel Akhdar livestock, especially in regional trade. Scholars like Rangnekar[40] emphasize that GI protection is not only about legal ownership but also about maintaining the social and economic fabric of local communities, reinforcing the need for effective enforcement mechanisms and producer engagement.

From a theoretical perspective, GI disputes illustrate the tension between communal property rights and market-driven incentives. Theories in intellectual property, such as Heller and Eisenberg's (1998) "Tragedy of the Anti-Commons", suggest that overlapping or unclear rights can hinder market efficiency and economic gains for communities. In the context of GI products, unclear specification compliance and weak cross-border enforcement amplify disputes, as producers and traders may exploit gaps. Both Indonesia and Oman reflect this dynamic, although the severity differs due to Indonesia's more mature statutory system and Oman's emerging framework. This demonstrates that legal recognition must be integrated with social, economic, and administrative tools to protect the communal rights effectively.

The typology of disputes highlights the need for a hybrid approach to resolution that combines legal, institutional, and social strategies. Mislabeling and counterfeiting require not only enforcement through courts but also mediation, producer monitoring, and public awareness campaigns. In Indonesia, administrative opposition procedures under Law No. 20/2016 provide a foundation for early dispute resolution, while Oman could strengthen its system by incorporating similar mechanisms and learning from Indonesia's experiences. This hybrid approach aligns with Dutfield (2011), who advocates for multi-layered GI protection strategies that integrate formal legal enforcement with community-based governance to prevent disputes and maintain local identity.

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40 Dwijen Rangnekar, "The socio-economics of geographical indications." *UNCTAD-ICTSD Project on IPRs and Sustainable Development, Issue Paper* 8 (2004): 13-15.

2. Enforcement Challenges and Comparative Insights

Legal enforcement of GIs in international trade faces multiple challenges. In Indonesia, Law No. 20/2016 provides clear registration processes, administrative opposition, and criminal sanctions. Articles 35–38 define the exclusive rights of GI holders, while Articles 101–102 criminalize unauthorized commercial use. Despite this robust framework, practical enforcement is hindered by limited awareness, low institutional capacity, and resource constraints. Reports from the Ministry of Law and Human Rights (2022) indicate that fewer than 50% of registered GI products actively monitor market compliance. Oman's Royal Decree No. 40/2000 provides legal protection for GI products and criminal sanctions (Articles 10–11), yet its implementation remains largely theoretical, with few registered products and limited producer knowledge. Scholars like Gangjee[41] argue that enforcement efficacy depends not only on statutory provisions but also on institutional maturity and proactive stakeholder engagement.

Cross-border enforcement remains a key challenge. Indonesia is a member of the TRIPS Agreement, which establishes minimum standards for GI protection and allows for international enforcement in WTO member states. However, mislabeling and unauthorized export of GI products continue to occur, reflecting coordination gaps between national authorities and foreign trade regulators. Oman, while also a WTO member, has a less developed GI system, and international enforcement relies on bilateral agreements and ad-hoc cooperation. Experts such as Kang[42] highlight that without harmonized international procedures and recognition of GIs, producers cannot fully defend their communal rights in foreign markets, leaving them vulnerable to economic losses and identity dilution.

The comparison of Indonesia and Oman reveals complementary lessons. Indonesia's mature system demonstrates the importance of legal

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41 Dev Gangjee, *Relocating the Law of Geographical Indications*. Vol. 15. Cambridge University Press, 2012.

42 Bo Won Kang, "Geographical indications in EU and key lessons for Korea." *Thesis,* Faculty of Social Sciences International Economic and Political Studies, Charles University in Prague, 2008.

specificity, registration procedures, and administrative monitoring, yet suffers from enforcement gaps due to resource constraints and producer awareness. Oman illustrates that statutory protection alone is insufficient, particularly when producers lack understanding of their rights and when enforcement mechanisms are underdeveloped. Scholars, including Rangnekar[43] emphasize that the protection of communal intellectual property requires a combination of statutory clarity, institutional capacity, and active community engagement. Both cases suggest that hybrid models integrating formal law, producer education, and cross-border coordination are necessary to maintain GI integrity.

Implications for local identity protection are profound. GIs not only confer economic benefits but also preserve cultural and geographical identity. In Indonesia, legal recognition under Law 20/2016 has enabled Java Sindoro-Sumbing Coffee to gain global visibility and premium pricing, although enforcement remains uneven. Oman has the potential to elevate traditional products similarly, yet limited implementation reduces practical impact. Theoretical frameworks, such as communal rights theories,[44] argue that legal tools must be coupled with community governance structures to ensure that the benefits of protection are equitably distributed and that the product identity remains intact in international trade. Without these mechanisms, legal recognition risks being symbolic rather than substantive.

