

## Reconstruction of Legal Protection for Trademarks and Geographical Indications (GI) for Tenun Sulaa Products

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### Abstract

This study aims to analyze and reconstruct legal protection for trademarks and geographical indications (GI) in Tenun Sulaa products as part of intellectual property that possesses economic and cultural value. The research method employed is normative legal research using statutory and conceptual approaches. The findings indicate that, normatively, Law Number 20 of 2016 on Trademarks and Geographical Indications has provided a comprehensive legal basis for the protection of trademarks and geographical indications as instruments of legal branding for local products. However, its implementation still faces several obstacles, including low public legal awareness, the suboptimal process of geographical indication registration, and limited institutional capacity in managing and protecting GI-based products. Therefore, reconstruction of legal protection is required through strengthening the geographical indication registration system, increasing local community participation as collective rights holders, and integrating trademark and geographical indication protection within regional product branding strategies to enhance local identity, improve regional economic competitiveness, and preserve traditional cultural heritage.

### Keywords

Geographical Indications; Legal Protection; Reconstruction of Law; Tenun Sulaa; Trademark

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## 1. INTRODUCTION

Tenun Sulaa is a traditional woven textile product that originated and developed in Sulaa Village, Baubau City, Southeast Sulawesi. This product is not merely an ordinary handicraft commodity, but has become a cultural identity and source of pride for the Buton community, passed down from generation to generation. In practice, Tenun Sulaa artisans have succeeded in preserving distinctive motifs such as the Malige, Bhia-bhia, and Posipo motifs, which carry profound philosophical meaning related to social strata, spirituality, and the history of Buton civilization. The production process, which still relies on traditional handlooms (ATBM), shows that the artisan community has been able to preserve the authenticity of the manufacturing technique while producing goods of high aesthetic value that are in demand in both local and outside markets.



At the regional level, Tenun Sulaa has gained recognition and support from the Baubau City Government as one of the region's leading creative-economy products. Various exhibitions, cultural festivals, and promotional activities have been carried out to introduce Tenun Sulaa to a wider audience. Local artisans have actively formed joint business groups capable of increasing productivity and expanding distribution networks to major cities across Indonesia. This demonstrates that, in terms of production capacity and community organization, Tenun Sulaa artisans have reached a fairly significant level of progress and have proven themselves to be resilient creative-economy actors at the local level.

Furthermore, Tenun Sulaa has succeeded in penetrating the national market and has begun to be recognized internationally through various informal export channels and international exhibitions. Tenun Sulaa motifs have even inspired national fashion designers who have brought traditional Nusantara textiles onto the international fashion stage. This success reflects that, both commercially and culturally, Tenun Sulaa already possesses strong competitiveness and distinctive value. This achievement, which is notably the fruit of years of hard work by the artisan community, in fact demands commensurate and comprehensive legal protection so that this success is not exploited by irresponsible parties.

Nevertheless, when referring to the ideal parameters of legal protection as established within the regulatory framework and the doctrine of intellectual property law, the condition of Tenun Sulaa is in fact still far from what should ideally be achieved. Ideally, a local product that has attained a level of commercial success and cultural recognition such as Tenun Sulaa should already be equipped with robust and comprehensive legal-protection instruments. An understanding of local product protection through Geographical Indications can actually be internalized more easily by the wider public if the regulatory approach is oriented toward ease of registration access (Purba, 2020). Legal protection of local products should have been manifested through strong trademark registration and comprehensive Geographical Indications, because without both, local products remain vulnerable to claims, counterfeiting, and unilateral exploitation by foreign entities (Amin & Prabowo, 2021). In the context of international trade, the Geographical Indication protection regime has become increasingly urgent following the enforcement of the TRIPS Agreement, under which developing countries such as Indonesia are required to optimize their local potential in order to compete equally with established global products (Hawin, 2020). Furthermore, a Geographical Indication, as a sign denoting the region of origin of a good, should ideally have already conferred specific characteristics and qualities attributable to geographical environmental factors, including natural factors, human factors, or a combination of both (Marzuki, 2021). This confirms that GI protection is not merely economic in nature but also encompasses a strong dimension of cultural protection and local wisdom, so that any product with characteristics such as those of Tenun Sulaa should already be fully protected (Antons, 2020).

