

Protection of Intellectual Property Rights in the Maintenance and Preservation of Traditional Knowledge against the Economics of the Community

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Traditional knowledge is the cultural heritage that gave unreal treasure to Indonesia. Traditional knowledge can be utilised economically for the betterment and prosperity of society. The research method used is normative juridical with analytical descriptive specification. Indonesia's efforts in protecting intellectual property on traditional knowledge in Indonesia is that the Indonesian government is preparing a draft of the law on Traditional Knowledge and Traditional Cultural Expression. Other efforts that can be done through the inventory or documentation of traditional knowledge in a region is by publishing the traditional knowledge as widely as possible. The factors behind traditional knowledge that have not been used optimally as economic resources are the lack of public knowledge about the protection of traditional knowledge and the high cost of producing intellectual property. The prospect of protecting Intellectual Property Rights on traditional knowledge will not be carried out either because of the differences in character between traditional knowledge and Intellectual Property Rights. For economic development, if the protection is optimally carried out, it will become a potential income and community empowerment which ultimately gives prosperity to the community.

Key words: *Intellectual Property Rights, Traditional Knowledge, Traditional Cultural Expression.*

Introduction

The culture of Indonesia, including in depth art and culture, has started to become the government's special attention to be "sold" to the international cultural market. However, deep in its development and existence, traditional art is weak in terms of protection. For example, protection of the work of traditional artists, protection of the fruits of their intellectual thought in the form of poetry, songs, fairy tales, stories and others, still have not formed a device yet specifically for the law. Indigenous peoples understand traditional knowledge and traditional cultural expressions as communally owned cultural heritage. So that the notion that knowledge arises uses traditional cultural expression to be something open and in the public domain. In this concept, there is no monopolisation of the use of traditional knowledge and traditional cultural expression as well as in the concept of Law Intellectual Property. Due of this, arrangements of the law become urgent in protecting traditional knowledge and cultural expression traditionally because there is a legal vacuum. This condition will continue to harm indigenous peoples in particular and in Indonesia in general, because the utilisation of traditional knowledge and traditional cultural expressions can easily be claimed as the domain of other parties who first publish and register them.

The developing country community in the world is a society transformation from traditional society to industrial society. When globalisation, development and western culture then become a paradigm which is used in developing countries' economic development such as Indonesia, the country's legal and economic system, of course impact both directly and indirectly on life Public. Indonesia as an archipelago which has various tribes with various customs and as such, arts and culture has great potential in terms of traditional knowledge. Extraordinary cultural potential in essence is the nation's assets that must be protected and preserved. Furthermore, it must be development by the state because it has a very high economic value that can benefit the community. Information obtained by the public in interpreting the need for nature and the environment as well as the knowledge gained by society as a result of ecological, social and cultural interactions is called traditional knowledge (Charles, 2007).

Traditional knowledge is included in the scope of intellectual works that originate from ideas or discoveries from groups of countries. The scope of traditional knowledge includes tradition-based literature, artistic or scientific work, performances, inventions, scientific discoveries, designs, brands, names and symbols, undisclosed information, and all the innovations and creations based on other traditions caused by intellectual activity in industrial fields, scientific, literary or artistic. The World Intellectual Property Organisation (WIPO) defines traditional knowledge as follows: "*Knowledge, know-how, skills and practices that are developed, sustained and passed on from generation to generation within a community, often forming part of its cultural or spiritual identity*" (WIPO, 2019).

Traditional knowledge is included in the scope of intellectual works that originate from ideas or inventions of community groups. Traditional knowledge is identity and Indonesian identity that can be used economically for progress and public welfare. Traditional knowledge is a term the WIPO uses which is intended to give a line to a traditional cultural work and is owned by traditional community groups. Traditional knowledge process is the result of innovation and creation of humans both in terms of knowledge, art, and literature (Desi, 2012).