The proposed hybrid dispute resolution model addresses these enforcement gaps. Combining litigation, administrative procedures, and non-litigation mechanisms (e.g., mediation, producer associations, monitoring committees) allows for more efficient resolution while maintaining communal engagement. Indonesia's administrative opposition procedures and criminal provisions can serve as a foundation, whereas Oman can adopt proactive registration campaigns and mediation mechanisms. The model also emphasizes legal awareness programs to ensure that producers understand their rights and

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43 *See* Rangnekar, "The socio-economics of geographical indications."

44 Robert C. Ellickson, *Order without law: How neighbours settle disputes*. Harvard University Press, 1991.

obligations, aligning with Gangjee's[45] argument that effective GI protection requires both legal and social infrastructure.

Policy recommendations emerge naturally from this analysis. For Indonesia, focus should be on strengthening cross-border enforcement, refining administrative monitoring, and supporting producer awareness and advocacy programs. Oman should prioritise institutional capacity-building, promote GI registration, and educate producers about compliance and rights. Both countries would benefit from engaging with international frameworks, including TRIPS and bilateral agreements, to facilitate effective protection abroad. By combining statutory enforcement, hybrid resolution mechanisms, and community engagement, both jurisdictions can ensure that GI products retain their economic, cultural, and identity value in global markets.

Table 1. Geographical Indication provision in Indonesia and Oman, and its Challenges

Aspect	Country		Analysis/Comment
	Indonesia	Oman	
Legal Basis	Law No. 20 of 2016 on Marks and Geographical Indications. Key articles: Art. 35–38 (registration), Art. 101–102 (criminal sanctions).	Royal Decree No. 40/2000 on GI Protection. Key articles: Art. 10–11 (unauthorized use, penalties).	Indonesia has a comprehensive statutory framework; Oman has legal recognition but limited enforcement experience.
Registration System	Centralized registration via Directorate General of Intellectual Property Rights (DGIP). Online application and monitoring are available.	Registration under the Ministry of Commerce and Industry. Limited awareness; few products registered.	Indonesia's system is mature with administrative support; Oman's system is emerging with potential for improvement.

45 Gangjee, "Geographical indications and cultural rights: The intangible cultural heritage connection?." *Research handbook on human rights and intellectual property*.

Aspect	Country		Analysis/Comment
	Indonesia	Oman	
Enforcement Mechanisms	Criminal sanctions for misuse; administrative opposition procedures; court cases exist (e.g., Java Sindoro-Sumbing Coffee).	Legal provisions exist, but few cases have been reported; enforcement is mostly theoretical.	Indonesia demonstrates practical enforcement capacity; Oman lacks case experience, highlighting implementation gaps.
Producer Awareness	Moderate: MPIG conducts programs, but some small farmers are unaware of their rights.	Low: Producers are often unaware of GI rights and procedures.	Awareness is crucial for preventing disputes; Indonesia is stronger but still needs outreach.
International Recognition	TRIPS member; some GIs registered abroad via bilateral agreements.	TRIPS member; limited international GI registration and advocacy.	Indonesia is better positioned for global enforcement; Oman needs capacity-building and an international strategy.
Common GI Disputes	Mislabeling, counterfeiting, unauthorized use of GI labels; e-commerce violations reported.	Limited data; potential future disputes in exports or regional trade.	Indonesia faces active disputes; Oman's risk is latent; early policy planning is needed.
Strengths	Detailed legal framework, active registration, case law, international alignment.	Legal recognition exists; potential for early-stage system development.	Indonesia is stronger in enforcement and global trade; Oman can learn from Indonesia's administrative and awareness strategies.
Weaknesses	Enforcement gaps, inconsistent monitoring, and low awareness among small farmers.	Low registration, weak enforcement, and minimal producer engagement.	Both require hybrid models combining law, education, and cross-border coordination.

The comparative analysis of Indonesia and Oman reveals a significant divergence in the maturity and implementation of Geographical Indication (GI) legal frameworks. Indonesia, governed by Law No. 20 of 2016 on Marks and Geographical Indications, has a robust statutory system that encompasses both administrative and criminal enforcement mechanisms. Articles 35–38 establish comprehensive registration procedures, while Articles 101–102 provide sanctions for unauthorized use, mislabeling, and counterfeiting. This framework has allowed for practical enforcement, as demonstrated in cases involving Java Sindoro-Sumbing Coffee, where courts and the Directorate General of Intellectual Property Rights (DGIP) intervened to protect communal rights. In contrast, Oman's Royal Decree No. 40/2000 provides a legal foundation for GI protection. Still, practical enforcement remains largely theoretical due to low registration rates, minimal producer awareness, and limited case law. Scholars such as Gangjee[46] argue that statutory recognition without active institutional capacity and producer engagement is insufficient, which is reflected in the Omani context.

