ARRANGEMENT REGISTRATION OF GEOGRAPHICAL INDICATIONS OF TRADITIONAL ALCOHOLIC BEVERAGES IN INDONESIA BASED MULTICULTURALISM

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ABSTRACT

Purpose: The purpose of this article is to provide an avenue for the regulatory model of GI registration in traditional alcoholic beverage products based on multiculturalism.

Method: This study is a normative legal study that employs a comparative legal approach, with Malaysia and Turkey serving as comparison material.

Results and conclusion: The findings revealed that Indonesia, as a state and nation, has a diverse population, ethnicities, and cultures, all of which have different values and norm systems. The prohibition of traditional alcoholic beverages from being protected under the GI regime undoubtedly has an economic impact on these communities. This must be addressed as soon as possible. In this article, the author provides a regulatory model that exemplifies the Malaysian state as stipulated in the Malaysian Geographical Indication Act 2000, so that traditional Indonesian alcoholic beverages can be protected through the GI regime by revising Article 56 paragraph 1 letter an of Law 20/2016 to be a registration of GI products acceptable as long as they meet the requirements “not contrary to public order or morality”.

Research implications: This has implications for a variety of traditional Indonesian alcoholic beverages that are not protected under the GI regime. Examining traditional alcoholic beverages is a sensitive and contentious issue, given that alcoholic beverages, whether traditional or non-traditional, are classified as illegitimate in Indonesia, a country with a Muslim majority population.

Originality/value: The first affirms the respect for cultural identity and the state's right to ensure society's freedom in maintaining and developing its cultural values in the midst of the country's efforts to advance national culture in the midst of world civilization.

Keywords: Geographical Indications, Multiculturalism, Traditional Alcoholic, Beverages, Population, Majority.
INTRODUCTION

Talking about intellectual property, until now, the discussion over GI protection has remained an intriguing topic in the global intellectual property discourse. (Sasongko, 2012) This is not without reason, given that the scope and benefits of GI protection are extremely broad, including the protection of traditional knowledge and culture, which is unquestionably beneficial for culturally diverse countries like Indonesia. The scope and benefits of GI protection include the following: a. Geographical indications protection can aid in rural and regional development, b. Encourage the development of new creative industries, c. Contributes to the preservation of traditional cultural expressions, d. Ensure that the exploitation of traditional knowledge acknowledges traditional peoples' sacred beliefs and practices, e. Preservation of cultural heritage, g. Encourage environmentally friendly sustainable development, h. Contribute to an increase in tourism indirectly. (“Cambridge Handb. Public-Private Partnerships, Intelect. Prop. Governance, Sustain. Dev.”, 2018)

Given the broad scope and benefits of GI protection, the protection model and concept should be able to accommodate broad interests, as previously stated. Given the Indonesian nation's large GI potentials, it is also to demonstrate the state's extension and sovereignty in protecting the diversity of national products and traditional knowledge, which has implications...
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for improving the community's economy. Ubi Cilembu, Salak Pondoh, Kintamani Bali Arabica Coffee, and other Geographical Indication products are examples.(Hendra Djaja, 2013)

Furthermore, many GI products are produced based on local culture and traditional knowledge, both in the form of goods and local arts. Such as Bali Gringsing Weaving, Jepara Carving Furniture, Mandar Silk Weaving, and so on.(Saputra et al., 2019)

In the national legal system, GI protection is governed by Law Number 20 of 2016 Concerning Brands and Geographical Indications (hereinafter referred to as Law 16/2016), where GI is defined as follows in Article 1 Paragraph 6 of Law 20/2016: “Geographical Indication is a sign that indicates the area of origin of an item and/or product that gives reputation, quality, and certain characteristics to the goods and/or products produced due to geographical environmental factors including natural factors, human factors, or a combination of these two factors”.