Discussions about the need for protection of traditional knowledge have become an important issue at meetings of the Council for IPR (*Council for Trade-Related Aspects of Intellectual Property Rights*) at the WTO. The existence of this long debate is more about the need of whether or not the protection of traditional knowledge is regulated separately or incorporated into the IPR legislation of each member country. This is a conflict of interests between developed countries and developing countries in terms of protection of traditional knowledge.

Traditional works of art and traditional techniques that have long lived inside traditional society, is considered as an asset of economic value, such as the case of the patents of tempeh in the United States. Tempeh, which is a traditional Indonesian food which is made with raw soybeans in flour and fried, is sold along the roadside. It turns out that tempeh has a patent that is owned by the United States of America (Laura, 2008). Factually, there is no realisation of profit sharing for the community of owners of traditional knowledge. The government is responsible for protecting, not only traditional knowledge as part of biodiversity, but also traditional knowledge as a property of the local community. That is, protection is given integrally to its material form and ownership (Wina, 2014). Based on this background, research wants to answer the problems: (1) How do Indonesian government efforts protect Intellectual Property Rights over traditional knowledge? (2) What factors underlying traditional knowledge have not been optimally utilised as an economic resource?

Research Methodology

The type of research that will be used in writing this law is normative research. Normative legal research is legal research conducted by examining library material or secondary data (Soerjono and Sri, 2006). Research conducted by the author has a descriptive nature. A descriptive study is intended to provide as much detailed data as possible about human, state or other symptoms (Soerjono, 2005). In this study, the source of the data is secondary data. Secondary data sources are data obtained not directly from society but from the material documents, regulations, reports, archives, literature, and other research results that support primary data sources. The analysis of data carried out qualitatively uses the method of

deductive and deep approaches to the discussion that is adjusted to the subject matter presented to obtain conclusions for the problem studied.

The Results of Research and Discussion

The Indonesian Government's Efforts to Protect Intellectual Property Rights of Traditional Knowledge

The protection system regarding traditional knowledge in Indonesia is not yet fully regulated. However, it may be seen in the Copyright Act Number 19 of 2002. In that Act it mentions a Work that can be protected, in addition to mentioning the Right of Creation to an Author of an Unknown Author. The said regulation states that the State holds the Copyright for the Author's Work that is unknown. This Copyright Law applies a protection system through a registration system as well as applies to trademark protection. That is, without registration to the Office of the Directorate of Intellectual Property Rights, there will be no protection of traditional knowledge. Such provisions can be understood by tracing the origin of the idea of protecting traditional knowledge.

There are four laws that explicitly or indirectly mention traditional knowledge, namely:

- 1) Law on Trademarks (Law No. 15 of 2001 concerning Trademarks). In Chapter VI (Articles 50-55) and Chapter VII (Articles 56-60) it is stated as follows. Chapter VI Collective Marks:

Article 50

- a) An application for registration of a trademark or service marked as a collective mark can only be accepted if the application clearly states that the mark will be used as a collective mark.
- b) In addition to the affirmation regarding the use of the Collective Mark referred to in paragraph (1), the Application must be accompanied by a copy of the provisions on the use of the Mark as a Collective Mark, which is signed by all trademark owners concerned.
- c) The terms of use of the Collective Mark as referred to in paragraph (2) shall at least contain: i) nature, general characteristics, or qualification goods to be prepared and agreed upon; ii) arrangements for the owner of the Collective Mark to exercise effective control over the use of the Mark; and, iii) sanctions for violating regulations on the use of Collective Marks.
- d) The provisions referred to in paragraph (3) should be recorded in the General Register of Marks and announced in the Official Gazette of Marks.



Article 51

Upon application for the registration of a Collective Mark, an examination of the completeness of the requirements referred to in Article 7, Article 8, Article 9, Article 10, Article 11, Article 12, and Article 50 shall be examined.

Article 52

Substantive examination of Collective Trademark Applications is carried out in accordance with the provisions in Article 18, Article 19, and Article 20.

