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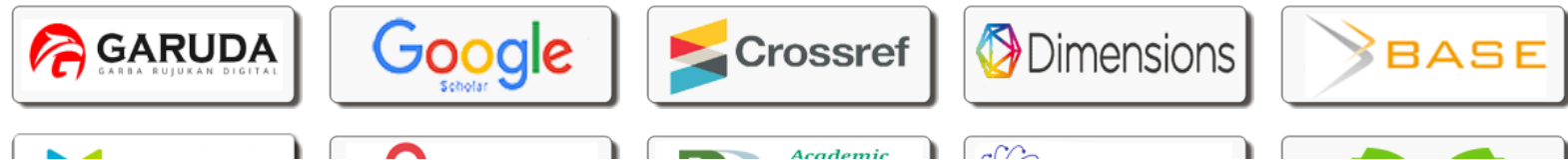
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Abstract

Penelitian ini bertujuan untuk menjawab permasalahan bagaimana faktor lingkungan alam mempengaruhi produk salak Pondoh Sleman yang mempunyai reputasi, mutu, dan ciri tertentu, upaya yang dilakukan untuk menjaga reputasi, mutu, dan ciri tersebut sebagai persyaratan Hak Indikasi Geografis, dan bagaimana hak indikasi geografis dapat memberikan perlindungan hukum terhadap produk salak Pondoh Sleman. Wilayah Sleman berada di lereng Gunung Merapi yang abu vulkanik aktifnya mengalami iklim musim hujan dan kemarau. Penelitian ini dilakukan dengan menggunakan metode penelitian normatif dengan pendekatan terhadap peraturan perundang-undangan yang berlaku dan bahan hukum terkait. Kesimpulan yang dihasilkan adalah faktor geografis dan lingkungan alam termasuk iklim mempengaruhi reputasi, kualitas, dan karakteristik produk salak Podoh. Hak Indikasi Geografis memberikan manfaat peningkatan nilai produk dengan menggunakan identitas salak Pondoh Sleman. Perlu dilakukan upaya untuk menjaga dan melestarikan lingkungan alam sekitar agar ciri, mutu, dan reputasi produk salak Pondoh dapat tetap terjaga. Hak Indikasi Geografis memberikan perlindungan hukum terhadap produk salak Pondoh Sleman. Hasil penelitian ini dapat membantu pemerintah dalam mengambil keputusan dan mengambil langkah-langkah perlindungan dan pemeliharaan lingkungan hidup, perlindungan hukum, serta meningkatkan kesadaran masyarakat untuk menjaga dan memelihara lingkungan hidup. Dengan demikian, pemberian Hak Indikasi Geografis dapat memberikan manfaat yang sebesar-besarnya.

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Natural Environmental Factors as Elements of Geographical Indication Rights Snake Fruit Pondoh

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Abstrak

This research aims to answer the problem of how natural environmental factors influence snake fruit Pondoh Sleman products which have a certain reputation, quality, and characteristics, the efforts made to maintain the reputation, quality, and characteristics as a requirement for Geographical Indication Rights, and how geographical indication rights can be provide legal protection for snake fruit Pondoh Sleman products. The Sleman region is on the slopes of Mount Merapi, whose active volcanic ash experiences a rainy and dry season climate. This research was conducted using a normative research method with an approach to applicable laws and regulations and related legal materials. The resulting conclusion is that geographical factors and the natural environment, including climate, influence the reputation, quality, and characteristics of snake fruit Podoh products. Geographical Indication Rights provide the benefit of increasing product value by using the identity of snake fruit Pondoh Sleman. Efforts must be made to protect and preserve the surrounding natural environment so that the characteristics, quality, and reputation of snake fruit Pondoh products can be maintained. Geographical indication rights provide legal protection for snake fruit Pondoh Sleman products. The results of this research can help the government make decisions and take steps to protect and maintain the natural environment, legal protection, and raise public awareness to protect and maintain the natural environment. Thus, granting Geographical Indication Rights can provide maximum benefits.

Keywords: *Geographical Indications, Natural Environment, Snake Fruit Pondoh*

1. Introduction

Intellectual Property Rights are rights that arise from the ability of the human intellectual mind to produce works in the field of processes, goods, or services that are beneficial to humans ¹. Intellectual Property is a right over an intangible object, like the right over another object ²; therefore, it requires legal protection. Intellectual Property is grouped

¹ David J. Jefferson, Alex B. Camacho, and Cecilia L. Chi-Ham, "Towards a Balanced Regime of Intellectual Property Rights for Agricultural Innovations," *Journal of Intellectual Property Rights* 19, no. 6 (2019): 395–403.

² Solomon O. Okunade, Ahmed S. Alimi, and Abiodun S. Olayiwola, "Intellectual Property Rights Protection and Prospect of Industrial Development in Nigeria," *International Journal of Intellectual Property Management* 13, no. 1 (2023): 78, <https://doi.org/10.1504/IJIPM.2023.129079>.

into several fields, namely the field of copyrights and industrial property rights ³. The field of industrial property rights encompasses patents, designs, trademarks, monopolistic practices, repression of competition, and trade secrets ⁴. In addition, it also includes traditional knowledge, which is included in the scope of copyright, and Geographical Indications, which are included in the scope of Marks. Geographical Indications (GI) are considered Intellectual Property that provides economic benefits ⁵.

