

# Rethinking Geographical Indication Law: Lessons from EU Success and Lobong Pineapple

Merry Elisabeth Kalalo<sup>1</sup>✉  
Betsy Anggreni Kapugu<sup>2</sup>  
Doortje Doerien Turangan<sup>3</sup>  
Ugochukwu Godspower Ehirim<sup>4</sup>

<sup>1,2,3</sup>Universitas Samratulangi, Indonesia.

<sup>4</sup>Delta State University, Nigeria.

✉ merryelkalalo@gmail.com

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## Abstract

*Indonesia's Geographical Indication (GI) regime exhibits a persistent gap between formal legal eligibility and practical enforceability, particularly in rural contexts where institutional coordination and legal literacy remain limited. The case of Lobong Pineapple, a product with clear geographical specificity and socio-economic potential, underscores the systemic failure of the GI framework to translate normative protection into actionable development. This study aims to critically examine the regulatory and institutional barriers that hinder GI implementation in Indonesia, using Lobong Pineapple as a representative case. Employing a normative legal method complemented by comparative and empirical analysis, this research evaluates Indonesian GI law against successful practices in the European Union. The findings reveal that despite meeting substantive GI criteria, Lobong Pineapple remains unregistered due to administrative inertia, fragmented local governance, and the absence of enabling legal instruments such as a Regent's Decree and product specification dossier. In contrast, the EU model demonstrates how institutional synergy, community participation, and integration with rural development policies can operationalize GI law effectively. This study offers a novel reconceptualization of GI protection as a transformative legal infrastructure—one that extends beyond protectionist aims to encompass cultural continuity, economic inclusion, and creative innovation. It proposes a shift from centralized, compliance-driven models to adaptive, community-anchored governance frameworks. By advancing this normative and structural critique, the research contributes to the refinement of intellectual property law as a tool for territorially embedded, culturally sensitive, and development-oriented legal reform.*

## 1. Introduction

Geographical Indications (GIs) have evolved into a critical instrument within the intellectual property law framework, offering not only legal protection over the use of a product's name but also affirming the intrinsic link between product quality and its geographical origin.<sup>1</sup> In the era of economic globalization and cultural commodification, GIs serve a dual function: as a legal mechanism for safeguarding collective rights over traditional knowledge, and as a strategic tool for economic differentiation in competitive global markets. Products recognized through GI registration accrue not only economic value but also symbolic capital, reinforcing the social and cultural identity of producer communities.<sup>2</sup> As such, the legal protection of GIs embodies a normative framework that integrates economic utility, cultural preservation, and environmental sustainability.

In Indonesia, however, the current approach to GIs remains largely procedural and administrative, with limited integration into broader strategies for creative economy development and cultural valorization.<sup>3</sup> The case of Lobong Pineapple, a unique agricultural product from Lobong Village in Bolaang Mongondow Regency, exemplifies this disconnect. Despite its distinct taste profile—unreplicable outside its native soil—and substantial economic potential, the product has yet to receive formal GI protection. The absence of effective legal infrastructure, coupled with institutional inertia and a lack of local legal awareness, reflects a broader systemic gap. This stands in stark contrast to the success of countries like France and Italy, where GI regimes have been leveraged not merely for legal protection but as engines of rural

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<sup>1</sup> Mirna De L. Medeiros and João L. Passador, "Examining the Development Attributed to Geographical Indications," *The Journal of World Intellectual Property* 25, no. 1 (2022): 86–105, <https://doi.org/10.1111/jwip.12208>.

<sup>2</sup> Patricia Covarrubia, "The Disappearance of Traditions: The Use of Geographical Indications and Collective Marks to Prevent Loss of Culture in South America," *IIC - International Review of Intellectual Property and Competition Law* 55, no. 8 (2024): 1257–80, <https://doi.org/10.1007/s40319-024-01519-8>.

<sup>3</sup> Dwi Tiara Kurnilasari, "Geographical Indications in Trade Commodities for Promoting Sustainable Economic Development in Indonesia," *Lentera Hukum* 7, no. 3 (2020): 279, <https://doi.org/10.19184/ejrh.v7i3.19474>.

development, cultural affirmation, and global market positioning.<sup>4</sup> Rethinking Indonesia's GI law, therefore, becomes imperative—not only to close regulatory gaps but to reposition GIs as transformative legal tools for empowering local economies in a global creative landscape.

Despite its recognized legal framework, the implementation of Geographical Indications (GIs) in Indonesia remains fraught with systemic inefficiencies, particularly at the intersection of legal infrastructure, administrative execution, and local governance.<sup>5</sup> The case of Lobong Pineapple, a regionally distinctive fruit cultivated in the specific agroecological conditions of Lobong Village, reveals a significant disconnect between legal potential and actual enforcement. Although the product demonstrably fulfills the core criteria for GI protection—unique quality attributed to geographic origin, cultural significance, and economic potential—its registration process has stagnated due to administrative inertia, lack of coordinated institutional support, and the absence of key legal instruments such as a regional decree and descriptive documentation. These deficiencies reflect a broader structural problem: the underutilization of GI law as a vehicle for rural economic empowerment, cultural recognition, and sustainable regional development.

This situation prompts a set of critical legal questions: To what extent does Indonesia's GI regime, as currently structured, support the transformative potential of GIs in practice? Why has the legal apparatus failed to translate regulatory intent into actionable protections for products like Lobong Pineapple? And what legal or institutional models—particularly from jurisdictions with successful GI frameworks such as the European Union—might provide applicable lessons? Addressing these questions is essential not only for safeguarding Indonesia's diverse local products, but also for evaluating the broader capacity of GI law to mediate between intellectual property protection and inclusive economic development. The issue is not simply

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<sup>4</sup> Martijn Huysmans and Johan Swinnen, "No Terroir in the Cold? A Note on the Geography of Geographical Indications," *Journal of Agricultural Economics* 70, no. 2 (2019): 550–59, <https://doi.org/10.1111/1477-9552.12328>.