Article 53

- a) Amendment to the provisions on the use of a Collective Mark shall be filed with the Directorate General with a valid copy of the evidence of the amendment.
- b) Changes as referred to in paragraph (1) are recorded in the General Register of Marks and announced in the Official Gazette of Marks.
- c) Changes to the terms of use of the Collective Mark shall apply to third parties after being recorded in the General Register of Marks.

Article 54

- a) The right to register Collective Marks can only be transferred to the recipient party who can carry out effective supervision in accordance with the provisions on the use of Collective Marks.
- b) Transfer of rights to a registered Collective Mark as referred to in paragraph (1) must be filed with the Directorate General for registration.
- c) The recording of the transfer of rights as referred to in paragraph (2) shall be recorded in the General Register of Marks and announced in the Official Gazette of Marks.

Article 55

Registered Collective Marks cannot be licensed to other parties.

- 2) Law Number 19 Year 2002 Regarding Copyright. In Article 10, and Article 11 (1), it is stated as follows:

Article 10

- a) The State holds the Copyright for prehistoric relics, history and other national cultural objects.

- b) People's Cultural Products which belong together, such as stories, fables, legends, chronicles, songs, handicrafts, choreography, dances, calligraphy, and other works of art are preserved and protected by the State; that is, the State holds the Copyright for the said creation in paragraph (2) and against foreign countries.
- c) Further provisions regarding Copyright held by the State as referred to in this article, shall be further regulated by Government Regulation.

Article 11

- a) In this Law protected works are creations in the fields of science, art and literature which include works of: (a) books, computer programs, pamphlets, composition of published works, and all other written works; (b) lectures, speeches and other creations that are realised by way of being spoken; (c) teaching aids made for the benefit of education and science; (d) song or music creation with or without text, including musical instruments and sound recordings; (e) drama, dance (choreography), puppetry, pantomime; (f) performance works; (g) broadcast works; (h) fine art in all forms such as painting, drawing, sculpture, calligraphy, sculpture, sculpture, collage, applied art in the form of handicraft; (i) architecture; (j) map; (k) batik art; (l) photography; (m) cinematography; (n) translations, interpretations, adaptations, pastiche, and other works resulting from the translation.
- 3) Patent Law (Law Number 14 Year 2001 Regarding Patents) in Chapter II (Articles 2-7). Although indirectly, the Patent Law can also be linked with traditional knowledge. Said so, because traditional knowledge is also protected by the patent law regime. To be protected in a patent regime, an invention must be new, contain inventive steps, and be applied in the industry. Traditional knowledge in general has been owned and practiced from generation to generation from mouth to mouth. Thus, it will be difficult for the traditional knowledge to meet the newness requirements of that knowledge already as hereditary, as it is difficult to determine who the inventor actually is from traditional knowledge. Other than that, based on the formalities stipulated in the national patent system, inventions to be protected by patents must be described in writing; this will certainly be difficult to fulfil with traditional knowledge which is generally only conveyed verbally from one generation to another.
- 4) Law on Plant Variety / PVP Protection (Law No. 29 of 2000 Concerning Plant Variety Protection) In Article 7, it is stated as follows:

Article 7

Local varieties belonging to the community are controlled by the State. State control as referred to in paragraph (1) is carried out by the Government. The government is obliged to provide naming of local varieties as referred to in paragraph (1). The provisions on the

naming, registration and use of local varieties as referred to in paragraph (1), paragraph (2) and paragraph (3), as well as the institutions that are given the task to implement them, are further regulated by the Government.

The issue of protecting traditional knowledge as one part of IPR becomes the attention of the public and various international organisations. Geneva-based WIPO, Switzerland mandates members to discuss Genetic Traditional Knowledge and Folklor (GRTKF) in international forums. In the global order of IPR, it is seen as trade problems that have a link between three important aspects, intellectual property, commercialisation, and legal protection. This is related to traditional knowledge owned or controlled and used by a particular community, community or ethnic group which is hereditary and continues to develop accordingly with the development of the environment.