In this research, Sleman Regency is the region with the highest level of *Snake fruit Pondoh* production in Yogyakarta province ⁶. In line with that, these products have been granted Geographical Indication status through the registration process. They have a reputation, quality, and specific traits because geographical and environmental elements, including natural factors, influence them. Geographical circumstances of the natural environment are inextricably linked to climatic characteristics in a region, including climate during the rainy season and during the dry season ⁷. The Sleman region is entirely made up of rice fields and yards, with some hillside portions of Mount Merapi still active and periodically producing volcanic ash, and the air is chilly. Such natural conditions are extremely beneficial to agricultural businesses ⁸, one of which is a region that produces agricultural products.

Geographical Indications protect specific products of an area with certain characteristics, quality, and popularity because geographical and environmental conditions, including nature and humans, influence them ⁹. Therefore, Geographical Indications are related to the name of the place of origin of the goods produced. Geographical Indications protect regional products with unique characteristics not owned by other regions ¹⁰. Products containing elements of Geographic Indications originate from the local geographic natural environment, which includes specific production sites influenced by certain natural factors such as climate and soil, as well as human factors due to skills or dexterity such as manufacturing techniques or processes in producing these products ¹¹. One of the products containing geographical indications is agricultural products such as *Snake fruit Pondoh* Sleman, around Mount Merapi, located in the Special Region of Yogyakarta.

³ Dan Prud'homme and Tony W. Tong, "Rethinking Firm-Specific Advantages from Intellectual Property Rights: Boundary Conditions for MNEs," *Journal of International Business Studies*, July 2023, <https://doi.org/10.1057/s41267-023-00631-0>.

⁴ Martin A Bader, "An Introduction to Intellectual Property Rights and Formal and Informal Protection Strategies," in *Intellectual Property Management for Start-Ups*, ed. Martin A Bader and Sevim Süzeroğlu-Melchior (Cham: Springer International Publishing, 2023), 427–40, https://doi.org/10.1007/978-3-031-16993-9_22.

⁵ Deslaely Putranti and Dewi Analis Indriyani, "Perlindungan Indikasi Geografis Oleh Pasca Sertifikasi Di Yogyakarta (Protection of Geographical Indication by Geographical Indication Protection Community (MPIG) Post-Certification in Yogyakarta)," *Jurnal Ilmiah Kebijakan Hukum* 15, no. 3 (2021): 395–414, <https://ejournal.balitbangham.go.id/index.php/kebijakan/article/download/1733/pdf>.

⁶ Bader, "An Introduction to Intellectual Property Rights and Formal and Informal Protection Strategies."

⁷ Putranti and Indriyani, "Perlindungan Indikasi Geografis Oleh Pasca Sertifikasi Di Yogyakarta (Protection of Geographical Indication by Geographical Indication Protection Community (MPIG) Post-Certification in Yogyakarta)."

⁸ Sudhanshu Joshi, Rohit Kumar Singh, and Manu Sharma, "Sustainable Agri-Food Supply Chain Practices: Few Empirical Evidences from a Developing Economy," *Global Business Review* 24, no. 3 (June 2023): 451–74, <https://doi.org/10.1177/0972150920907014>.

⁹ [1,6]

¹⁰ Nizar Apriansyah, "Perlindungan Indikasi Geografis Dalam Rangka Mendorong Perekonomian Daerah," *Jurnal Penelitian Hukum De Jure* 18, no. 4 (2018): 525, <https://doi.org/10.30641/dejure.2018.v18.525-542>.

¹¹ [8,9]

Since the publication of Law of the Republic of Indonesia No. 20 of 2016 on Trademarks and Geographical Indications, there has been a confirmation of the arrangement for Geographical Indications to be included as one with Marks, with an explicit mention in the law's title ¹². The right to a Geographical Indication is achieved by registration if a product meets the elements of influence from geographical conditions such as the natural environment and human factors. The location is the origin of the commodities, and geographical considerations heavily influence the reputation, quality, and quality of the goods in question ¹³.

The rights and legal protection of geographic indications are granted without a time limit as long as the elements showing the characteristics and quality due to the influence of the geographical and natural environmental conditions contained in the product are still fulfilled ¹⁴. Geographical natural conditions are constantly changing due to various things, including the influence of changes in the sun, emissions from volcanoes, variations in the Earth's orbit, and carbon dioxide (CO₂) levels ¹⁵.