<sup>5</sup> Wahyu Sasongko, "Geographical Indications Protection Under the New Regulation in Indonesia," *Journal of Social Studies Education Research* 9, no. 4 (2018): 403–19.

about procedural compliance, but about rethinking the normative purpose of GI protection in the context of global trade, cultural identity, and legal modernity.

This study seeks to critically examine the legal and institutional dynamics that have hindered the formal recognition of Lobong Pineapple as a Geographical Indication (GI) product within Indonesia's intellectual property framework. It aims to analyze the existing gaps between legal provisions and on-the-ground realities, particularly the disconnect between regulatory ambition and local implementation. By juxtaposing the Indonesian GI regime with successful legal models from the European Union—where GI systems have matured into strategic tools for rural development and cultural preservation—this research endeavors to extract comparative insights that may inform policy reform and legal innovation.<sup>6</sup> Furthermore, the study aspires to reconceptualize GIs not merely as instruments of market exclusivity but as mechanisms for socio-economic inclusion, community empowerment, and cultural legitimacy. Ultimately, this research aims to contribute to the refinement of intellectual property law in Indonesia by proposing a normative and institutional recalibration of GI governance, anchored in both comparative legal analysis and contextual understanding of local economic and cultural ecosystems.

While the global discourse on Geographical Indications (GIs) has evolved to position them as strategic tools for regional development, cultural preservation, and market competitiveness, the Indonesian scholarly literature on GIs remains largely procedural and under-theorized. Existing research in the Indonesian context tends to focus on formal registration requirements and the descriptive mapping of eligible products, often neglecting the deeper socio-legal functions of GIs as instruments of community empowerment and legal pluralism.<sup>7</sup> Moreover, there is minimal engagement with critical legal perspectives that interrogate the interplay between intellectual property regimes and localized knowledge systems. This has resulted in a fragmented understanding of GIs, where legal recognition is treated as a technical

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<sup>6</sup> Cinzia Piatti and Angga Dwiartama, "Provenance for Whom? A Comparative Analysis of Geographical Indications in the European Union and Indonesia," in *Geographical Indication and Global Agri-Food*, 1st ed., by Alessandro Bonanno et al. (Routledge, 2019), <https://doi.org/10.4324/9780429470905-7>.

<sup>7</sup> Pulung Widhi Hari Hananto and Rahandy Rizki Prananda, "The Urgency of Geographical Indication as a Legal Protection Instrument Toward Traditional Knowledge in Indonesia," *LAW REFORM* 15, no. 1 (2019): 62, <https://doi.org/10.14710/lr.v15i1.23355>.

administrative outcome rather than a transformative legal process rooted in cultural and territorial justice.

Despite the increasing relevance of the creative economy in both policy and academic discussions, few studies explicitly explore the intersection between GI law and the creative industries. This represents a crucial oversight, particularly in a country like Indonesia, where traditional agricultural products often serve as the raw material base for derivative cultural and artisanal enterprises.<sup>8</sup> The absence of such interdisciplinary engagement has created a gap in understanding how GI protection could extend beyond agricultural branding to function as a legal framework for fostering innovation, cultural continuity, and inclusive economic participation. As a result, potential synergies between GIs and creative economy strategies remain untapped in both scholarship and policy design.

There is a notable lack of comparative legal analysis in the Indonesian GI literature. While the European Union has successfully operationalized GIs through coherent regulatory architecture, institutional coordination, and market integration, these dimensions are rarely examined in Indonesian legal studies. The absence of comparative engagement obscures valuable insights into how legal transplants or adapted models could enhance the functionality of Indonesia's GI regime. This research, therefore, addresses a dual gap: first, the normative and functional underdevelopment of GI law within Indonesia; and second, the missed opportunity to critically engage with international best practices that could inform the evolution of Indonesia's legal and institutional frameworks for GI protection.

This research offers a novel contribution by repositioning Geographical Indications (GIs) not merely as legal tools for protecting product origin, but as dynamic legal infrastructures capable of supporting cultural resilience and regional innovation within the framework of the global creative economy. Distinct from prior studies that emphasize procedural compliance and formalistic interpretations of GI law, this study introduces a contextualized, interdisciplinary perspective that integrates legal analysis, economic theory, and socio-cultural dimensions. By focusing on Lobong

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<sup>8</sup> Sasongko, "Geographical Indications Protection Under the New Regulation in Indonesia."

Pineapple as a legal case study embedded in a lived agro-cultural ecosystem, and contrasting it with the structurally successful GI regimes of the European Union, the research transcends descriptive narratives and engages in critical institutional comparison. It further advances the discourse by interrogating the normative assumptions underlying Indonesia's GI regime and proposing a recalibrated legal model informed by both local realities and global best practices. In doing so, this study not only fills a critical gap in the literature but also provides actionable insights for policymakers, legal scholars, and development practitioners seeking to harness intellectual property law as a catalyst for inclusive and sustainable regional development.