Protection of IPR basically gives a monopoly right, and with rights the monopoly IPR owner can enjoy the economic benefits of intellectual property. Various IPR laws in fact cannot protect knowledge and traditional wisdom (traditional knowledge and genius). The legal basis for community demands against those who use their traditional knowledge commercially without permission yet by strictly regulated IPR laws and regulations in Indonesia. Provisions in Article 10 paragraph (2) Law No. 19/2002 on Copyright is limited to regulating folklore. This does not cover protection of traditional knowledge copyright, meaning the position of traditional knowledge of vulnerable communities to be exploited by other parties. Protection of traditional knowledge in Indonesia is also contained in regulations legislation other than IPR Law UU number 5/1994 concerning the Ratification of the Convention on Diversity Hayati (*United Nations Convention on Biodiversity*), Article 8j UNCBD states that the parties the signing of the convention shall respect, protect, preserve knowledge, indigenous and local people's innovations and practices that reflect a lifestyle traditional characteristics. This is in accordance with the conservation and sustainable use of diversity biodiversity and advance in its wider application with the agreement and involvement of the owners, knowledge, innovations and practices and encourages fair sharing in profits generated from the utilisation of knowledge and innovation.

In general there are five main reasons traditional knowledge must be protected, namely:

1. Equity. A fairness of the owner of traditional knowledge where the knowledge is utilised and commercialised; it gets profit sharing compensation both monetary and non-monetary.
2. Conservation. Protection of traditional knowledge, means protection of environmental care, biodiversity and sustainable agricultural activities.
3. Preservation. Protection of traditional knowledge can be used to increase the value and trust of people both within and outside the community of the values of traditional knowledge.

4. Avoiding bio-piracy. Protection for traditional knowledge is one way to reduce the practice of bio-piracy, while ensuring fairness and fair treatment balanced between the owner and the user of traditional knowledge. According to Moni Wekesa to prevent the misuse of traditional knowledge, at the very least there are three important things that must be considered (Djumhana and Djubaedillah, 2014).
5. Documenting traditional knowledge is done through building a traditional knowledge database; (a) the requirement to state the origin of the material to be applied for legal protection through intellectual property; (b) for those who will seek legal recognition through IPR, must be able to show proof of agreement on the use, distribution of ownership, or profit sharing from the owners of traditional knowledge.
6. As an effort to promote the use and importance of developing traditional knowledge (promotion of its use). In addition to safeguards by restricting access to traditional knowledge, the government must have a goal to support utilisation of traditional knowledge itself, and develop businesses which aim to prevent abuse (Djumhana and Djubaedillah, 2014).

Referring to Duffield, in order to protect traditional knowledge, there are at least three protection models that can be developed, such as (Carlos, 2019):

Table 1: The Traditional Knowledge Protection Model

Utilising Pre-existing Rules	Modifications / Additional / Complementary Rules	Developing Specific Regulations
Customary law	Codification and formal recognition of the provisions in customary law	-
Contracts, balanced transfer agreements, and other public and civil legal concepts	Access and revenue sharing agreements	Provisions on biodiversity management with obligations on traditional knowledge, access to laws and regulations
Intellectual property rights law	Certificate of origin of material, Prior Informed Consent (PIC), and others	A new category in intellectual property law

The concept of protection of traditional knowledge as described by Duffield is in line with the protection model developed by WIPO. WIPO generally describes two protection models, such as:

- a) Protection that is preventive (*defensive protection*). Defensive protection refers to efforts aimed at preventing the granting of IPR on traditional knowledge by other parties without the knowledge and permission of traditional knowledge owners. Defensive protection of traditional knowledge influences patent registration in terms of the obligation to disclose the origin of genetic resources and or traditional knowledge related to the invention.
- b) Positive protection. Positive protection can be carried out in two forms of legal force, namely, by making effective use of laws related to IPR or through the establishment of special laws.