The right to the GI is said to be an exclusive right granted by the state to the registered geographical indication rights holder, as long as the reputation, quality, and characteristics on which such Geographical Indications are granted protection continue to exist. Because the GI is a communal intellectual property, applications for registration of the right to the GI can only be made by a community group or institution that represents or has an interest in the product in question. Geographical indications are protected once registered with the Minister of Law and Human Rights, and they can also be registered under international treaties. Geographical indications, unlike brand protection, have no time limit for protection as long as the characteristics that are its flagship can still be maintained. To date, there are 99 Geographical Indication products that have been registered with the Directorate General of Intellectual Property, Ministry of Law and Human Rights of Indonesia (hereinafter abbreviated as DJKI).(Saputra, 2020)

For the record, as the author previously stated, not all products that meet the requirements for GI in Indonesia can be registered as GI and obtain rights. Article 56 paragraph (1) of Law 20/2016 imposes restrictions on products that cannot be registered as GI with the following parameters:

1. is contrary to state ideology, legislation, morality, religion, decency, and public order;
2. misleads or deceives the public about its reputation, quality, characteristics, source origin, process of making goods, and/or their use; and
3. is a name that has been used as a plant variety and used for similar plant varieties, unless a word equivalent indicating a similar geographical indication factor is added.

Focus on Article 56, paragraph (1) letter an of Law 20/2016, which states that an GI registration application that is "contrary to state ideology, laws and regulations, morality, religion, decency, and public order" will not be accepted. According to Agung Indiryanto and Irnie Mela Yusnita, what is meant by Article 56 paragraph (1) letter an of Law 20/2016 is if a sGI is in the form of a word, symbol, painting, or anything else that can offend the feelings and peace of certain religious people, causing chaos or unrest in society. It is carried out with the formulation of the definition's provisions in order to avoid religious strife.(Jessica, 2021)

Religion is difficult to define in terms of universal truth because it relates to the individual and something supernatural. However, it is not impossible for "religion" to be defined from different perspectives. Morality and religion are inextricably linked, with morals through conscience guiding people to the right path when they live in society. Meanwhile, religion is more than moral, because it is not only accountable in the world, but all charitable good and bad deeds in society will be recorded and accounted for later in the afterlife. It is based on the fact that no religion teaches how to be bad or evil to others in their teachings. It is undeniable that religion and morals are inextricably linked.(Serfiyani et al., 2020)
Traditional alcoholic beverages have been a part of some Indonesians' lives in various parts of the archipelago since time immemorial. Traditional Indonesian alcoholic beverages such as Arak Bali, Ballo, Moke, and others have historically played a role and value (value) in the lives of indigenous peoples since ancient times, ranging from religious rituals, customary rituals, and symbols in daily life activities. The indigenous peoples concerned use this drink properly and with restrictions. For example, sopi is a traditional alcoholic beverage in Central Maluku, where sopi is the most important drink that must be served at every party, including death, thanksgiving, and childbirth. The Ngaju Dayak tribe, which lives in the Katingan river basin in Central Kalimantan, has a traditional alcoholic beverage called baram. Baram (made from rice, yeast, various spices, and sugars) is an important part of Ngaju Dayak culture. Baram is sacredly used in conjunction with Kaharingan religious rituals such as basarah, napesan, and tiwah. In a sacred context, baram is made through community mutual aid (handep) and will be prayed for by a Kaharingan religious figure known as pisur. (Pratiknjo & Mambo, 2019)

The last is balinese arak, which is used as one of the instruments in traditional and religious rituals in the region, specifically the Balinese people know arak as a means of tetabuh which is offered to the gods during religious rituals, rituals held at home or in places of worship such as temples. Arak is used in religious ceremonies for worship, not only as an offering to Almighty God, but also as a metaphor in the Mecaru (Holy Sacrifice for Bhuta Kala) ceremony. Its goal is to bring harmony to the universe, specifically between the Bhuana Alit (Human body) and the Great Bhuana (universe). It can also be seen as an offering placed in the northeastern part of the rebuttal intended for offerings to Lord Surya in a series of death ceremonies called ngaben in Bali (Prates, J. C. R 2022). Not only that, the offerings are also placed at the top with various kinds of flowers on the phallus, fruits, pastries arranged in such a way as to look beautiful and under the rebuttal are placed together with various foods and side dishes and also a variety of traditional alcoholic drinks such as tuak, arak, and also brem. (Astuti et al., 2020)