## 2. Problem Statement

The central problem addressed in this study is the structural and normative inadequacy of Indonesia's Geographical Indication (GI) regime in translating legal potential into practical protection and economic value, particularly for culturally embedded local products such as Lobong Pineapple. Despite fulfilling substantive criteria for GI recognition, the product remains unregistered due to institutional fragmentation, limited legal awareness at the local government level, and the absence of coordinated policy execution. This legal inertia reflects a deeper systemic issue—namely, the inability of current GI law to function as a transformative tool for regional empowerment and creative industry development. By examining this problem through the lens of comparative legal analysis, particularly referencing the European Union's robust GI framework, this study aims to critically assess the extent to which Indonesia's GI system can be restructured to support both legal certainty and socio-economic innovation.

## 3. Methods

This study adopts a normative legal research methodology supported by a conceptual and regulatory approach, combined with a case study<sup>9</sup> analysis of Lobong Pineapple. The conceptual approach is used to critically examine the theoretical foundations of

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<sup>9</sup> Dian Ekawaty Ismail et al., *Metode Penelitian Hukum: Teori, Aplikasi, Dan Inovasi Dalam Penelitian Hukum*, ed. Tiara Oktaviana Namira Daud (Ruang Karya, 2025); Novendri M Nggilu et al., "Indonesia's Constitutional Identity: A Comparative Study of Islamic Constitutionalism," *De Jure: Jurnal Hukum Dan Syar'iah* 16, no. 2 (2024): 480–500.

Geographical Indication (GI) law, particularly its role within the broader framework of intellectual property and the creative economy. The regulatory approach involves a doctrinal analysis of Indonesia's primary legal instruments, including Law No. 20 of 2016 on Trademarks and Geographical Indications and relevant implementing regulations, as well as international instruments such as the TRIPS Agreement. These are further examined in light of the European Union's GI framework, offering a comparative legal lens to assess structural divergences and institutional best practices.

The case study of Lobong Pineapple is employed to ground the normative analysis in an empirical legal context, highlighting the practical implications of legal and institutional shortcomings. Legal materials used include primary sources such as statutes, international treaties, and official policy documents, alongside secondary sources including academic literature. The legal analysis is conducted through a qualitative, prescriptive method—identifying legal gaps,<sup>10</sup> assessing compliance with normative standards, and formulating recommendations for reform. This triangulated methodological structure ensures that the research not only critiques the existing legal framework but also contributes constructively to the development of a more responsive and inclusive GI regime in Indonesia.

#### **4. The Nature of Geographical Indication Protection of Lobong Pineapple as a Regional Potential to Support Industry and Creative Economy**

##### **4.1. The Legal Philosophy and Normative Foundations of Geographical Indications**

Geographical Indications (GIs) occupy a unique position within the broader architecture of intellectual property rights (IPRs), blending elements of territorial identity, collective authorship, and market differentiation. Unlike patents or trademarks, which emphasize individual innovation and brand distinctiveness, GIs reflect a symbiotic relationship between product quality and geographic origin.<sup>11</sup> This

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<sup>10</sup> Irwansyah Irwansyah, *Penelitian Hukum: Pilihan Metode & Praktik Penulisan Artikel* (Mirra Buana Media, 2020).

<sup>11</sup> "Strengthening Sustainable Food Systems Through Geographical Indications: Evidence from 9 Worldwide Case Studies," *Journal of Sustainability Research* 2, no. 4 (2020), <https://doi.org/10.20900/jsr20200031>.

intrinsic connection transforms GIs into markers of authenticity, rooted not solely in innovation but in cultural continuity and environmental specificity. From a legal-philosophical perspective, this orientation invites a departure from traditional proprietary models and moves toward a communitarian understanding of rights—grounded in shared heritage and intergenerational stewardship.<sup>12</sup>

At their core, GIs are founded upon the premise that certain goods derive distinctive qualities not because of technological superiority but due to the interplay of natural and human factors in a particular locality. This conception is underpinned by the principle of terroir, which posits that land, climate, traditional practices, and community knowledge are not incidental to product quality, but constitutive of it.<sup>13</sup> As such, GI protection functions not as a mere market tool but as a legal recognition of cultural and environmental embeddedness. The philosophical foundation here leans toward a contextual theory of value—where law is called to acknowledge and protect the situated knowledge and cultural capital of a region.

The normative legitimacy of GI protection can thus be justified on multiple grounds. First, it serves a corrective function by addressing market asymmetries—preventing misappropriation and misleading use of local product names by external actors. Second, it fulfills a distributive justice role by enabling local producers to retain value generated from their cultural and natural assets. Third, it contributes to cultural integrity by reinforcing local identities in the face of homogenizing global market pressures.<sup>14</sup> These dimensions reflect an integrative approach to legal design, where economic incentives are harmonized with social justice and ecological preservation.

Moreover, the GI system is inherently pluralistic in nature. It recognizes that not all

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<sup>12</sup> Bina Agarwal, “‘Bargaining’, Gender Equality and Legal Change,” in *Routledge Readings on Law and Social Justice*, 1st ed., by Kalpana Kannabiran (Routledge India, 2022), <https://doi.org/10.4324/9781003299554-14>.

<sup>13</sup> Guy Leedon et al., “Consuming the Earth? Terroir and Rural Sustainability,” *Journal of Rural Studies* 87 (October 2021): 415–22, <https://doi.org/10.1016/j.jrurstud.2021.09.030>; Suhadi Suhadi and Aprila Niravita, “Urban Agrarian Reform: Opportunities and Challenges for Land Rights Among Low-Income Communities,” *Legality: Jurnal Ilmiah Hukum* 32, no. 2 (2024): 348–73, <https://doi.org/10.22219/ljih.v32i2.35842>.