The changing conditions of the geographical, natural environment as a result of these various factors can be influenced by the local climate, which includes the existence of a dry season marked by reduced rainfall until there is no rain with cold air and a rainy season marked by high rainfall with hot air ¹⁶. The Sleman area is near an active volcano that occasionally spews lava, producing volcanic material and affecting soil structure. The active Mount Merapi in the Sleman Region affects the relatively cold air temperature and relatively high rainfall compared to other DIY areas, thereby affecting the quality of the materials contained in the geographical indicators of *Snake fruit Pondoh* goods. Geographical and environmental conditions that can experience climate change affect the quality of the elements in the Geographical Indication of *Snake fruit Pondoh* production. With the reduced production quality, the Geographical Indication Rights over *Snake fruit Pondoh* may need to be recovered ¹⁷.

According to the explanation, based on the problems, how can geographical or natural environmental factors affect *Snake Fruit Pondoh* products so that they contain elements of Geographic Indication Rights? Second, how can granting Geographical Indication Rights provide benefits for increasing the value of *Snake fruit Pondoh* products? Third, how can the right to a Geographical Indication legally protect *Snake fruit Pondoh* products? From the study of materials, data, and information obtained will be analyzed objectively to conclude. From the results of this study, recommendations are provided that can be used to take steps and policies that are beneficial to the development of legal science and increase the maximum benefits of Geographical Indication Rights on *Snake fruit Pondoh*

¹² Triyono Adi Saputro and Emmy Latifah Pujiyono, "The Role of Local Community InPreserving Geographical Indications in Indonesia: Challanges and Opportunities," *Journal Of Southwest Jiaotong University* 13, no. 39 (2023): 1–39, <https://doi.org/10.35741/issn.0258-2724.58.1>.

¹³ Indra Rahmatullah, "Perlindungan Indikasi Geografis Dalam Hak Kekayaan Intelektual Melalui Ratifikasi Perjanjian Lisabon," *Cita Hukum* II, no. 2 (2014): 305–16, <https://doi.org/10.15408/jch.v1i2.1470>.

¹⁴ [10,12]

¹⁵ Merdeka, "Iklim Dipengaruhi Oleh Kondisi Alam Di Sekitar, Begini Penjelasmnya," *Merdeka.com*, 2021, <https://www.merdeka.com/jabar/iklim-dipengaruhi-oleh-kondisi-alam-di-sekitar-begini-penjelasmnya-kln.html>.

¹⁶ [14,15]

¹⁷ [10,16]

products in Sleman.

2. Research Methods

This article uses normative or doctrinal research methodologies ¹⁸, which include research on legal principles, legal systematics, legal synchrony, and comparative law. This normative legal research is a scientific procedure and method for discovering the truth based on the scientific logic of law from a normative standpoint ¹⁹. It is a strategy based on an examination and review of regulations per legislation and basic concepts in arrangements linked to the topics discussed by applying the statutory approach and conceptual approach ²⁰. The fundamental legal source is the Law of the Republic of Indonesia No. 20 of 2016 on Marks and Geographical Indications and the implementing regulations. The conceptual method will provide an understanding by utilizing doctrines from legal experts and resource people's opinions ²¹.

This study aims first to analyze and answer the problem of geographical or natural environmental factors ²², that can influence the products that contain elements of geographic indication rights and second, to analyze the issue of whether the granting of Geographical Indication Rights ²³, can provide benefits for increasing the value of the products and third, analyzing and responding to issues of the rights of Geographical Indications ²⁴, to provide legal protection for products.

3. Research Results and Discussion

¹⁸ B. Ashofa, *Metode Penelitian Hukum*. (Jakarta: Rineka Cipta, 1996).

¹⁹ Sabarina Husein, Herdis Herdiansyah, and LG Saraswati Putri, "An Ecofeminism Perspective: A Gendered Approach in Reducing Poverty by Implementing Sustainable Development Practices in Indonesia," *Journal of International Women's Studies* 22, no. 5 (2021): 210–28.

²⁰ Alison B. Hamilton and Erin P. Finley, "Qualitative Methods in Implementation Research: An Introduction," *Psychiatry Research* 280 (2019): 112516, <https://doi.org/10.1016/j.psychres.2019.112516>.

²¹ Margrit Schreier, *Qualitative Content Analysis in Practice*, SAGE Publications, 2012.

²² [12,17]

²³ [1], [2,5]

²⁴ [6,7]

3.1 Right of Geographical Indication of Snake Fruit Pondoh Sleman

Geographical Indications are explained in the Law of the Republic of Indonesia Number 20 of 2016 concerning Trademarks and Geographical Indications article 1 point number 6, which explains that Geographical Indications An indication is a sign indicating the area of origin of an item and product due to geographical environmental factors including factors natural, human factors or a combination of both factors ²⁵ giving reputation, quality, and specific characteristics to the goods and products produced; Geographical indications (GIs) identify product origins ²⁶.

By granting Geographical Indication Rights to a product, the product has a particular reputation, quality, and popularity, which is influenced by the geographical or human natural environment because of their dexterity or skills. Like the *Snake fruit Pondoh* product in Sleman, which has been registered and obtained the right of Geographical Indication, it has different characteristics and product quality from Snake fruit products produced in other regions.