Protection of intellectual property over traditional knowledge, the Government of Indonesia is preparing sui generis regulations which are divided into three bills, namely: i) the Bill on Traditional Knowledge and Traditional Cultural Expressions, ii) the Bill on the Protection and Management of Genetic Resources, and iii) the Bill on Biodiversity. Protection of traditional knowledge still requires considerable time to implement. The positive role of the state in fulfilling the right to culture, as stated by Wheeler, the country is able to develop collective capacity for the enforcement of human rights through effective legislative and institutional intervention (Jack, 2003). This is what makes the role of the state very strategic in fulfilling cultural rights because the state has its completeness functional to enforce these rights as part of rights on the basis of law. Protection of intellectual property rights over traditional knowledge as communal rights of local communities, is an authorised institution needed to regulate, manage and coordinate protection of traditional knowledge within the framework of state responsibility.

Institutions in the protection of traditional knowledge are needed to sustain implementing access and sharing of benefits over the use of traditional knowledge. In efforts to protect intellectual property over traditional knowledge, there are several related institutions, including: the Ministry of Environment, the Ministry of Foreign Affairs, the Ministry of Research and Technology, and the Directorate General of Intellectual Property Rights. Legal protection of traditional knowledge is very much needed by developing countries, because protection is considered as an action taken to ensure the survival of the intangible cultural and communal heritage of creativity (Saidin, 2006). The efforts that can be made to protect the wealth of traditional knowledge are through an inventory. Inventory or documentation of traditional knowledge is data collection activities on the traditional knowledge of an area. In addition, it can be done by publishing the traditional knowledge as widely as possible. Legal protection is intended not only to provide legal guarantees but also economically.



Factors Underlying Traditional Knowledge Have Not Been Utilised Optimally as an Economic Resource

Indonesia is one of the developing countries and is an archipelago. Indonesia has more than twenty thousand large and small islands scattered throughout the territory of the country of Indonesia. Each island has customs and cultural diversity and these are the characteristics of the area. With this potential, Indonesia has the ability to produce various kinds of works and traditions from all regions in Indonesia so that they can be juxtaposed with the culture and work of the international world. Each region in Indonesia has its own diversity and characteristics regarding intellectual property related to traditional knowledge. In each province there are still fundamental and striking differences. Even for each city or district level there are still differences regarding traditional knowledge in addition to the similarities and similarities. Developing country community in the world is a transformation society from traditional society to industrial society. When globalisation and development and western culture then become the paradigm used in developing economies in developing countries such as Indonesia, the country's economic legal system certainly impacts both directly and indirectly on people's lives.

The existence of IPR is indeed inseparable from economic, industrial and trade activities. The era of globalisation marked by the development of information technology and telecommunications has driven the efficiency and effectiveness of producers to market their products abroad through the free market. Most of the traded intellectual goods and services are the latest technology products. Therefore, one of the keys to his progress is the ability to innovate in technology. In the global economic order, IPR is seen as a trade problem that includes the interaction of three main aspects, namely intellectual property, commercialisation and legal protection. That is, IPR becomes important when there is an intellectual work to be commercialised so that the owner of the intellectual work needs formal legal protection to protect their interests in obtaining benefits from the commercialisation of his intellectual work.

Traditional knowledge as an intellectual asset seen from the regional context certainly has differences and characteristics of each in each region. For example, the province of Central Java, which has Surakarta as a barometer of the city of national culture and potential that highlights the intellectual assets of traditional knowledge, with solo batik, special dishes and foods, traditional herbs and medicines, dances, palace treasures, cultural culture and so on. This has the potential as an asset for economic commodities and improvement of people's welfare if managed properly. Surakarta, whose development from Kotamadia to City, has its own government and authority to manage its households. The question then is how to then manage and provide protection for its traditional knowledge. Associated with the condition and development regarding traditional knowledge at the National and International level,

there is still a lack of discussion, research especially data collection on traditional knowledge at the local level itself. Obstacles in this issue may not have been recorded and there is a standard reference data regarding the types of traditional knowledge that exist at the regional level especially on a national scale. In addition, the community has not been popular and is aware of the existence of assets and economic prospects of traditional knowledge.