<sup>14</sup> Agnieszka Baer-Nawrocka and Anastasiya Filatova, “Protected Products in the European Union Selected Economic Aspects,” *Annals of the Polish Association of Agricultural and Agribusiness Economists* XXV, no. 2 (2023): 9–22, <https://doi.org/10.5604/01.3001.0053.7003>.

forms of innovation are reducible to laboratory research or technological advancement. Instead, GI law makes space for informal, place-based, and tacit forms of knowledge—those typically excluded from conventional IPR regimes.<sup>15</sup> In doing so, it aligns with postcolonial legal scholarship that critiques the Eurocentric bias of global IP frameworks and calls for more inclusive legal definitions of creativity and authorship. The recognition of traditional farming practices, artisanal methods, and collective production narratives within GI law reflects an epistemological shift toward legal pluralism and knowledge democracy.<sup>16</sup>

From a legal-institutional standpoint, GIs also represent an innovative fusion of private and public law. While they confer exclusive rights to use a protected name, those rights are not held by an individual inventor or company, but by a community or association, subject to adherence to a collectively defined product specification. This structure introduces a hybrid form of governance: one that requires both state recognition (through registration and enforcement mechanisms) and community-based self-regulation (through quality control and adherence to traditional standards).<sup>17</sup> Such dual governance models challenge traditional hierarchies of legal authority and offer a more participatory and democratic form of intellectual property administration.<sup>18</sup>

Furthermore, the transnational legal status of GIs adds a layer of complexity to their normative foundations. Through instruments such as the TRIPS Agreement under the WTO, GIs are positioned within the global trade regime, yet their justification rests on intensely local foundations. This tension between global uniformity and local

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<sup>15</sup> Ajoy Jose and Padmavati Manchikanti, "Protection of Geographical Indication: The Interface with Traditional Knowledge," in *Geographical Indication Protection in India*, ed. Niharika Sahoo Bhattacharya (Springer Nature Singapore, 2022), [https://doi.org/10.1007/978-981-19-4296-9\\_6](https://doi.org/10.1007/978-981-19-4296-9_6).

<sup>16</sup> Bryan Khan, "Intellectual Property, Development, and Inclusiveness: A Postcolonial Critique," in *Research Handbook on Intellectual Property Rights and Inclusivity*, ed. Cristiana Sappa (Edward Elgar Publishing, 2024), <https://doi.org/10.4337/9781803927268.00010>.

<sup>17</sup> Michael Blakeney, *The Protection of Geographical Indications: Law and Practice (Third Edition)* (Edward Elgar Publishing, 2024), <https://doi.org/10.4337/9781035332267>.

<sup>18</sup> Lu Sudirman et al., "Beyond Likes and Follows: Navigating Consumer Trust and Ipr-Related Risks in Influencer Marketing," *Jurisdictie: Jurnal Hukum Dan Syariah* 15, no. 2 (2025): 245–73, <https://doi.org/10.18860/j.v15i2.28054>.

specificity presents both a challenge and an opportunity.<sup>19</sup> On one hand, it risks instrumentalizing GIs for trade liberalization purposes; on the other, it opens a legal space for culturally sensitive economic governance that can resist the erasure of local diversity. The challenge, therefore, is to maintain the normative integrity of GIs amidst pressures for standardization and commercialization.<sup>20</sup>

#### **4.2. Indonesia's GI Regulatory Framework: Legal Architecture and Structural Limitations**

Indonesia's legal framework for Geographical Indications (GIs) is formally codified through Law No. 20 of 2016 on Trademarks and Geographical Indications, supplemented by Government Regulation No. 51 of 2007 and Ministerial Regulation No. 12 of 2019. This legal corpus provides a procedural structure for GI registration, including eligibility criteria, documentation requirements, and administrative timelines. However, the normative clarity of these laws stands in contrast to the complexity of their implementation. The structure, while formally comprehensive, remains overly bureaucratic and insufficiently adaptive to the social realities and institutional capacities of rural producer communities. Legal formalism, in this context, has not translated into functional legal empowerment.

At the heart of the problem is a rigid centralization of authority, where the entire GI recognition process is tightly controlled by the Directorate General of Intellectual Property under the Ministry of Law and Human Rights. Local governments, which are closest to producer communities, lack both legal autonomy and operational resources to initiate or manage GI processes independently.<sup>21</sup> In the case of Lobong Pineapple, despite early identification as a product with GI potential, no formal progress has been made due to the absence of enabling local instruments—specifically, a Regent's Decree to establish the Geographical Indication Protection Society (MPIG) and the

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<sup>19</sup> Filippo Sgroi, "Territorial Development Models: A New Strategic Vision to Analyze the Relationship Between the Environment, Public Goods and Geographical Indications," *Science of The Total Environment* 787 (September 2021): 147585, <https://doi.org/10.1016/j.scitotenv.2021.147585>.

<sup>20</sup> Haiou Mao and Holger Görg, "Don't Take Me for a Free-Ride: Chinese Agricultural Geographical Indications and Firms' Export Quality," *Agricultural Economics* 56, no. 2 (2025): 188–209, <https://doi.org/10.1111/agec.12871>.

<sup>21</sup> Resti Dian Luthviati, "The Role of Local Governments in the Defense of Leading Products," *Bestuur* 8, no. 2 (2020): 121, <https://doi.org/10.20961/bestuur.v8i2.43138>.

required descriptive document (book of requirements). This reflects an asymmetry between regulatory expectation and institutional reality at the regional level.