Elements affecting the product of the *Snake fruit Pondoh* are partly due to the natural environment in the Sleman area, which is located around Mount Merapi, which is still actively producing volcanic ash when it erupts, both on a large and small scale. Material deposits of volcanic eruptions that experience weathering within a certain period will produce fertile soil that supports agriculture. "Minerals contained in volcanic eruptions will weather and release various nutrients needed for plants," said Prof. Dr. Mahfud Arifin, Ir., MS Professor of the Faculty of Agriculture, University of Padjadjaran ²⁷.



Figure 1. Merapi Eruption in 2023. Source. ²⁸

Figure 1 shows, that one of the material contents of the eruption of Mount Merapi in Yogyakarta is Tuff, often known as ash or volcanic ash, in the form of refined grains that contain lots of silica. Dangerous volcanic ash can interfere with breathing and respiratory tract infections, but for agriculture, this material is perfect for fertilizing agricultural land because it contains lots of nutrients ²⁹. Likewise, for *Snake fruit Pondoh* plants around Mount Merapi, it will affect the fertility and quality of the fruit

²⁵ Palar et al., "Geographical Indication Protection for Non-Agricultural Products in Indonesia."

²⁶ Delphine Marie-Vivien, "Protection of Geographical Indications in ASEAN Countries: Convergences and Challenges to Awakening Sleeping Geographical Indications," *Journal of World Intellectual Property*, 2020, <https://doi.org/10.1111/jwip.12155>.

²⁷ Monika and Kumala; Dewi Bestari, "Di Balik Erupsi Gunung Berapi, Ada Tanah Subur," Kompas.com, 2021, <https://www.kompas.com/sains/read/2021/12/22/110500623/di-balik-erupsi-gunung-berapi-ada-tanah-subur-menant?page=all>.

²⁸ Teddy Tri Setio Berty, "Gunung Merapi Yogyakarta Erupsi, Apa Isi Kandungan Di Dalamnya?," Liputan6, 2023, https://www.liputan6.com/global/read/5232712/gunung-merapi-yogyakarta-erupsi-apa-isi-kandungan-di-dalamnya#google_vignette.

²⁹ Teddy Tri Setio Berty.

yields.

Another influence is that the air in the Sleman area, especially adjacent to the slopes of Mount Merapi, is generally cold, with relatively high rainfall during the rainy season. This condition also affects the fertility of plants, including Snake fruit plants, which can produce quality products. La Nina is thought to affect the production and quality of a crop through its effect on changes in rainfall, water availability, and changes in temperature and humidity ³⁰.

One dry season period is a period found in the annual rainfall pattern, where there are at least three consecutive seasons with rainfall of less than 50 mm per basis or a total of all three of less than 150 mm (the first conditional rainfall must be less than 50 mm per basis). One rainy season period is a period found in the annual rainfall pattern, where there are at least three consecutive periods with a CH of more or equal to 50 mm per basis or a total of all three of more or equal to 150 mm (the condition is that the first rainfall must be greater or equal to 50 mm per basis) ³¹



Figure 2. Snake fruit Pondoh plants in the field

Figure 2, shows the production process begins with land preparation to create an optimal environment where plants can grow and produce quality snake fruit. The best quality seeds are selected to ensure a balanced balance of male and female malacca plants and planted evenly to allow for growth. Replanting, thinning the seedlings, fertilizing, watering, pruning the fronds, and pest control are carried out so the plants can thrive. Pollination and thinning of fruit increases plant productivity to produce quality and quantity according to the target set. Harvesting is done when the fruit is ready or has reached full maturity. Post-harvest duties include cleaning, sorting, labeling, and packaging based on predetermined sizes and quality standards ³².

³⁰ Nasrudin Nasrudin and Prahesti Elizani, "Kajian Dampak La Nina Terhadap Kualitas Hasil Snake fruit Pondoh (*Salacca Edulis Reinw*) Selama Penyimpanan Suhu Ruang," *Jurnal Galung Tropika* 8, no. 2 (2019): 103–11, <http://dx.doi.org/10.31850/jgt.v8i2.438>.

³¹ BMKG JawaTimur, "(Analisis 6 Bulanan) Perbandingan Prakiraan Awal Musim Hujan Tahun 2022 - 2023 Terhadap Rata - Ratanya 1991 - 2020 Zona Musim Di Provinsi Jawa Timur," 2023, <https://karangploso.jatim.bmkg.go.id/index.php/analisis-iklim/analisis-musim/perbandingan-awal-musim-hujan-dengan-normalnya>.

³² DJKI Kementerian Hukum & HAM RI, "Snake fruit Pondoh Sleman Jogja," 2013, <https://ig.dgip.go.id/detail-ig/20>.