Cultural heritage constitutes a fundamental foundation for Geographical Indication registration based on the authenticity of tradition, meaning that a product with cultural value as high as that of Tenun Sulaa should ideally already possess an officially registered GI (Rizki, 2021).

The gap between the actual condition (*das sein*) and the ideal condition (*das sollen*) described above reflects a serious legal problem that urgently needs to be resolved. On the one hand, Tenun Sulaa has proven capable of achieving commercial success and gaining broad cultural recognition; on the other hand, the product does not yet possess an adequate legal umbrella in the form of a registered trademark and a comprehensive Geographical Indication as it should. This absence of adequate legal protection leaves all of Tenun Sulaa's achievements in a vulnerable and easily exploitable condition. Without strong legality, Tenun Sulaa's branding in the international market remains weak, and the risk of motif theft by outside parties remains wide open (Kusumaningrum, 2022). Furthermore, limited legal literacy among artisans and unaffordable registration costs constitute real obstacles that render the existing protection model non-inclusive and poorly targeted (Utama, 2021). Data from the Directorate General of Intellectual Property (DGIP) show that, as of 2024, more than 182 Geographical Indication products had been registered in Indonesia (DGIP, 2024), yet this figure is extremely small compared to the cultural wealth of the Indonesian archipelago, and Tenun Sulaa is included in the long list of potential products that remain without comprehensive protection to this day.

This gap is precisely what gives rise to the actual research problem examined in this study. If Tenun Sulaa has achieved significant success yet still lacks commensurate legal protection, then the fundamental question that arises is: what causes the existing trademark and Geographical Indication legal-protection system to fail to effectively reach products such as Tenun Sulaa? And how should an ideal legal-protection model be reconstructed so that it is able to accommodate the unique characteristics of Tenun Sulaa, which simultaneously combine cultural factors, local wisdom, and geographical value? These two questions form the main foundation of this study, in which the answers are expected to produce a legal-protection reconstruction model that is not only normative but also operational and that favors the artisan community as the true holder of collective rights.

Various prior studies have made important contributions to the body of research on trademark and Geographical Indication legal protection in Indonesia, although most remain partial in nature and have not yet addressed the integrative reconstruction model needed for products such as Tenun Sulaa. Studies concerning trademark protection generally emphasize the preventive function of the trademark registration system in preventing violations of exclusive rights in the digital trade era (Lekosono & Isradjuningtias, 2023; Sarda, 2023; Suhariyono, 2021). Meanwhile, in the field of Geographical Indications, a number of researchers have examined the implications of GI on regional economic development through increasing the added value of local products (Disemadi, 2022; Pratama, 2022;

Haris, 2023). Comparative studies of protection systems across countries have also been conducted, for instance comparisons between Indonesia's *sui generis* system and the collective trademark system in the United States (Rahayu, 2020; Nurwati, 2022). Other studies have raised the urgency of authentic product labeling as a response to global consumer demand for tradition-based products (Yasmon, 2024), as well as the role of public policy in the field of intellectual property in concretely converting legal protection into regional economic strengthening (Sidik, 2021; Fauzi, 2023).

Nevertheless, there remains a significant research gap across the existing literature as a whole. Most studies still separate trademark protection from Geographical Indication protection, without integrating the two into a single, cohesive reconstruction model for a specific traditional textile handicraft product (Widianty, 2024; Nasution, 2023; Sari, 2022). Most GI studies also remain focused on agricultural products such as coffee, pepper, and rice, in which natural factors are dominant, thereby overlooking handicraft products that are more strongly shaped by human factors and local wisdom (Siregar, 2022). No study to date has specifically reconstructed legal protection for Tenun Sulaa through an integrative approach combining Trademark as a commercial identity and GI as a collective geographical identity. This gap constitutes the point of entry and the scientific justification for the present study to contribute something new that is not a mere repetition, but rather an expansion and deepening of previous studies.