The procedural burden is further compounded by the technical nature of the requirements, particularly the demand for a comprehensive descriptive dossier. While this is intended to ensure the integrity of the GI, in practice it acts as a barrier for under-resourced communities.<sup>22</sup> In the case of Lobong Pineapple, although agronomic and chemical research has been conducted, the results have never reached the relevant legal authorities. This breakdown in cross-sectoral coordination—between agricultural researchers, local government, and the Ministry—illustrates the systemic disconnect that the current legal framework fails to anticipate or address.

Institutionally, the lack of integrated governance models—where local, provincial, and central institutions operate in alignment—is a persistent obstacle. While the North Sulawesi Regional Office of the Ministry of Law and Human Rights has been notably proactive, even declaring 2024 as a thematic year for GI development, its outreach efforts have not been met with reciprocal commitment from regional governments. This underscores the limitations of a top-down legal regime in contexts where political will and local capacity are uneven. The situation with Lobong Pineapple is not an isolated case, but indicative of a broader pattern of institutional inertia and fragmented responsibility.

Philosophically, the Indonesian GI system operates within a legalist paradigm that privileges formal registration over substantive empowerment. This approach reduces GIs to administrative objects rather than recognizing them as culturally embedded institutions requiring participatory legal processes.<sup>23</sup> By failing to center the lived experiences and capabilities of local producer communities, the law effectively reproduces a model of exclusion. The GI framework, while intended to safeguard traditional knowledge and promote local development, ironically becomes

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<sup>22</sup> 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, <https://doi.org/10.3233/EPL-210001>.

<sup>23</sup> K Kusnandar et al., “Investigating the Participation Mode in Agro-Based Gi Development Programmes in Indonesia: A Lesson Learnt from Three Case Studies,” *IOP Conference Series: Earth and Environmental Science* 1063, no. 1 (2022): 012037, <https://doi.org/10.1088/1755-1315/1063/1/012037>.

inaccessible to those very constituencies it claims to protect.<sup>24</sup>

Critically, the framework also lacks a strategic link to Indonesia's creative economy policies. GI law exists in silos, disconnected from broader agendas related to MSME development, rural innovation, and cultural industries. As a result, the transformative potential of GI recognition—as a platform for branding, storytelling, and value-added production—remains unrealized. For instance, derivative products such as Lobong Pineapple jam, chips, and pickles hold market promise, yet without legal protection and coordinated institutional support, their value chains remain fragmented and vulnerable to exploitation.

The Indonesian GI legal architecture suffers from a misalignment between regulatory design and institutional practice. It overemphasizes procedural compliance while underappreciating the socio-political conditions necessary for legal efficacy. The case of Lobong Pineapple reveals how a product that meets all material criteria for GI protection can nonetheless fall through the cracks of a fragmented and under-responsive legal system. Moving forward, reform must address not only the technicalities of GI registration but also the deeper governance and philosophical questions of how law can be made more responsive to localized contexts and development goals.

### **4.3. The Case of Lobong Pineapple: Between Legal Eligibility and Administrative Inertia**

The case of Lobong Pineapple illustrates a paradox in Indonesia's Geographical Indication (GI) system: a product that fulfills all core legal and substantive criteria for GI registration remains unrecognized due to bureaucratic inertia and institutional fragmentation. Grown in Lobong Village, Bolaang Mongondow Regency, this pineapple variety is distinguished by a consistently sweet flavor, including in its central stem, a trait attributed to the area's unique soil composition rich in lime and

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<sup>24</sup> Claire Durand and Stéphane Fournier, "Can Geographical Indications Modernize Indonesian and Vietnamese Agriculture? Analyzing the Role of National and Local Governments and Producers' Strategies," *World Development* 98 (October 2017): 93–104, <https://doi.org/10.1016/j.worlddev.2015.11.022>.

precise traditional cultivation techniques.<sup>25</sup> The specificity of this agroecological and human interaction squarely places Lobong Pineapple within the definitional scope of GI as articulated in Article 1(6) of Law No. 20 of 2016. Yet, despite its clear eligibility, the registration process has been stalled indefinitely.

While the community has already established an MPIG (Geographical Indication Protection Society), this initiative has not been institutionalized through a formal Regent's Decree—an essential administrative prerequisite under Indonesian GI law. This missing legal act renders the MPIG structurally illegitimate in the eyes of the Directorate General of Intellectual Property, preventing the filing of a valid application.<sup>26</sup> The absence of this decree is not merely a technical oversight, but symptomatic of a broader pattern: local authorities either lack awareness of the legal requirements or perceive GI registration as outside their administrative jurisdiction, deferring responsibility indefinitely.

In addition to the institutional vacuum, there exists a critical documentation gap. Indonesian GI registration mandates the submission of a “academic manuscript documents”—a comprehensive dossier detailing the product's unique characteristics, production processes, and geographical boundaries. While scientific studies on the soil composition and quality of Lobong Pineapple land have been conducted, the results have not been forwarded to the Ministry of Law and Human Rights. This lapse reflects both poor inter-agency coordination and a failure to translate technical knowledge into legal documentation. The Ministry's proactive outreach has been met with silence, despite direct visits and repeated requests for data from local stakeholders.<sup>27</sup>

Moreover, the failure to register Lobong Pineapple has significant socio-economic repercussions. The lack of formal GI protection exposes the community to risks of misappropriation and price suppression. Local farmers remain trapped in raw

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<sup>25</sup> Kristian Oka Prasetyadi, “Nanas Yang Merindukan Selai Di Bolaang Mongondow,” *Kompas* (Jakarta), May 25, 2021.

<sup>26</sup> Hendrik Siahaya, Head of the Legal Services and Human Rights Division, interview by author, July 28, 2024.