Figure 3. Product variant of Snake fruit Pondoh

Figure 3 shows that the character of *Snake Fruit Pondoh* Sleman is triangular with rough red skin like snakeskin. The flesh is firm and crunchy with a slightly sweet taste³³. Several elements of the geographical and natural environment can influence the characteristics and quality of the *Snake fruit Pondoh*. Here are some of these elements: Climate: *Snake fruit Pondoh* Sleman grows in a tropical climate with distinct rainy and dry seasons. This climate greatly affects the growth and quality of snake fruit fruit. Suitable temperature, proper humidity, and well-distributed rainfall contribute to the characteristics and taste of the snake fruit fruit. Topography or landforms in the *Snake Fruit Pondoh* area can affect water availability, flow, and altitude³⁴.

This is supported by the Sleman Regency area where several rivers originate from Mount Merapi, including the Gendol River, Kali Kuning, Kali Adem, Kali Talang, Boyong, Bebeng, Krasak, Progo. Sleman Regency is an area whose function is as a water catchment area³⁵. The Sleman Pondoh Snake fruit plantation area has quite a fertile land with abundant water resources, from the existence of rivers with flowing water throughout the year, the groundwater level in the Pondoh Snake fruit agrotourism area is maintained³⁶.

Areas with a proper slope can aid in good drainage and prevent waterlogging, reducing the risk of spoilage and poor fruit quality. Land: Soil quality is crucial in the growth and quality of snake fruit. The slope is the ratio of vertical distance to horizontal distance in units of percent or degrees. The greater the slope value, the steeper the slope, conversely, the smaller the percent value, the flatter the land³⁷. Soil rich in nutrients has a suitable pH and is well structured, supporting optimal growth and good fruit quality. Soil pH affects the properties and the biological, chemical, and physical processes of the soil, thereby affecting the growth of plants³⁸. Rainfall: The amount and distribution of

³³ DJKI Kementerian Hukum & HAM RI.

³⁴ [10,16]

³⁵ Beny Harjadi et al., "Classification of Potential Landslides Using the Shuttle Radar Topography Mission Imagery in the Tulis Watershed, Indonesia," *Sains Tanah* 19, no. 2 (2022): 241–48, <https://doi.org/10.20961/stjssa.v19i2.50569>.

³⁶ Tri Haryanto, Lis Noer Aini, and Gatot Supangat, "Identifikasi Dan Penataan Kawasan Agrowisata Snake fruit Pondoh Bangunkerto Kecamatan Turi Sleman," *Agroteknologi*, 2009, 1–10.

³⁷ Harjadi et al., "Classification of Potential Landslides Using the Shuttle Radar Topography Mission Imagery in the Tulis Watershed, Indonesia."

³⁸ Nguyen Khanh Hoang, Nguyen Van Phuong, and Le Ba Long, "Potential Solution in Sustainable Agriculture: Improving the PH and PH Buffering Capacity of Gray Soil Acrisol from Cu Chi, Ho Chi Minh

rainfall in the *Snake Fruit Pondoh* area of Sleman play a vital role in the plant life cycle. If the rainfall is too low, the plants may experience drought; if it is too high, they may experience root or fruit rot. Sunlight: Snake fruit requires sufficient sunlight for photosynthesis and producing quality fruit. The amount of sunlight plants receive can affect snake fruit fruit's production and quality. Drainage: The drainage system in the *Snake Fruit Pondoh* planting area is important to prevent excessive waterlogging, damaging the roots, and reducing the quality of plants and fruit. Water Source: Sufficient and good quality water is important for malacca plants. A good water source ensures plants get enough water for their growth and development. Plants interact with the environment in various ways to access essential elements to maintain their development and growth³⁹. Environmental Pollution: Environmental pollution, such as air and soil pollution, can hurt the quality of *Snake Fruit Pondoh* ⁴⁰. Plants exposed to pollutants can experience reduced growth and unhealthy fruit production.

All of these geographical natural environment elements play a role in shaping the characteristics and quality of the *Snake fruit Pondoh*. Monitoring, maintenance, and environmental protection efforts are essential to ensure optimum and high-quality snake fruit growth and production. Based on observations, the plants are the best and produce good quality products during the rainy season; this is because enough water is important for forming quality fruit. Humidity: *Snake fruit Pondoh* requires high humidity for plant growth and development. Temperature and light temperature conditions that are slightly warmer in the rainy season are more optimal to support plant growth, with more sunlight up in the rainy season helps reduce the risk of excessive evaporation and prevents crop drying.

3.2 Functions and Benefits of the Right of Geographical Indication

Geographical Indications in Indonesia are regulated as one with Marks, currently regulated in the Law of the Republic of Indonesia Number 20 of 2016 regulating Marks and Geographical Indications ⁴¹. Trademarks with Geographical Indications serve the same function, which is to provide a sign or identification for a product that is being traded; this is also relevant to the problem of responsibility in the trademark, where a trademark must have two or more distinguishing elements to be distinguished from the products and services produced ⁴². However, there are numerous differences, such that a Mark works as a sign or identity and separates one commodity or service from other identical goods or services traded. In contrast, a Geographical Indication functions as a sign of identity. Due to geographical and natural variables, including climate and people, a product has quality, reputation, and certain features to differentiate it from similar items ⁴³.