The novelty of this study lies in its offering of the concept of "Integrative Legal Protection Reconstruction," which simultaneously examines and combines two intellectual property instruments—Trademark and Geographical Indication—within a single, cohesive, and contextual protection framework for Tenun Sulaa. Unlike previous studies, which tend to treat the two instruments separately, this study proposes a protection model that is both substantive and procedural, touching not only the normative aspects of statutory law but also the sociological and operational aspects at the artisan-community level. The proposed reconstruction is rooted in the empirical reality of Tenun Sulaa and is supported by the strengthening of the role of the Geographical Indication Protection Society (MPIG) as an empowered legal entity. The urgency of this study is further reinforced when placed within the framework of the Sustainable Development Goals (SDGs), particularly SDG 8 on Decent Work and Economic Growth, SDG 10 on Reduced Inequalities, and SDG 11 on Sustainable Cities and Communities. Optimal legal protection for Tenun Sulaa directly contributes to increasing the income of local artisans, preserving intangible cultural heritage, and strengthening community identity within an increasingly competitive global trade ecosystem. This study is therefore not only academically relevant but also has a real impact on achieving the sustainable-development agenda at both the local and national levels.

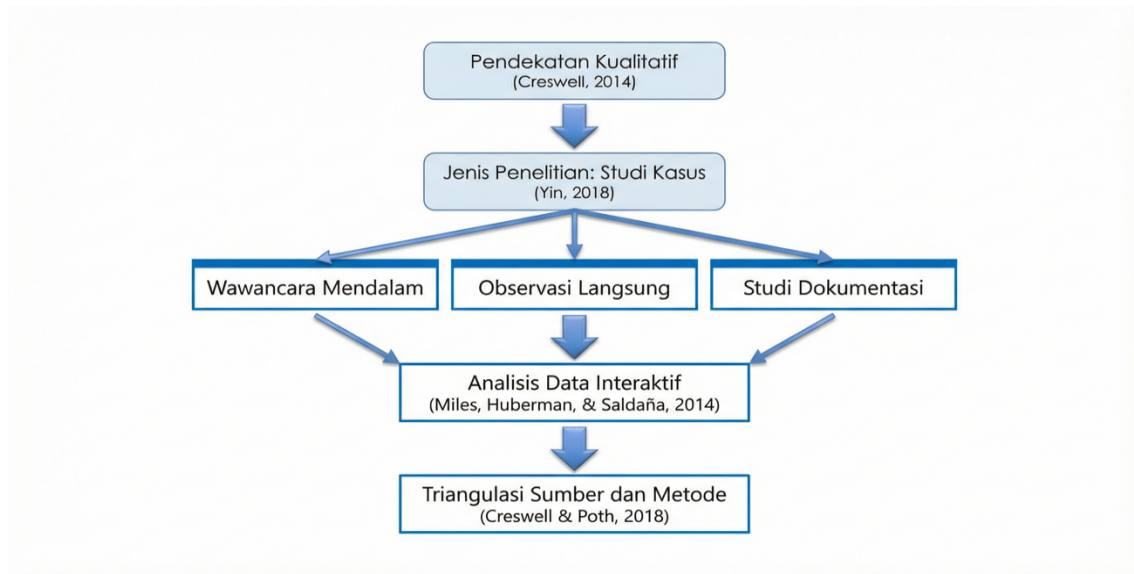
Based on the entire discussion in this introduction, this study focuses its inquiry on two central research questions. First, what is the current condition of trademark and Geographical Indication legal protection for Tenun Sulaa, and what factors act as obstacles to its implementation, such that a product with such high cultural and commercial value has not yet obtained adequate and comprehensive legal protection as mandated by the applicable regulations. Second, how should an ideal and integrative trademark and Geographical Indication legal-protection model be reconstructed for Tenun Sulaa so that it is able to accommodate its unique characteristics as a local-wisdom-based product while simultaneously strengthening the bargaining position of artisans within the global supply chain, such that this protection genuinely produces a real impact on the economic and cultural sustainability of the Tenun Sulaa artisan community in Baubau City.