<sup>27</sup> Merry Elisabeth Kalalo et al., *Tantangan Dan Hambatan Terkait Pendaftaran Indikasi Geografis Nanas Lobong* (LPPM Universitas Samratulangi, 2024), 42.

commodity markets, unable to leverage the premium that GI recognition typically confers. Derivative products such as pineapple jam and chips—which hold value-added potential—are economically underutilized and legally unprotected. Without GI branding, these products lack market differentiation and remain vulnerable to imitation by outside actors, diluting both their economic and symbolic value.<sup>28</sup>

Philosophically, this case challenges the dominant assumption in legal doctrine that formal compliance is sufficient for justice delivery. Here, the law exists, the criteria are met, and the regulatory intent is clear—but the absence of enabling conditions renders the legal promise hollow. This mismatch between legal entitlement and institutional delivery calls for a rethinking of how legal systems function in practice.<sup>29</sup> Law, in this context, must not only be written and technically sound, but also socially embedded, procedurally accessible, and institutionally executable.

The Lobong Pineapple case also exposes the weakness of Indonesia's top-down GI implementation strategy. While the Ministry has made efforts—declaring 2024 as a thematic year for GI registration and identifying Lobong Pineapple as a strategic target—these efforts have not generated local traction. This reflects a policy disconnect where central ambitions are not translated into local actions. The lack of political incentives, absence of regulatory enforcement mechanisms, and insufficient integration with local development programs have all contributed to the failure of bottom-up legal mobilization.

#### **4.4. Comparative Lessons from the European Union: Institutional Synergy and Strategic Integration**

The European Union (EU) offers a mature and sophisticated model of Geographical Indications (GIs) governance that contrasts sharply with the fragmented and proceduralist system found in Indonesia. The EU's GI framework is embedded within a broader Common Agricultural Policy (CAP) that integrates legal protection with market access, rural development, and quality assurance mechanisms. Through this

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<sup>28</sup> Guliana Ponubu, Secretary of the Department of Agriculture of Bolaang Mongondow Regency, interview by author, August 1, 2024.

<sup>29</sup> Sergio Marotta, "Law and Justice in the Society of Economic Inequality," *Oñati Socio-Legal Series* 12, no. 6 (2022): 1547–68, <https://doi.org/10.35295/osls.iisl/0000-0000-0000-1312>.

model, GIs are not treated solely as legal labels but as strategic instruments for territorial branding and economic empowerment. This interlinkage is a product of deliberate policy design and institutional synergy between EU institutions, national governments, and local producer groups.<sup>30</sup>

One of the most notable features of the EU system is the central role of producer consortia in initiating and managing GI applications. These consortia, composed of local stakeholders, are empowered not only to propose specifications but also to monitor compliance and coordinate marketing efforts post-registration.<sup>31</sup> This participatory governance structure ensures that GI law is not externally imposed but internally cultivated—rooted in community agency and local legitimacy. In contrast, Indonesia’s reliance on administrative decree and top-down validation undermines community ownership, reducing GI protection to a bureaucratic exercise rather than a bottom-up mobilization of local identity and economic agency.<sup>32</sup>

Institutionally, the EU provides robust technical and financial support for GI development through dedicated agencies and funding instruments. The European Commission, alongside national ministries, offers legal assistance, market research, and capacity-building initiatives to guide applicants through the registration process. This state-producer partnership is essential in navigating the technical requirements of GI registration, especially the preparation of detailed product specifications.<sup>33</sup> Indonesia’s model lacks such institutional scaffolding. In the Lobong Pineapple case, scientific data collected locally has failed to reach legal authorities due to a breakdown in institutional coordination—a failure that could be mitigated by

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<sup>30</sup> Lise Bernard-Apéré, “An Outlook of the European Union’s Strategy Regarding Geographical Indications,” in *European Yearbook of International Economic Law 2023*, ed. Jelena Bäuml et al., vol. 14, *European Yearbook of International Economic Law* (Springer Nature Switzerland, 2023), [https://doi.org/10.1007/8165\\_2023\\_105](https://doi.org/10.1007/8165_2023_105).

<sup>31</sup> Barbara Pick and Delphine Marie-Vivien, “Representativeness in Geographical Indications: A Comparison Between the State-Driven and Producer-Driven Systems in Vietnam and France,” *Sustainability* 13, no. 9 (2021): 5056, <https://doi.org/10.3390/su13095056>.

<sup>32</sup> Sasongko, “Geographical Indications Protection Under the New Regulation in Indonesia”; Muhammad Syukri, “Neglecting the Poor and Marginalized: Participatory Village Governance in Indonesia’s New Developmentalist State,” *Development Policy Review* 42, no. 4 (2024): e12776, <https://doi.org/10.1111/dpr.12776>.

<sup>33</sup> Kim Van Der Borgh et al., “Geographical Indications for Agricultural Products and Foodstuffs in the Eu: To What Extent Does the Protection Level Match the Scope of the Subject Matter?,” *Queen Mary Journal of Intellectual Property* 11, no. 3 (2021): 270–94, <https://doi.org/10.4337/qmjip.2021.03.01>.

adopting an EU-style intermediary body or technical secretariat.<sup>34</sup>

The EU also emphasizes transparency and traceability as core principles of GI governance. GI products must adhere to strict quality controls, and their production methods must be verifiable at multiple stages. These measures reinforce consumer trust and allow GI products to command premium prices in competitive markets.<sup>35</sup> Indonesia's framework does not yet incorporate robust monitoring or post-registration quality assurance mechanisms, making it difficult to ensure product integrity over time.<sup>36</sup> Without such systems, the economic value of GI recognition remains underdeveloped, particularly for derivative products that rely on consumer perception of quality and authenticity.