Producer awareness emerges as a critical factor in the effectiveness of GI protection. In Indonesia, although the *Masyarakat Perlindungan Indikasi Geografis* (MPIG) and other stakeholders conduct educational programs, some small-scale coffee farmers remain unaware of the registration process or the implications of mislabeling. This gap contributes to disputes and market inefficiencies, particularly in international trade. Oman presents a more pronounced challenge, as producer engagement is minimal, and there are few initiatives to educate stakeholders about GI rights and compliance. From a theoretical standpoint, communal intellectual property theories[47] emphasise that the success of GIs depends on integrating legal, social, and economic governance structures. Without informed participation, the legal system

46 Gangjee, "Geographical indications and cultural rights: The intangible cultural heritage connection?." *Research handbook on human rights and intellectual property*.

47 Ellickson, *Order without law: How neighbours settle disputes*; Dutfield, "Geographical indications and agricultural community development: is the European model appropriate for developing countries?.

alone cannot prevent unauthorized use or misrepresentation of GI products.

International recognition and cross-border enforcement are additional points of divergence. Indonesia's status as a TRIPS member and its active participation in bilateral agreements for GI registration abroad position its producers more favourably in global markets. This helps protect products like Java Sindoro-Sumbing Coffee against mislabeling and counterfeiting in key export destinations. Oman, while also a TRIPS member, lacks robust mechanisms for international GI protection due to limited registration and experience in cross-border dispute resolution. Scholars such as Rangnekar[48] and Kang[49] highlight that international enforcement is contingent not only on statutory provisions but also on proactive state advocacy, administrative monitoring, and coordination with foreign authorities—areas where Indonesia is comparatively more advanced.

The strengths and weaknesses outlined in the table underscore the need for a hybrid dispute resolution model that combines legal enforcement, administrative procedures, and community-based mechanisms. Indonesia's legal framework provides a strong foundation. Yet, gaps in monitoring and awareness underscore the need to supplement judicial processes with non-litigation approaches—such as mediation, producer associations, and e-commerce surveillance. Oman, with its emerging GI system, can benefit from adopting similar hybrid strategies while prioritising capacity-building, producer education, and early registration initiatives to prevent disputes from escalating. Both jurisdictions illustrate that effective GI protection in global trade requires the alignment of law, institutional capacity, and social engagement to safeguard communal intellectual property and enhance market competitiveness.

Conclusion

This comparative study highlights the contrasting maturity and effectiveness of Geographical Indication (GI) frameworks in Indonesia

[48] *See* Rangnekar, "The socio-economics of geographical indications."
[49] Kang, "Geographical indications in EU and key lessons for Korea."

and Oman. Indonesia demonstrates a well-established legal structure under Law No. 20 of 2016, with practical enforcement through both administrative and judicial mechanisms, as evidenced in cases involving Java Sindoro-Sumbing Coffee. In contrast, Oman's Royal Decree No. 40/2000 provides statutory recognition but suffers from limited implementation, low producer awareness, and minimal case experience. Key challenges in both jurisdictions include cross-border enforcement, producer engagement, and preventing mislabeling or counterfeiting. The study confirms that effective GI protection relies not only on formal legislation but also on social and economic structures that empower local producer groups, align with international trade requirements, and ensure communal intellectual property is respected. The comparative insights underscore that emerging GI systems, such as Oman's, must prioritise capacity-building, regulatory awareness, and early registration initiatives to avoid disputes and enhance market competitiveness.

Based on the findings, a hybrid dispute resolution model is recommended, integrating litigation and non-litigation mechanisms, such as mediation, arbitration, community oversight, and administrative enforcement, supported by targeted legal awareness programs. For Indonesia, policy refinement should emphasise strengthening monitoring mechanisms, enhancing international advocacy, and expanding educational outreach to smallholder farmers. For Oman, priorities include promoting GI registration, developing enforcement infrastructure, increasing producer and consumer awareness, and fostering cross-border cooperation for dispute resolution. By combining legal, social, and administrative strategies, both countries can safeguard local identity, prevent disputes in international trade, and enhance the economic and cultural value of GI products. Ultimately, the proposed approach not only resolves existing conflicts but also provides a replicable model for other emerging GI jurisdictions seeking to protect communal intellectual property in the global market.

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