City, Vietnam Using Biochar Combined with Bentonite,” *Sains Tanah* 20, no. 1 (2023): 87–93, <https://doi.org/10.20961/stjssa.v20i1.63685>.

³⁹ Saradia Kar, Raj Kishan Agrahari, and Sanjib Kumar Panda, “Metal Ion Toxicity and Tolerance Mechanisms in Plants Growing in Acidic Soil,” *Social Psychology and Society* 12, no. 2 (2021): 107–14, <https://doi.org/10.20961/STJSSA.V18I1.51254>.

⁴⁰ [6,8]

⁴¹ [10,16]

⁴² Tasya S. Ramli et al., “Artificial Intelligence as Object of Intellectual Property in Indonesian Law,” *Journal of World Intellectual Property*, no. July 2022 (2023): 142–54, <https://doi.org/10.1111/jwip.12264>.

⁴³ [33,34]

Table 1.
Differences between Brand and Geographical Indications

Indicator	Brand	Geographical Indications
Elements of Signs/Identities	In the form of images, logos, names, words, letters, numbers, color arrangements, in the form of 2 (two) dimensions and/or 3 (three) dimensions, sounds, holograms, or a combination	The influence of the geographical and/or human natural environment because of their dexterity or skill, which gives the reputation and quality of a product
Rightholders	Individual or Legal Entity	Certain bodies, institutions, or communities
Term of Rights	10 years	Valid as long as the reputation, quality, and characteristics that form the basis for the protection of Geographical Indications for an item are still there.
Object	Goods & Services	Goods Products

Source: Author's interpretation

Table 1 shows several differences between Marks and Geographical Indications, including Marks can be owned and used by individuals or legal entities. In contrast, Geographical Indications can only be owned by specific groups/agencies/institutions/Institutions or communities; Marks are given for some time. In contrast, in Geographical Indications, there is no period as long as the elements that show quality and characteristics due to the influence of geographical nature are still there. Geographical Indications are different from trademarks but do not rule out the possibility of coexisting with trademarks on the market⁴⁴.

For the Sleman products that have been registered and obtained a registration certificate, the Geographical Indication sign logo may be used as a sign or identity that the product contains elements that provide reputation, quality, and specific characteristics that are influenced by geographical, natural conditions and meet the requirements as products that contain Geographical Indication Rights. The Geographical Indication logo can be used as a sign or identity for the products and other processed products made from materials that meet the requirements.



Snake fruit Pondoh
Sleman
IN YOGYAKARTA
June 21, 2013

⁴⁴ Stewart Nyakoty, "The Protection of Geographical Indications in Zimbabwe: An Overview of the Relevant Legislation, Institutional Framework and Mechanisms," *Journal of World Intellectual Property* 16, no. 3–4 (2013): 189–96, <https://doi.org/10.1111/j.1747-1796.2013.12002.x>.

Figure 4. The Logo of Snake Fruit Pondoh Brand. Source: DJKI page⁴⁵

With a sign or identity of a snake fruit product as *snake fruit Pondoh Sleman*, which has the right to Geographical Indication, it can provide convenience benefits and provide guarantees that consumers who like and want *Snake fruit Pondoh* will get *Snake fruit Pondoh* of the quality they want. The product has value in the minds of the public, especially consumers, who know that the place of origin has particular advantages in producing a product ⁴⁶. Besides that, it makes it easier to promote *Snake Fruit Pondoh* products and can increase popularity as a product easily recognized by the wider community. The brand of an item is a guarantee of the quality of a product/service ⁴⁷. The consumer public can quickly recognize a product with a product name known in the market before ⁴⁸. If the characteristics and quality of goods can be maintained and maintained for a specific time, it can create an image and reputation that allows these goods to have high economic value ⁴⁹.

Such conditions must be maintained that products still meet the elements that qualify as a product with characteristics, quality, and reputation because it is influenced by geographical, natural conditions as determined in the granting of Geographical Indication Rights. After registering the Geographically Indicated Goods, it must be able to guarantee their quality and not only on paper ⁵⁰, including the influence of the people because of their skills, abilities, and knowledge in caring for and maintaining *Snake fruit Pondoh* plants to produce quality products. This difference is caused by many factors, including the way farmers grow crops and the characteristics of the soil in the area itself ⁵¹.

Such efforts also avoid using or imitating the Geographical Indication symbol for similar snake fruit products that are not *snake fruit pondoh*. On the other hand, A market regulatory regime tends to conserve product exclusivity and promote the sale of non-material relationships and experiences to prevent the unauthorized copying of physical goods ⁵². Meanwhile, market regulations also ensure consumers are clear and transparent when choosing actual *Snake fruit Pondoh* products, which can be detrimental to consumers.

⁴⁵ DJKI Kementerian Hukum & HAM RI, "Snake fruit Pondoh Sleman Jogja."

⁴⁶ I I Isnani, "Identifikasi Dan Pemanfaatan Indikasi Geografis Dan Indikasi Asal Melalui Program Pembinaan Pada Masyarakat," *Jurnal Pengabdian Hukum Indonesia* 2, no. 1 (2019): 39–45.