Article 56 paragraph (1) letter an of Law 20/2016 regulates the prohibition of traditional alcoholic beverages from being registered as GI products, and the DJKI argument based on the Article is that traditional alcoholic beverage products cannot be protected under the GI regime. (Syartanti, 2021) As a result, the legal product in the form of Law 20/2016 negates the aspect of societal plurality in the national legal system. Even though the facts show that there is an aspect of plurality in the body of Indonesian society, it has implications for the differences in value systems in this diversity, which necessitates the implementation of appropriate laws rather than relying solely on the centralistic system as a result of the ruler's dominance.

So a further investigation into the existence of traditional alcoholic beverages in the realm of Intellectual Property is required. Other countries attitudes, such as South Korea, Japan, Brazil, France, Scandinavia, China, and others, show that traditional alcoholic beverages typical of their country are considered Intellectual Property-based products, both as part of the intangible cultural heritage and, in some cases, as part of the indication of origin. Furthermore, countries such as Malaysia and Turkey recognize the existence of traditional alcoholic beverages as GI products and provide a legal framework to protect these products. By comparing the GI registration regulatory models in Malaysia and Turkey, this study aims to provide an avenue regarding the regulatory model of GI registration in traditional alcoholic beverage products based on multiculturalism.

2 RESEARCH METHOD

This is a normative legal study, with the concept “the law of positive norms in the statutory system being used” (Rian Saputra and Silaas Ogenhemaro Emovwodo, 2022) The statute approach, comparative law approach, and conceptual approach are the appropriate
approaches used in this legal research. (Suwadi, et. al, 2022) Malaysia and Turkey are the countries under consideration for legal comparison. A document study was used to collect data for this study. Document studies are used to collect secondary data from a variety of sources, such as laws and regulations, international agreements, books, journals, articles, reports on previous researchers’ findings, and other documents related to the problem under study. (Pujiyono, et al, 2017).

3 RESULTS

One of them, GI products that are type and made from alcohol that are intoxicating, cannot be registered as GI under DJKI Article 56 paragraph (1) letter an of Law 20/2016 in its application. This has implications for a variety of traditional Indonesian alcoholic beverages that are not protected under the GI regime. Examining traditional alcoholic beverages is a sensitive and contentious issue, given that alcoholic beverages, whether traditional or non-traditional, are classified as illegitimate in Indonesia, a country with a Muslim majority population. (Castelló, 2020) In fact, a person's opinion of traditional alcoholic beverages is determined by their point of view. If legal studies are conducted from the standpoint of consumer protection law, for example, traditional alcohol circulation is permitted to meet the needs of non-Muslim consumers, with the exception of traditional alcohol products that do not yet have legality. Similarly, when legal studies are conducted from the perspective of Islamic law, it is clear that traditional alcohol is classified as an illegitimate product for Muslims. Studies will differ when viewed through the lens of legal culture and intellectual property. (Lestari, 2016) For the record, the Indonesian IP protection regime has not separated the categories of IP protection and religious morality in its protection arrangements.