## **2. METHOD**

This study employs a qualitative approach as conceptualized by (Creswell, 2014), namely an approach aimed at understanding social phenomena in depth through the exploration of meanings, perspectives, and experiences of research subjects within their natural context. This approach was chosen because the issue of reconstructing trademark and Geographical Indication legal protection for Tenun Sulaa is not merely a normative matter that can be statistically measured, but rather concerns social dynamics, structural barriers, and local-wisdom values that can only be understood in their entirety through descriptive and interpretative data collection. The type of research used is a case study, drawing on the methodological framework of (Yin, 2018), which allows the researcher to intensively and holistically investigate a contemporary phenomenon within its real-life context, particularly when the boundary between the phenomenon and its context cannot be clearly separated. The case study in this research is specifically directed at the Tenun Sulaa artisan community in Sulaa Village, Baubau City, Southeast Sulawesi, as the single unit of analysis, purposively selected because of its unique characteristics as a local-wisdom-based product that has achieved commercial success but has not yet obtained adequate legal protection.

Data collection in this study was carried out through three main channels: in-depth interviews with key informants consisting of Tenun Sulaa artisans, Baubau City Government officials, and intellectual-property-law practitioners; direct observation at Tenun Sulaa production and marketing sites; and documentary study of relevant regulations, legal decisions, and trademark and Geographical Indication registration archives. All collected data were then analyzed using the interactive data-analysis technique developed by (Miles, Huberman, & Saldaña, 2014), which consists of three activity streams occurring simultaneously: data condensation, data display, and conclusion drawing and verification. Data condensation was carried out by selecting, simplifying, and focusing information

from the interviews and documents into themes relevant to the issue of Tenun Sulaa's legal protection, while data display was carried out in the form of descriptive narratives and analytical matrices to facilitate systematic conclusion drawing. To ensure the validity of the data, this study applied source triangulation and method triangulation, in which data from interviews, observations, and documentation were cross-confirmed with one another to ensure the validity and credibility of the research findings, in accordance with the principles of data-validity testing in qualitative research (Creswell & Poth, 2018).

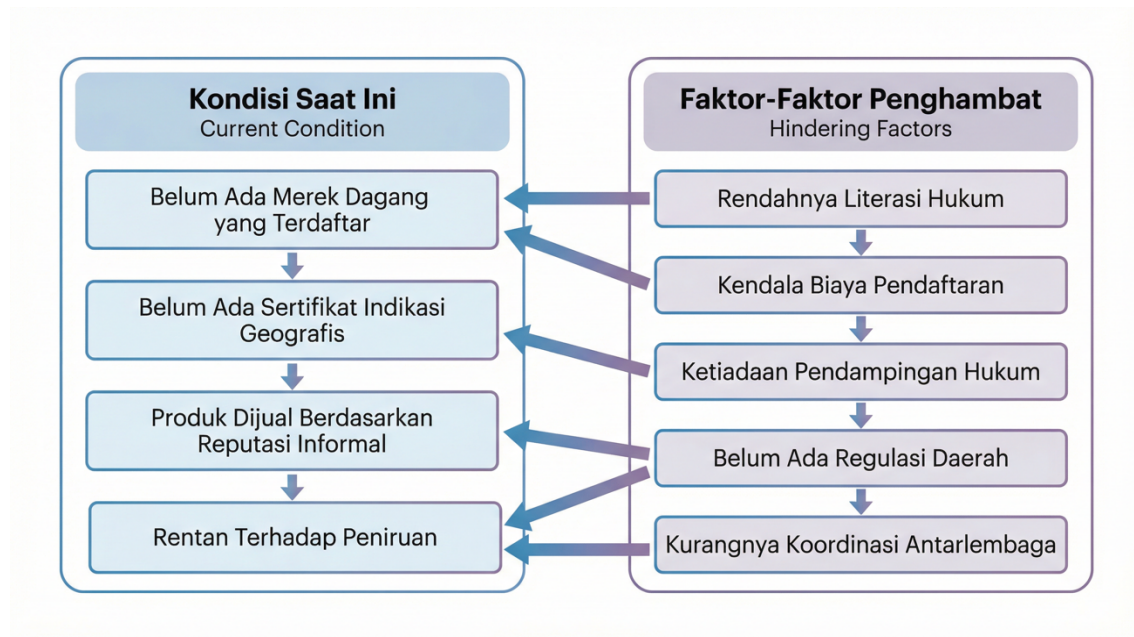


**Figure 1.** Research Method Framework

### 3. FINDINGS AND DISCUSSION

#### *3.1 The Condition of Trademark and Geographical Indication Legal Protection for Tenun Sulaa and the Factors Hindering Its Implementation*