⁴⁷ Yahelson Yahelson, "The Role of Criminal Law Politics against Ambush Marketing Behavior in the Implementation of ASEAN Community," *European Research Studies Journal* 20, no. 3 (2017): 783–800, <https://doi.org/10.35808/ersj/737>.

⁴⁸ Ali Oksy Murbiantoro et al., "A Legal Protection for Domestic Well-Known Mark on Impersonation of Different Kind of Goods under Indonesia's Trademark Law," *International Journal of Research in Business and Social Science* (2147- 4478) 9, no. 4 (2020): 444–50, <https://doi.org/10.20525/ijrbs.v9i4.766>.

⁴⁹ Endro Isnugroho and Susilo B. Winarno, "Preferensi Dan Kesiediaan Konsumen Membayar Snake fruit Pondoh Organik," *Khasanah Ilmu - Jurnal Pariwisata Dan Budaya* 10, no. 1 (2019), <https://doi.org/10.31294/khi.v10i1.5619>.

⁵⁰ Lapde Rudita, "Hak Kekayaan Intelektual Dan Perlindungan Konsumen (Studi Tentang Indikasi Geografis Dari Perspektif Kepentingan Konsumen)," no. 15 (2011): 20306760.

⁵¹ Nurfadila Jamaluddin Sappe et al., "Land Suitability Assessment for Agricultural Crops in Enrekang, Indonesia: Combination of Principal Component Analysis and Fuzzy Methods," *Sains Tanah* 19, no. 2 (2022): 165–79, <https://doi.org/10.20961/stjssa.v19i2.61973>.

⁵² Adrian Kuenzler, "Intellectual Property on the Cusp of the Intangible Economy," *Journal of Intellectual Property Law and Practice* 16, no. 7 (2021): 692–704, <https://doi.org/10.1093/jiplp/jpab042>.

3.2 Protection of the Right to Geographical Indication at Snake Fruit Pondoh Sleman

As with Mark rights, Geographical Indication Rights also receive legal protection if registered and obtained a Certificate. Geographical indications are protected to maintain the reputation, quality, and characteristics that form the basis of protection given geographical indications on a product⁵³. This Geographical Indication is protected by the agreement in the World Trade Organization (WTO), where Indonesia is a member country and provides ratification. WTO members have implemented the commitment to protect national and foreign GIs⁵⁴; this is by the system adopted in the Law, which adheres to the Constitutive system (first to file) that legal rights and protection are based on registration; whoever registers a Mark for the first time is considered the owner and receives legal protection. Likewise, Geographical Indications, including *Snake fruit Pondoh Sleman* products, registered with ID number G 000000020 dated 21 June 2013⁵⁵, get legal protection. This constitutive system is more protective and guarantees legal certainty⁵⁶. The mark registration system in Indonesia adheres to a constitutive system, which means that a mark including a Geographical Indication only gets protection if the owner registers it⁵⁷. Geographical indications are one form of right intellectual property/IPR that must be protected⁵⁸.

Protection of a right implies that the right holder can use that right and prohibit other parties from using that right without permission or approval. If the right is violated, then the right holder can take legal action, both civil and criminal. The owner of a registered trademark gets legal protection for violations of the rights to the mark both in the form of compensation claims and based on criminal lawsuits through law enforcement officers⁵⁹.

According to Article 69 of the Law, the holder of a right to a Geographical Indication can file a lawsuit against a User of a Geographical Indication without rights in the form of a request for compensation and termination of the use and destruction of the label of a Geographical Indication used without rights⁶⁰. To prevent more significant losses to the party whose rights have been violated, the judge may order the violator to stop making, reproducing, and ordering the destruction of Geographical Indication labels that are used without rights⁶¹. Implementing a constitutive system (first to file) in

⁵³ Candra Irawan, "Protection of Traditional Knowledge: A Perspective on Intellectual Property Law in Indonesia," *Journal of World Intellectual Property* 20, no. 1–2 (2017): 57–67, <https://doi.org/10.1111/jwip.12073>.

⁵⁴ 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, <https://doi.org/10.1111/j.1747-1796.2009.00374.x>.

⁵⁵ DJKI Kementerian Hukum & HAM RI, "Snake fruit Pondoh Sleman Jogja."

⁵⁶ Zaenal Arifin and Muhammad Iqbal, "Perlindungan Hukum Terhadap Merek Yang Terdaftar," *Jurnal Ius Constituendum* 5, no. 1 (2020): 47–65, <https://doi.org/10.26623/jic.v5i1.2117>.

⁵⁷ Kennedy Wijaya, "Perlindungan Hukum Merek Terkenal (Kasus Sengketa Merek Pierre Cardin Perancis Vs Indonesia)," *Era Hukum: Jurnal Ilmiah Ilmu Hukum* 28, no. 1 (2020): 192–216.