Apart from the contradictions explained above, the restriction that traditional alcoholic beverage products are not protected under the GI regime demonstrates that the regulation of GI registration in Indonesia only pays attention to the standards or sizes of one or more religions or certain groups in Indonesia. In fact, according to Law Number 1 of 1965 on Prevention and Abuse and/or Blasphemy and Law Number 23 of 2006 on Population Administration, the religions practiced in Indonesia are Islam, Christianity, Catholicism, Hinduism, Buddhism, and Khong Hu Cu. According to data from the Indonesian Information Portal, 87.2 percent of the Indonesian population is religious, with 207 million people embracing Islam, while Protestant Christianity is 6.9 percent, Catholic Christianity is 2.9 percent, Hinduism is 1.7 percent, Buddhism is 0.7 percent, and Khonghucu is 0.005 percent. (Wijayanti, 2019)

The reality of diversity is also what makes the Indonesian nation pay close attention in shaping a public policy and legal product, in order to realize a country that is not dominated by one group, class, or organization that has the ability to dominate society widely. In its own language, the legal product should be able to provide a sense of justice in the midst of the diversity of society in Indonesia, and should not make the state's legal products appear submissive and obedient to the majority, causing the state to fail to provide responsibility related to the formation of equitable legal products among the diversity of existing societies. (Crouch, 2012)

According to Soekarba, the effort to make Indonesia a uniform nation in the midst of its diversity is an understatement, because it (Indonesia) is a country with approximately 6000 inhabited islands, 240 million citizens, 300 ethnic groups, 740 languages and communication dialects. Apart from ethnic groups, there is also a diversity of languages, customs, and so on, the existence of which is inextricably linked to the existence of indigenous peoples. So, while it is true that Indonesia has always been a multicultural country, with people from various ethnic groups, including people from different indigenous backgrounds, and with six officially
recognized religions by the state, the number of adherents of religion, ethno-religious, animism.

This reality must be considered when developing policies that have direct contact with society, lest the policies become too central and generalize these diverse values. The act of imposing diversity into uniformity undoubtedly has negative consequences. Many figures in history have challenged this vision of the supreme, unified, and monopolistic legal state on three main grounds: a. inconsistency with many historical and contemporary legal manifestations, b. the existence of various forms of law in addition to state law, and c. normatively problematic. Attempts to achieve greater state uniformity in the seventeenth century sparked a backlash from local communities, the most famous of which was Elliot's, who stated: “If God, they argued, had created provinces that were naturally different from each other, it was important that the laws by which they were governed should conform to their distinctive character”. (Tamanaha, 2021)

The reality of the nation's diversity and peculiarities made the founders of the nation feel it was important to pay attention to this diversity at the beginning of independence, which eventually gave birth to the concept of Bhineka Tunggal Ika. The recognition of diversity (pluralism) as a social reality influenced the Republic of Indonesia's 1945 Constitution Amendment (hereinafter abbreviated as the 1945 Constitution). The spirit of diversity regulation is listed and can be seen in the hierarchical of the hGhest regulations of the Indonesian nation, including in Article 6A paragraph (3) of the 1945 Constitution, which states that "spouses of presidential and vice presidential candidates who receive more than fifty percent of the votes in the general election with at least twenty percent of the votes in each province spread across half the number of provinces in Indonesia, President and Vice President are sworn in. The meaning of Article 6A paragraph (3) of the 1945 Constitution, which states that the president-elect must not only receive more than 50% of the popular vote, but also more than 20% of the votes cast in provinces spread across half of Indonesia.

Furthermore, Article 18, Article 18A, and Article 18B of the 1945 Constitution, which represents a new approach to state management. According to the jargon of Bhineka Tunggal Ika, the affirmation of the form of the Unitary State of the Republic of Indonesia and on the other hand is accommodated the plurality of nations. The inclusion of local government in the 1945 Constitution amendment was motivated by a desire to accommodate the spirit of regional otonami in fighting for the welfare of regional communities.(Sari et al., 2019)

The recognition of diversity is also governed by Article 26 paragraph (1) of the 1945 Constitution, which states that those who become citizens are people of the original Indonesian nation as well as people of other nations who have been legally recognized as citizens. Foreigners residing in Indonesia have a legal status as residents of Indonesia, thanks to the inclusion of the formulation of foreigners residing in Indonesia as residents of Indonesia. Foreign nationals who reside in Indonesia have rights and obligations that are governed by the provisions of the applicable laws and regulations, while not contradicting the provisions of generally accepted international law.