From a legal harmonization perspective, the EU model exemplifies coherence between national and supranational legal regimes. Member states retain flexibility in managing their GI portfolios, but all must conform to the overarching principles set out in EU regulations, such as Regulation (EU) No. 1151/2012.<sup>37</sup> This regulatory coherence fosters legal certainty and streamlines enforcement mechanisms across jurisdictions. In contrast, Indonesia's GI governance is disjointed across central and regional levels, with no binding coordination framework or accountability mechanism.<sup>38</sup> This legal disarticulation is one of the core obstacles preventing products like Lobong Pineapple from moving beyond informal recognition to formal legal protection.

The EU also successfully leverages GIs for rural development. By linking GI registration to broader rural innovation strategies, the EU ensures that protected

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<sup>34</sup> Kalalo et al., *Tantangan Dan Hambatan Terkait Pendaftaran Indikasi Geografis Nanas Lobong*.

<sup>35</sup> Davide Puca, "European Politics of Food Origin. a Semiotic Analysis of Geographical Indications," in *Images of Europe*, ed. Francesco Mangiapane and Tiziana Migliore, vol. 4, Law and Visual Jurisprudence (Springer International Publishing, 2021), [https://doi.org/10.1007/978-3-030-69240-7\\_16](https://doi.org/10.1007/978-3-030-69240-7_16); Puca, "European Politics of Food Origin. a Semiotic Analysis of Geographical Indications."

<sup>36</sup> Ellia Kristiningrum et al., "Assessment of Standardization Profiles in Indonesia as Part of Quality Infrastructure," 2022, 040005, <https://doi.org/10.1063/5.0108071>.

<sup>37</sup> Andrea Zappalaglio, "Sui Generis, Bureaucratic and Based on Origin: A Snapshot of the Nature of Eu Geographical Indications," in *Intellectual Property as a Complex Adaptive System*, ed. Anselm Kamperman Sanders and Anke Moerland (Edward Elgar Publishing, 2021), <https://doi.org/10.4337/9781800378384.00018>.

<sup>38</sup> Agustianto et al., "Perlindungan Lingkungan Berbasis Indikasi Geografis: Tantangan Hukum Dan Implementasi Sustainable Development Goals Di Indonesia," *LITIGASI* 26, no. 1 (2025): 448–76, <https://doi.org/10.23969/litigasi.v26i1.19149>.

products contribute to job creation, cultural preservation, and local infrastructure development.<sup>39</sup> This is evident in the case of Roquefort cheese, Parmigiano Reggiano, and Prosciutto di Parma—products that have become economic pillars of their regions. Indonesia has yet to make this leap; although GI law is in place, it remains isolated from rural development policy and creative economy initiatives. For Lobong Pineapple, such integration could catalyze local entrepreneurship, agro-tourism, and downstream product diversification.

An additional strength of the EU approach is its use of marketing and promotion platforms to elevate GI products in domestic and international markets. Labels such as PDO (Protected Designation of Origin) and PGI (Protected Geographical Indication) are widely recognized and legally protected, providing clear market signals to consumers. These labels are backed by coordinated promotional campaigns and legal enforcement in trade negotiations.<sup>40</sup> Indonesia, by contrast, lacks strong national branding for GI products. As a result, even high-potential commodities like Lobong Pineapple remain confined to local markets, unable to tap into the value premium associated with global GI recognition.

The EU's model is adaptive rather than rigid—it allows for procedural streamlining, legal innovation, and iterative policy feedback. This dynamic nature is grounded in a philosophy of subsidiarity and proportionality, which balances centralized legal authority with local autonomy. In Indonesia, legal rigidity and administrative opacity stifle such flexibility. The case of Lobong Pineapple illustrates how a lack of legal pathways, political incentives, and institutional learning loops can paralyze the GI process, even when local readiness exists. Learning from the EU's adaptive governance model would require not only regulatory reform but also a shift in legal culture toward responsiveness and trust-building.

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<sup>39</sup> Leonardo Cei et al., "Geographical Indications: A First Assessment of the Impact on Rural Development in Italian Nuts3 Regions," *Land Use Policy* 75 (June 2018): 620–30, <https://doi.org/10.1016/j.landusepol.2018.01.023>.

<sup>40</sup> Tea Hasić and Ana Rački Marinković, "Protection of Traditional Products Through Geographical Indications in the European Union After the Entry into Force of the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications," *Pravni Vjesnik* 38, no. 1 (2022): 113–30, <https://doi.org/10.25234/pv/19632>.

#### 4.5. Toward a Transformative Legal Framework: Reconceptualizing GI Law in the Creative Economy

The prevailing framework of Geographical Indications (GIs) in Indonesia reflects a legalistic and compartmentalized approach that fails to harness the full developmental potential of GI protection. The law, as it currently stands, is more attuned to procedural conformity than to transformative socio-economic outcomes.<sup>41</sup> To move beyond mere formal recognition, Indonesia requires a recalibrated legal framework—one that reconceptualizes GIs not simply as labels of origin but as catalysts for creative, inclusive, and place-based development. This demands a shift from protectionism to empowerment, from static regulation to dynamic legal integration within the broader ecosystem of the creative economy.

At the philosophical core of this transformation is the idea that law must be responsive to the lived realities of its subjects. In the case of GIs, this means designing legal regimes that do not only validate geographic distinctiveness but also nurture local capacities, foster innovation, and preserve cultural authenticity. A transformative GI framework would center the community as both legal subject and economic agent, embedding legal protection within a strategy of collective advancement. In doing so, it reclaims GI law from the technocratic domain and situates it within a more participatory and justice-oriented legal paradigm.