Based on the results of research conducted through in-depth interviews with Tenun Sulaa artisans in Sulaa Village, Baubau City, it was found that the current condition of legal protection for Tenun Sulaa products remains at a very early and legally unstructured stage. As of the time this study was conducted, not a single trademark had been officially registered under the name of any Tenun Sulaa artisan group or individual artisan with the Directorate General of Intellectual Property (DGIP). Products are sold in local markets and shipped out of the region solely by relying on informal reputation and trust-based relationships between artisans and buyers, without being protected by any legally valid trademark identity. This condition renders Tenun Sulaa vulnerable to motif imitation and the use of the name "Tenun Sulaa" by other parties, with no legal mechanism available for artisans to protect their rights.



**Figure 2.** Condition of Trademark and Geographical Indication Legal Protection

In the field of Geographical Indications, the condition is not much different. This study found that Tenun Sulaa does not yet hold a Geographical Indication certificate issued by DGIP, even though the product has substantively fulfilled several fundamental requirements of a GI product: a strong link between the product's characteristics and its geographical region of origin, a distinctive and specific production method, and a clearly identified artisan community as the holder of collective rights. Weaving motifs such as Malige, Bhia-bhia, and Posipo are cultural expressions that are geographically and historically rooted solely in Buton, meaning that, normatively, they should be eligible for GI registration. However, to date, the absence of complete required documentation and the lack of a definitive Geographical Indication Protection Society (MPIG) remain the main obstacles hindering the registration process.

This study identifies at least four structural factors that hinder the implementation of trademark and GI legal protection for Tenun Sulaa. First, low legal literacy among artisans, where most of the artisans interviewed admitted that they did not understand the differences between trademarks, collective marks, and Geographical Indications, and were unaware of the registration procedures and benefits. Second, the burden of registration and trademark-maintenance costs, which are felt to be onerous by artisans, the majority of whom operate micro and small enterprises with limited cash flow. Third, the absence of sustained legal assistance from the regional government, where past outreach activities have been incidental in nature and have not been followed up with structured empowerment programs. Fourth, the absence of any regional regulation specifically governing the mechanism for protecting and empowering GI-based local-wisdom products in Baubau City.

The obstacles above are compounded by weak inter-agency coordination within the local ecosystem supporting intellectual-property protection. Interviews with Baubau City Government officials show that there is not yet any effective synergy between the Department of Industry and Trade, the Department of Culture, and the City Government's Legal Affairs Division in managing an integrated agenda for local-product protection. Each agency works within the confines of its own tasks, without a shared coordination platform that would enable cross-sectoral policies to promote the registration of the Tenun Sulaa trademark and GI. On the other hand, the role of the Southeast Sulawesi Regional Office of the Ministry of Law and Human Rights, as the regional extension of DGIP, has also not been felt to be optimal by artisans in terms of outreach, document facilitation, or technical assistance for registration.

Overall, the findings on this first research question illustrate that the current condition of trademark and GI legal protection for Tenun Sulaa exists within a serious vacuum. The commercial success and cultural recognition that Tenun Sulaa has achieved turn out not to be matched by the readiness and completeness of its legal protection. This vacuum is not merely due to negligence on the part of the artisans, but rather an accumulation of systemic structural barriers, ranging from limited legal literacy and the absence of sustained assistance, to weak institutional coordination and the lack of adequate regional regulation. These findings provide a strong empirical foundation for promoting the emergence of a more comprehensive, inclusive, and contextual legal-protection reconstruction model for Tenun Sulaa.

### ***3.2. Reconstruction of an Ideal and Integrative Trademark and Geographical Indication Legal-Protection Model for Tenun Sulaa***

Based on field findings and in-depth analysis of the condition of Tenun Sulaa's legal protection as described in the first research question, this study formulates an integrative legal-protection reconstruction model that combines the instruments of Trademark and Geographical Indication within a single, cohesive, contextual framework that favors the artisan community. This reconstruction model is built upon three main pillars: strengthening community capacity, renewing institutional mechanisms, and renewing regulatory substance at the regional level. These three pillars are designed to work simultaneously and to reinforce one another, so that the resulting legal protection is not merely administrative on paper, but can genuinely be felt by artisans in their daily economic and cultural lives.