Article 29 paragraph (2) of the 1945 Constitution states that each resident is free to practice his or her own religion and worship according to his or her beliefs. The provision describes Indonesia's religious diversity. Furthermore, Article 32 of the 1945 Constitution is governed by the reality of Indonesia's diversity and plurality. This article provides a legal foundation for acknowledging the existence of indigenous peoples. The first affirms the respect for cultural identity and the state's right to ensure society's freedom in maintaining and developing its cultural values in the midst of the country's efforts to advance national culture in the midst of world civilization.

Finally, it is clear that the reality of societal diversity must be used as one of the considerations or orientations of every legal policy in the formation of legal products, laws, and regulations; this statement is further supported by being postulated in one
of the content material principles in Article 6 paragraph (1) letter e of the Law Number 12 of 2011 concerning the establishment of laws and regulations, namely the principle of bhineka tunggal ika, which states in its explanation: "Bhinneka tunggal ika" means that the content of laws and regulations must take into account the diversity of the population, religion, tribes and groups, special conditions of the region, and culture in the life of society, nation, and state."

Its relationship to the protection of traditional alcoholic beverages as GI products, as the author explains in this paper, is closely related to traditional knowledge and traditional cultural expressions, which are often referred to as "intangible cultural heritage" or intangible cultural heritage for a country, where in Article 2 Paragraph 1 The UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (hereafter referred to as ICH) states: “The ‘intangible cultural heritage’ means the practices, representations, expressions, knowledge, skills-as well as the instruments, objects, artefacts and cultural spaces associated therewith-that communities, groups and, in some cases, individuals recognize as part of their cultural heritage. This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity.”

As a result, the protection of GI that is closely related to traditional knowledge and the expression of traditional culture must be taken into account. Furthermore, the protection of GI in the dimensions of traditional knowledge and traditional cultural expression will intersect with indigenous peoples' existence. In line with that, the close relationship between GI products derived from traditional knowledge and traditional cultural expressions resulting from the creativity of indigenous peoples actually has implications for the state's imperative or obligation to protect the products of indigenous peoples. As it is known that indigenous peoples in their lives have the right to carry out activities in economic, social and cultural life. Farming (farming/gardening), hunting animals, catching fish, and making handicrafts are examples of economic activities. Social activities are social / community activities that have become a part of indigenous peoples' lives, such as deliberation activities and others. Meanwhile, cultural activities include routinely performed traditional rituals or arts, such as rituals before farming, rituals before catching fish in the sea, and so on.(Ros-Tonen et al., 2015)

Cultural activities are an important and inseparable part of any society, including indigenous peoples who have practiced them for generations and have become a part of their lives. As a result, its existence must be protected because, if not, it will destroy indigenous peoples' joints of life and livelihoods. In this regard, the 1945 Constitution mandated the respect, protection, and fulfillment of the rights of indigenous peoples and their cultural identities, as stated in Article 18B paragraph (2) of the 1945 Constitution (Amendment IV), which states that "the State recognizes and respects the unity of indigenous peoples and their traditional rights as long as they are alive and in accordance with the development of society and the principles of the Unitary State of the Republic which the statute provides for." Furthermore, Article 28I paragraph (3) of the 1945 Constitution states that "cultural identity and traditional peoples' rights are respected in accordance with the development of times and civilizations."