Such a reconceptualization must begin with regulatory simplification and decentralization. Current GI procedures in Indonesia are overly centralized and inaccessible, particularly to marginalized producer groups. The state must enable local governments, cooperatives, and civil society actors to play a greater role in GI development—legally, institutionally, and financially. Legal reform should provide for local enabling instruments, such as district regulations or executive decrees, which can serve as legal scaffolding for community-led GI applications.<sup>42</sup> Without such mechanisms, products like Lobong Pineapple will continue to fall between the cracks

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<sup>41</sup> Sasongko, “Geographical Indications Protection Under the New Regulation in Indonesia”; Hananto and Prananda, “The Urgency of Geographical Indication as a Legal Protection Instrument Toward Traditional Knowledge in Indonesia.”

<sup>42</sup> Fenny Wulandari et al., “Sui Generis System: GI Protection for the Herbal Product in Indonesia as Communal Property Right,” *Cogent Social Sciences* 9, no. 1 (2023): 2176989, <https://doi.org/10.1080/23311886.2023.2176989>.

of legal formality and administrative dysfunction.

Second, the GI regime must be integrated into national and regional development policies, particularly those focused on the creative economy, MSME support, agro-tourism, and rural entrepreneurship. In the absence of such policy coherence, GI protection remains disconnected from economic valorization. A transformative legal framework would mandate cross-sectoral coordination, ensuring that GI registration is followed by support for market access, branding, innovation, and upskilling. For instance, once Lobong Pineapple is protected, legal recognition must be coupled with institutional support for derivative industries such as jam production, organic snacks, and cultural packaging.

Third, a more dynamic legal model would introduce flexible and iterative regulatory mechanisms that allow for continuous updating of product specifications, governance structures, and market strategies.<sup>43</sup> The current rigidity of Indonesia's GI law does not accommodate the evolving nature of local industries or the emergence of creative reinterpretations of traditional products. A transformative legal system must allow for regulatory experimentation, adaptive standards, and feedback loops informed by empirical data and community input. This approach would mirror the EU's subsidiarity model while remaining rooted in Indonesia's legal and cultural context.

Fourth, legal education and awareness must be restructured as integral components of the GI regime. The failure of the Lobong Pineapple registration process is in part a reflection of legal alienation—where community actors, local officials, and even producers lack an understanding of their legal roles and rights. A transformative framework would institutionalize legal literacy programs, establish technical support units within regional governments, and fund community-based legal facilitators to bridge the gap between law and practice. Without these soft infrastructures, even the most well-crafted laws remain inert.<sup>44</sup>

Fifth, enforcement mechanisms must be reimagined to ensure not only protection

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<sup>43</sup> Mariusz J. Golecki, "Regulation and Deregulation of Financial Markets from the Perspective of Law and Economics," in *Law and Economics of Regulation*, ed. Klaus Mathis and Avishalom Tor (Springer International Publishing, 2021), [https://doi.org/10.1007/978-3-030-70530-5\\_11](https://doi.org/10.1007/978-3-030-70530-5_11).

<sup>44</sup> Kalalo et al., *Tantangan Dan Hambatan Terkait Pendaftaran Indikasi Geografis Nanas Lobong*.

from external misappropriation but also internal quality control and accountability. A transformative GI framework would mandate the creation of community-based monitoring bodies with legal standing to oversee compliance with product specifications and ethical practices. These bodies should be empowered to mediate disputes, revoke certification when necessary, and collaborate with consumer protection agencies to maintain product integrity. Such an approach ensures that GI law does not become a hollow label but remains a living, evolving institution.

The transformative potential of GIs can only be realized if the law embraces a broader jurisprudence of sustainability. This means aligning GI protection with environmental stewardship, cultural preservation, and intergenerational justice. For Lobong Pineapple, this could involve recognizing and codifying traditional ecological knowledge, promoting organic cultivation, and ensuring that legal benefits are equitably distributed across generations. In this vision, GI law becomes more than a tool for market access—it becomes a normative commitment to protect the cultural and ecological commons of the nation.

## **5. Conclusion**

The analysis of Lobong Pineapple within Indonesia's Geographical Indication (GI) regime reveals a critical disjunction between legal eligibility and institutional responsiveness. While the product fulfills substantive criteria for GI recognition—anchored in geographic distinctiveness, cultural heritage, and economic potential—the absence of administrative coordination, local legal awareness, and strategic integration has rendered the law ineffective in practice. This reflects a broader structural malaise within Indonesia's GI framework, which privileges procedural compliance over participatory empowerment and fails to embed GI protection within the creative economy and rural development strategies. In contrast, the European Union's model illustrates how legal certainty, institutional synergy, and community agency can transform GIs into engines of territorial branding and inclusive innovation.

This study contributes a novel reconceptualization of GI law as not merely a mechanism of legal protection, but as a transformative legal infrastructure capable of

advancing socio-economic justice, cultural continuity, and sustainable local development. It calls for a reorientation of Indonesian GI governance—from rigid centralization to adaptive, community-based, and policy-integrated models. Policy reforms should prioritize legal decentralization, capacity-building, market integration, and environmental sustainability. Further research is needed to explore jurisdiction-specific pathways for implementing participatory GI governance, and to empirically evaluate the long-term impacts of GI recognition on creative value chains, particularly in underrepresented rural contexts like Bolaang Mongondow. In doing so, GI law may evolve from symbolic regulation to substantive transformation.

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