⁵⁸ Susilo budi winarno and Tuti Panghastuti, "Analisis Persepsi Hak Indikasi Geografis Snake fruit Pondoh Pada Komunitas Agrowisata Di Kabupaten Sleman," *Journal of Tourism Destination and Attraction* 8, no. 1 (2020): 33–42, <https://doi.org/10.35814/tourism.v8i1.1047>.

⁵⁹ Moch Alfi Muzakki, Kholis Roisah, and Rahandy Rizki Prananda, "Legal Political of Well-Known Trademark Protection Reviewed From Development of Trademark Law in Indonesia To Avoid Fraudulent Competition," *Law Reform* 14, no. 2 (2018): 176, <https://doi.org/10.14710/lr.v14i2.20865>.

⁶⁰ [1,3]

⁶¹ Mazé, "Geographical Indications as Global Knowledge Commons: Ostrom's Law on Common Intellectual Property and Collective Action."

registering Marks and Geographical Indications is to provide protection and legal certainty to those entitled to it. The state is obliged to protect parties who are harmed by the context of the State Law ⁶².

Geographical Indication Rights holders are not individuals but bodies/institutions or communities representing certain communities as applicants and obtain legal protection after the Geographical Indications are registered by the Minister, as stated in Article 53 paragraph (1) of the Law ⁶³. The right to Geographical Indications is the right to exploit an item and product in the form of 1. natural resources, 2. handicrafts, or 3. industrial products ⁶⁴.

Under Article 1 point 7 of Law Number 20 of 2016 Concerning Trademarks and Geographical Indications, the Right to Geographical Indications is an exclusive right granted by the state to registered Geographical Indication Rights holders as long as reputation, quality, and characteristics form the basis for protection ⁶⁵. The Geographical Indications still exist. In contrast, the User of Geographical Indications is a party that obtains permission from the holder of Rights on a registered Geographical Indication to process and market Geographical Indications goods and products ⁶⁶.

Legal protection can be interpreted that in the case of using the rights of Geographical Indications without permission to those who are entitled, it is considered a violation, and the parties who are entitled to take legal remedies ⁶⁷. However, in terms of law enforcement in the field of Intellectual Property in Indonesia, they could be stronger, so there is a need for legal awareness and firm law enforcement. Despite the government's self-confidence, in reality, the development of IP enforcement in Indonesia has not been significant ⁶⁸.

4. Conclusion

They are a view of things that are already discussed in this research. In this research especially on the Influence of Geographic Natural Environmental Factors as Elements of Granting Geographical Indication Rights for *snake fruit pondoh* Products in Sleman, the following: *First*, geographical or natural environmental factors affect snake fruit pondoh products. They contain elements of Geographical Indication Rights, including climate, topography or landform, soil, rainfall, sunlight, drainage, water sources, and environmental pollution. All of these geographical natural environment elements play a role in shaping the characteristics and quality. *Second*, For granting Geographical Indication Rights to provide benefits for increasing the value of products, each *snake fruit pondoh* product and its by-products must use the identity and symbol of the Geographical Indication Right to be recognized by consumers. Efforts must be made to

⁶² Enny Mirfa, "Perlindungan Hukum Terhadap Merek Terdaftar," *Samudra Keadilan* 11, no. 1 (2016): 65–77, <https://doi.org/10.26623/jic.v5i1.2217>.

⁶³ Saputro and Pujiyono, "The Role of Local Community InPreserving Geographical Indications in Indonesia: Challanges and Opportunities."

⁶⁴ [9, 12,33]

⁶⁵ Prud'homme and Tong, "Rethinking Firm-Specific Advantages from Intellectual Property Rights: Boundary Conditions for MNEs"; Okunade, Alimi, and Olayiwola, "Intellectual Property Rights Protection and Prospect of Industrial Development in Nigeria"; Jefferson, Camacho, and Chi-Ham, "Towards a Balanced Regime of Intellectual Property Rights for Agricultural Innovations."

⁶⁶ Valerie Selvie Sinaga, "Intellectual Property Law in Indonesia After 2001," *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada* 25, no. 1 (2013): 151–62, <https://doi.org/10.22146/jmh.16106>.

⁶⁷ Mazé, "Geographical Indications as Global Knowledge Commons: Ostrom's Law on Common Intellectual Property and Collective Action."

⁶⁸ Sinaga, "Intellectual Property Law in Indonesia After 2001."

continuously domesticate and maintain the elements that affect the characteristics, quality, and reputation, which are influenced by geographical and natural conditions, including climate and people. *Third*, the right to Geographical Indications can provide legal protection for the products. With the right to Geographical Indications, other parties cannot use the Geographical Indications for other product identities without permission or approval. If violated, legal remedies can be taken, both civil and criminal. The results of this research can hopefully be used for consideration in taking steps and policies for the authorities, developing legal knowledge, providing public awareness to maintain the natural geographical environment, and maximally increasing the benefits of granting Geographical Indication Rights. Using the Snake fruit Pondoh Sleman Geographical Indication Rights symbol as an identity for Snake fruit Pondoh and its related products to differentiate it from Snake fruit products from other regions.

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