This is the basis for the case for the importance of intellectual property protection for products derived from traditional knowledge and/or traditional cultural expressions, which generally come from indigenous peoples recognized and respected in the Unitary State of the Republic of Indonesia (NKRI). In writing this paper, the author uses the theory of legal protection as one of the reinforcements of the argument for the importance of traditional alcoholic beverages belonging to the Indonesian people being protected in the GI regime, regardless of the pros and cons contained in it, because the protection of traditional alcoholic beverages in the GI regime is also intertwined with the protection of community rights.
DISCUSSION

Many countries have discussions about diversity management. Sometimes the term multiculturalism is used, but other times the term pluralism is used, and sometimes the two are used interchangeably. According to Furnivall, plural societies are defined by the presence of two or more distinct communities coexisting in a single political unit but not interconnected; economic division goes hand in hand with cultural division. M.G. Smith refined this definition by incorporating various institutional structures from those various communities. So, what causes a society to be plural is a different cultural group, and each group has a different value order than the others. (Hwang, 2003)

Aside from that, few countries in the modern era are built on homogeneous cultural communities. Almost every country is made up of a diverse mix of ethnicities, races, languages, and religions. This fact also supports Parekh's point of view, which states: “cherishing and encouraging more than one cultural approach, incorporating more than one cultural approach into the majority system of belief and practice, and respecting the cultural demands of all or more than one of the nation-state's communities’. Catherine Dauvergne, The New Politics of Immigration and the End of Settler Societies (Cambridge: Cambridge University Press, 2016).

This entails ‘valuing and encouraging more than one cultural approach, incorporating more than one cultural approach into the majority's belief system and practice, and respecting the cultural demands of all or more than one nation-state community.'

Furthermore, from the standpoint of multiculturalism, politics is a process of citizen interaction to influence policy direction. This point of view gave rise to two major concerns for pluralists. First, non-participants are inactive citizens who are excluded or excluded from the existing process. Second, there is a high level of citizen participation. Because of the high level of participation of various groups, policymakers may be unable to act if and when their decisions on important issues conflict with various existing interests. (Hambali & Gipayana, 2016).

According to this principle, multiculturalists believe that because various government services and activities are funded by citizens, citizens have the right to participate in their management. The state, according to multiculturalists, is an arena for conflict between departments in a government that represents a schism between interest groups. A government's authority may be lost due to the absence of a single interest capable of dominating the country. According to Marsh, David Easton believes that policy emerges from the interaction of various social elements. What must be noted is that the goal of pluralist theory is to establish not only how power is divided and allocated, but also how existing social choices are strengthened through political action. Pluralism, in principle, establishes a method that allows all actors, including individuals, groups, government bodies at all levels, and individual bodies to continuously assess relative advantages and disadvantages. (Soekarba, 2018)

This pluralist viewpoint appears to be very realistic in the context of Indonesia, which, despite being a relatively large country, has a distinct character in the body of its nation. With its diverse tribes, ethnicities, cultures, and religions, Indonesia is also known as one of the most plural countries. This has been acknowledged by the Constitutional Court Decision Number 97/PUU-XIV/2016. Correlating with this, Indonesia's diversity creates a variety of points of view on all aspects, particularly those related to values, behaviors, and communication patterns, and it is dangerous to generalize differences too broadly and ignore intracultural differences.

Before formulating GI protection in the form of traditional alcoholic beverages in Indonesia, the author will first describe the variety of GI protection of traditional alcoholic beverages in several countries, namely Malaysia and Turkey, for comparison purposes. First, under the Geographical Indication Act of 2000, Malaysians can register GI for four (four) class categories, including: 1. Class 1 (wine and liquor), 2. Grade 2 (Artificial products, in the form
of crafts and food), 3. Class 3 (Natural products, minerals, and agriculture), and 4. Class 4 (Natural products, minerals, and agriculture) (Miscellaneous products that are not included in grades 1-3). This means that Malaysia provides a safe haven for traditional alcoholic beverages under the GI rights regime. The Malaysian GI Law defines an GI as a sign that identifies goods originating from a country or region, or a region or place within that country or region, where the quality or other characteristics of the goods can be attributed to their geographical origin. GI can be used to identify natural or agricultural products, as well as handicraft or industrial products. In Malaysia, GI that meets the definition may be protected if the following conditions are met:

a. not in violation of public order or morality
b. continues to be protected in the country or region of origin;
c. continues to be used in the country or region of origin (Hoang et al., 2020)

The interesting thing about GI protection in Malaysia is that GI is still protected in Malaysia even if it has not been or is not registered. That is possible because, under Malaysian GI Law, protection and the rGIht to pursue legal remedies against the use of GI without rights are granted regardless of whether the GI is registered or not. According to the Malaysian GI Law, GI protection is provided regardless of whether the GI is registered or not, thus against other GIs that, while correctly reflecting the country, region, region, or geographical place of origin of the goods in question, make false statements to the public that the goods are from the country, wilaya, area, or other place.