Awareness of the importance of protection for cultural works that are traditional knowledge which is a legacy owned by indigenous people must be realised through a variety of policies. Given the large number of exploitations carried out for commercial purposes without regard to the interests of local communities, indigenous people or without any fair benefit sharing (benefit sharing). Experience has shown that developmental measures that ignore original knowledge, local system knowledge and the local environment generally fail to achieve the desired goals.

The economic progress of a nation can be seen from how much IPR is owned by the nation. This is a factor that the Indonesian government must provide special protection for traditional knowledge so as not to be misused by foreign country. The main obstacle is why the protection of traditional knowledge is not yet used optimally, namely regulations that do not fully support implementation of traditional knowledge, the lack of public awareness to register the work or his thinking, lack of data documentation, as well as the characteristics of traditional knowledge which is generally communal. Traditional knowledge is often associated with the use and applications with genetic, biological and natural resources or resource management and conservation natural and environmental resources that have economic, commercial and cultural values (Ahkam and Suprapedi 2005).

The problem of traditional knowledge is a very important aspect championed by countries that have the potential in this field to get legal protection. However, theoretically traditional knowledge itself is actually very possible to protect. There are two mechanisms that can be carried out in the framework of providing traditional knowledge protection, namely, first, protection in the form of law and protection in the form of non-law. Form of protection in the form of law, namely efforts to protect traditional knowledge through binding legal forms, such as; Intellectual Property Rights Law, regulations governing genetic source matters, especially traditional knowledge, contracts and customary law.

From a social point of view, it is clear from traditional protection knowledge, then the preservation of social values will also be maintained. Because with this the government can no longer be indifferent to traditional knowledge owned by the community in Indonesia. Even the government will be encouraged to continue to identify traditional knowledge in Indonesia. In economic terms, it is evident that by doing legal protection on traditional knowledge, the economic value that will be generated from traditional knowledge will have

added value in this case foreign exchange can be increased. This is logical to remember for this exploitation of traditional knowledge is only limited to its use conventionally, but not yet developed so that it becomes something very valuable.

A knowledge of traditional works is knowledge that is passed down from generation to generation and mostly in an unwritten way. Traditional knowledge within the scope of indigenous or traditional communities is inclusive, meaning that all parties can make use of it for free. Traditional knowledge if developed continuously and given guaranteed legal protection, will have a high economic value and encourage economic improvement in Indonesia. The right to traditional knowledge is fundamental to the economy of a nation. Economic progress of a nation can be seen from how many IPRs are owned by the nation. This is a factor that the Indonesian government must provide special protection for with traditional knowledge so as not to be abused by foreign countries.

The existence of IPR is indeed inseparable from economic, industrial and trade activities. The era of globalisation marked by the development of information technology and telecommunications has driven the efficiency and effectiveness for producers to market their products abroad through the free market. Most traded goods and services are the latest in technology products. Therefore, this is one of the keys and the ability to innovate in technology. In the global economic order, IPR is seen as a trade problem that includes the interaction of three main aspects, namely intellectual property, commercialisation and legal protection. That is, IPR becomes important when there is an intellectual work to be commercialised so that the owner of the intellectual work needs formal legal protection to protect their interests in obtaining benefits from the commercialisation of their intellectual work. Based on the brief description above, it is clear that at present the commercialisation process of each trade commodity, both of an export nuance and for the domestic market, cannot be separated from the aspect of intellectual property protection.