The first pillar, strengthening community capacity, is realized through a community-based legal-education program designed participatively together with the artisans. This program includes intellectual-property literacy training that uses language and approaches easily understood by artisans, technical assistance in preparing the required documents for collective-trademark and Geographical Indication registration, and the formation of community legal cadres who can serve as a bridge between

artisans and formal legal institutions. In the context of Tenun Sulaa, this technical assistance is specifically directed toward the preparation of a GI Requirements Book containing a complete description of the region of origin, product characteristics, traditional production methods, and the causal link between geographical factors and the distinctive quality of Tenun Sulaa. Without comprehensive and accurate documentation, GI registration cannot be processed by DGIP, making the strengthening of community capacity in this respect an indispensable foundation.



**Figure 3.** Reconstruction of the Trademark and Geographical Indication Legal-Protection Model

The second pillar, renewing institutional mechanisms, is realized through the establishment of a Tenun Sulaa Geographical Indication Protection Society (MPIG) that has a clear legal standing, a democratic organizational structure, and adequate management capacity. An ideal MPIG is not merely an administrative vehicle for registration purposes, but an active legal entity that supervises the use of the GI sign, enforces production quality standards, and champions the collective interests of artisans in various negotiation and policy forums. In addition to establishing the MPIG, this reconstruction model also proposes the formation of a cross-sectoral coordination forum at the Baubau City Government level that regularly brings together the Department of Industry and Trade, the Department of Culture, the Legal Affairs Division, the Regional Office of the Ministry of Law and Human Rights, and MPIG representatives, to ensure that the Tenun Sulaa protection agenda receives sustained attention and support from all stakeholders.

The third pillar, renewing regulatory substance, is realized through a proposal for the enactment of a Baubau City Regional Regulation (Perda) specifically governing the protection, empowerment, and development of intellectual-property-based local-wisdom products, including Tenun Sulaa. This Perda should ideally contain provisions on facilitating trademark and GI registration costs for small artisans, providing incentives for artisans who have registered their products, sanction mechanisms for parties

who use the Tenun Sulaa motifs or name without permission, and an obligation for the regional government to actively promote and market Tenun Sulaa GI products at the national and international levels. With this Perda in place, protection for Tenun Sulaa would no longer depend on the incidental initiative of particular officials, but would become a structured institutional obligation that can be held legally accountable.

If implemented consistently, this integrative reconstruction model is projected to generate layered impacts for the Tenun Sulaa artisan community and for the broader development of Baubau City. Economically, strong trademark protection and official GI certification would increase Tenun Sulaa's bargaining value in national and international markets, open access to more premium trade networks, and ensure that the economic benefits of this product's renown flow back to the artisan community as the rightful rights holders. Culturally, this reconstruction would ensure that the sacred motifs of Tenun Sulaa are protected from claims and counterfeiting, so that the cultural identity of the Buton community can be passed on to the next generation intact and authentic. From a sustainable-development perspective, this model directly contributes to the achievement of SDG 8, SDG 10, and SDG 11, by strengthening an inclusive economy rooted in local wisdom, reducing the gap between artisans and large industry actors, and building an empowered community with a strong identity amid the ever-strengthening tide of globalization.

### ***3.3 Discussion of the Condition of Trademark and Geographical Indication Legal Protection for Tenun Sulaa within the Theoretical Framework***

This study's finding that Tenun Sulaa does not yet have a registered trademark or a Geographical Indication certificate stands in direct contrast to the ideal construct built by intellectual-property-law scholars. Purba (2020) asserts that an understanding of local-product protection through Geographical Indications should be more easily internalized if the regulatory approach is oriented toward ease of registration access. However, the reality on the ground shows the opposite: the existing registration system remains too bureaucratic, procedural, and unfriendly toward small business actors such as Tenun Sulaa artisans. Thus, this study's findings not only reaffirm the relevance of Purba's idea but also refine it by showing that the obstacles lie not only in regulatory complexity but also in the absence of an adequate assistance ecosystem at the regional level. This constitutes a new finding that broadens the dimension of the problem from a purely normative one to a sociological and institutional one.