Second, Turkey's sui generis protection in GI protection entered into force following the adoption of Government Decree No. 555 on June 24, 1995, and implementing regulations on November 5, 1995. The Decree of the Government of Turkey on the Protection of the GI Mark aims to provide protection under the GI for natural products, agriculture, mining, industry, and handicrafts in accordance with national regulations. In this case, the GI mark agreement in Turkey does not cover services. If the provision is given more consideration, the decision is similar to EU Regulation 2081/92. The Turkish Government's decision establishes a broad definition of GI, which is as follows: “a sign indicating the origin of a product that possesses a specific quality, reputation or other characteristics attributable to that place, area, region or country of origin”. According to Article 3 of the Turkish Government Decree, the definition of geographical signs is divided into two (two) groups, namely origin and GI, as follows: “geographical signs shall be devided in two groups as appellations of origin and geographical indications.

However, the provisions of Decree No. 555 on the Maintenance of Registered GIs differ from the provisions of the EU Regulations, despite the fact that GI in Turkey are valid forever or for an unspecified period of time, and registration is not required to be renewed. However, according to Article 14 of the Implementing Regulations, reports on the results of inspections by geographical sign owners must be submitted to the Turkish Patent Institute on a ten-year basis. Any association of manufacturers or processors of products containing registered GI must have enough staff, equipment, and resources to conduct inspections of the manufacturing, marketing, and means of using origination or registered GI, as well as details of product labels containing protected GI. The following author provides examples of GI Products in Turkey including: Hereke Yun El Halisi, Hereke Yun Ipek El Halisi, Simav, Bergama El Halisi, Isparta Gulu, Kars, Paziriki (for Handmade Rugs), RaIP (for Traditional Turkish Alcoholic Beverages) and Erzincan (for handicrafts made from copper base materials). (Nizam, 2017) Based on this, it can be concluded that in the GI Registration arrangements, it is said that it actually allows the GI regime to cross products in the form of traditional alcoholic beverages, one of which is the traditional alcoholic beverage product from Turkey under the name Raki.
The regulation of GI registration for traditional alcoholic beverages is intended to analyze the law in order to relate it to the social situation in which the law is enacted through a multiculturalism approach to this research issue. This concept requires that the law be viewed not only in terms of its formativeness, but also in various ways of approaching its sociological side. The perspective of legal pluralism is different from the perspective of legal centralism which makes society an object of law, where society is positioned as a passive subject that accepts only the rule of law formulated by the ruler in the form of regulation. In the lens of legal pluralism, strengthening society is a priority to participate in efforts to form a plural legal system. In this position, society is viewed as a legal subject with rights and obligations when it comes to determining attitudes toward sentencing. Primordial boundaries no longer pose a threat to the ideology of a nation as conceived by civil law-abiding rulers. In this case, the diversity of laws is assumed to reinforce the nation’s ideology, because the concept of legal pluralism does not give birth to new laws, but rather revitalizes the legal system that exists in every plural society. (Pujiyono, et.al, 2021)

It is on this basis that the law is viewed as the result of related social interactions by elements such as culture, which encompasses political, economic, ideological, religious, and social structures in a broad sense. In the context of pluralism, the law can be seen in local regulations derived from community customs (customary law/folk law), which includes regulatory mechanisms in society (self regulation) which also serves as a means of social control (legal order). (Pujiyono, et. al, 202) Therefore, in the context of GI registration arrangements in Indonesia, it must be adjusted to the principles or principles that are able to accommodate interests in a plural society as reflected in the movement of life of the Indonesian people. (Fibri & Frøst, 2019, Pujiyono & Sugeng Riyanta, 2020)