Constraints that become the main reason why the protection of traditional knowledge cannot be utilised optimally are regulations that do not fully support the implementation of traditional knowledge, the low awareness of the community to register their work or thoughts, the lack of data documentation, and the characteristics of traditional knowledge which are generally communal in nature. Traditional knowledge is often associated with the use and application of genetic, biological and natural resources or the management and conservation of natural and environmental resources that have economic, commercial and cultural values (Ahkam and Suprapedi 2005).

In IPR there are two special rights, namely economic rights and moral rights, in addition to the existence of social functions. Economic rights are the rights to gain profits on intellectual property. This right is in the form of a profit for a sum of money obtained because of the use



of intellectual property rights, or because of use by another party under license. This is because IPR can be the object of trade in the business world. Economic rights can be transferred. While moral rights are rights that protect the personal interests (reputation) of the creator or inventor (Abdul, 2001).

The problem of IPR protection of traditional knowledge in Indonesia lies in almost every aspect such as the lack of public knowledge of IPR conceptions, high costs, and the slow pace of bureaucracy in realising the Intellectual Property Protection and Utilisation Law Plan for Traditional Knowledge and Traditional Cultural Expressions into laws (UU). If all traditional knowledge can be formally recognised by the state without obstacles, then the local community as the owner of traditional knowledge will benefit economically as well as legal recognition both nationally and internationally.

The distribution of profits from the use of traditional knowledge has an economic dimension broad. Traditional knowledge is intended as an economic resource that can be turned into a profit. The economic benefits are not necessarily felt by the owner if the owner does not use the economic rights he has. If traditional knowledge with a little touch of new patented innovations, then the economic benefits will only be had and enjoyed by IPR holders. Even the traditional community as the original owner if you want to reuse traditional knowledge you must go through certain procedures and be burdened with a high cost.

Some things that cause traditional communities who cannot yet enjoy the benefits of the economy of traditional knowledge are: the communal nature of indigenous people always prioritises the common interests rather than personal interests, the cost to produce intellectual property is very high, permits in making products are quite difficult, competition is quite high, the absence of institutions that facilitate and control intellectual property if it was made a product on the market.

For the economic development of Indonesia, if the protection of traditional knowledge can be optimally implemented, it will be a potential for the country's development and foreign exchange income or state income. Where the work and culture of traditional society will be more appreciated and a sense of belonging (sense of belonging or pride) towards it arises. If Indonesia more seriously manages the potential of the nation's traditional knowledge, it will provide enormous benefits both in economic terms and the development and preservation of the noble values of traditional knowledge. It is good that the government starts to pay attention to the potential of this nation related to traditional knowledge and makes it its own icon of the nation to become an identity characteristic that can ultimately become an added value. As the saying goes "what is in the grasp should be maintained". We should protect and manage the nation's resources and wealth that we already have.

Conclusion

1. Protection of traditional knowledge is very important for Indonesia, where traditional knowledge has a role in the economic and social fields of people's lives. The legal protection of IPR for traditional knowledge has not been discussed in detail and systematically in Indonesia. Traditional knowledge arrangements in the IPR Law, for example the Copyright Act and the regulation of geographical indications in the Trademark Law have not been fully effective to apply. If IPR protection against traditional knowledge is optimal, it will be a potential source of foreign exchange income that gives welfare to the community.
2. Factors that cause traditional knowledge not to be utilised optimally such as economic resources are the nature of communal indigenous peoples that will always prioritise common interests rather than personal interests, lack of local community knowledge about traditional knowledge, the cost of producing intellectual property is very high, permits in making sufficient products difficult, high enough competition, the absence of institutions that facilitate and control so that intellectual property is used as a product on the market.

Suggestion

1. This research suggests, for the Indonesian government that the regulation of protection systems for traditional knowledge is more emphasised, because the existing legal products still do not regulate it comprehensively. This is done to improve the economy and prosperity of the community.
2. For Indonesian people to be more concerned and aware of the importance of traditional knowledge by preserving and contributing to the success of safeguards.



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