Furthermore, the empirical condition of Tenun Sulaa's lack of legal protection also stands opposed to the ideal construct put forward by Amin and Prabowo (2021), who emphasize that protecting product identity in the map of global trade is crucial to avoid unfair-competition practices and unilateral claims by foreign entities. In the field, this study found that the threat posed by that theory is no longer merely a theoretical possibility, but has become a reality experienced by artisans in the form of motifs being

imitated and sold by other parties without compensation. Whereas Hawin (2020) reminds us that the GI protection regime has become increasingly urgent following the TRIPS Agreement and that Indonesia must optimize its local potential, the reality of Tenun Sulaa in fact shows that this external pressure from the international trade regime has not yet succeeded in translating itself into an effective GI protection movement at the local community level. The gap between international normative pressure and the sluggishness of local implementation is precisely the critical finding of this study, a dimension that has not received adequate attention in previous studies.

### ***3.4 Discussion of the Integrative Legal-Protection Reconstruction Model for Tenun Sulaa within the Theoretical Framework***

The integrative legal-protection reconstruction model proposed in this study essentially responds to and expands upon the idea put forward by Rizki (2021), who asserts that cultural heritage constitutes a fundamental foundation for Geographical Indication registration based on the authenticity of tradition. This study does not stop at acknowledging that foundation, but moves further by formulating its concrete operationalization in the form of three reconstruction pillars: strengthening community capacity, renewing institutional mechanisms through a legally empowered MPIG, and renewing regulatory substance through a Perda. This finding produces a new contribution in the form of an implementive framework that has thus far been absent from academic discourse. Whereas Rizki only reaches the point of identifying the foundation, this study answers the next question: how is that foundation built into a functional legal-protection structure that favors the community? This is what makes this reconstruction model not merely a repetition of existing theory, but an original contribution that fills the gap between normative foundations and the reality of implementation.

The institutional pillar of this reconstruction model, particularly the proposal to establish an active and empowered MPIG, finds its strongest justification in the view of Amin and Prabowo (2021) regarding the implications of GI for regional economic development through increasing product added value. This study reinforces that view by empirically demonstrating that, without a definitive institutional entity possessing managerial capacity, the economic implications of GI protection will never materialize even though a product has substantively met the requirements. On the other hand, the idea of ease of registration access put forward by Purba (2020) also inspires the Perda component of this reconstruction model, particularly the clause concerning the facilitation of registration costs and the provision of incentives for small artisans. However, this study finds that ease of access cannot be achieved merely through the simplification of formal procedures, but must also be accompanied by substantive assistance that bridges the gap between artisans' capacity and the complexity of the formal legal system. This finding represents an expansion and deepening of Purba's idea, which originally focused solely on the regulatory aspect.

#### 4. CONCLUSIONS

This study concludes that trademark and Geographical Indication legal protection for Tenun Sulaa currently exists in a serious vacuum, marked by the absence of a registered trademark, the absence of an established MPIG, and the lack of adequate regional regulation. This vacuum is not merely the negligence of the artisans, but rather an accumulation of systemic obstacles in the form of low legal literacy, limited financial resources, and weak institutional coordination at the regional level. This condition renders all of Tenun Sulaa's commercial and cultural achievements vulnerable to exploitation, making the urgency of legal-protection reconstruction one that can no longer be postponed.

An integrative legal-protection reconstruction that combines the Trademark and Geographical Indication instruments through three pillars strengthening community capacity, establishing a legally empowered MPIG, and enacting a Perda constitutes a strategic answer to this problem. This model directly contributes to the achievement of SDG 8 through strengthening an inclusive economy rooted in local wisdom, SDG 10 through reducing the gap between artisans and large industry actors, and SDG 11 through the preservation of community cultural identity within the global trade ecosystem. This reconstruction is therefore not merely a formal legal agenda, but a long-term investment in the economic, cultural, and identity sustainability of the Buton community amid the tide of globalization.

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