This is the rationale for incorporating the perspective of public pluralism into the regulation of the protection of GI and traditional knowledge with the potential to become an GI. The diversity of these communities has an impact on the various types of traditional knowledge that they (each region or indigenous people) have. There are people who, in their social lives, do not prohibit the consumption of traditional alcoholic beverages as the main issue of writing this paper, while others do. In this case, one example is the Balinese community, where arak is a type of traditional alcoholic beverage known as tetabuh, which is offered to the gods during religious rituals held at home or in places of worship such as temples (Rodrigues de Matos, 2023). In religious ceremonies, Arak is used for worship, not only as an offering to Almighty God, but also as a metaphor in the Mecaru (Holy Sacrifice for Bhuta Kala) ceremony. Returning to the issue of traditional alcoholic beverages as GI products, it is well known that traditional alcoholic beverages cannot be protected as GI on the grounds that Article 56 paragraph (1) of Law 20/2016.

According to Article 56 paragraph 1 letter an of Law 20/2016, traditional alcoholic beverage products cannot be registered as GI products in order to receive economic benefits and legal protection through the intellectual property regime's instruments. This certainly does not reflect Indonesian society's appreciation for pluralism or diversity. Taking Malaysia as an example, the majority of the country's population is Muslim. However, Malaysia's GI protection system allows for the protection of traditional alcoholic beverage products in the country via the GI regime. This can be seen and understood from Malaysia's GI protection arrangements, where, under the Geographical Indication Act 2000. (Airriess, 2020) In Malaysia, GI that meets the definition may be protected if the following conditions are met: a. it is not contrary to public order or morality; b. continues to be protected in the country or region of origin; c. continues to be used in the country or region of origin.

Similarly, when compared to the Turkish state, where the majority of the population is Muslim, which is followed by more than 95 percent of the population. Turkey also does not prohibit the protection of traditional alcoholic beverage products belonging to its people.
through the GI regime, as evidenced by the fact that the country has ten traditional alcoholic beverage products registered as Turkish GI products. Based on this, it can be concluded that the GI Registration arrangements allow the GI regime to cross products in the form of traditional alcoholic beverages, one of which is the traditional alcoholic beverage product known as Raki in Turkey. (Belletti et al., 2017)

So, according to the author, the ideal GI registration arrangement would be to be able to borrow Malaysia’s formulation, which states that registration for GI products is acceptable as long as it meets the requirements "not contrary to public order or morality". However, in this context, the author wants to add an editorial, namely "not contrary to public order or morality, and legislation". The inclusion of "not contrary to laws and regulations" is critical in the formulation of GI registration arrangements, given that many products, both in the form of biological resources that have the potential to be GI, are also contrary to laws and regulations. For example, cannabis plant products from Aceh Province are typically classified as GI products, both plants and derivative products, due to their proximity to geographical conditions. However, because it is prohibited by Law Number 35 of 2009 concerning Narcotics, the product cannot be registered or protected through the GI regime.

5 CONCLUSION AND SUGGESTION

This study concludes that Indonesia is a state and nation with a diverse population, ethnicities, and cultures, all of which have different values and norm systems. The prohibition of traditional alcoholic beverages from being protected under the GI regime undoubtedly has an economic impact on these communities. This must be addressed immediately through this article the author provides a model of arrangement that exemplifies the Malaysian state as stipulated in Malaysian Geographical Indication Act 2000, so that Indonesian traditional alcoholic beverages can be protected through the GI regime by revising Article 56 Paragraph 1 letter a of Law 20/2016 to become a registration of GI products that can be accepted as long as they meet the requirements "not contrary to public order or morality and legislation."

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