

Legal Protection Of Intellectual Property Rights Of Aren Bone Sugar In The Perspective Of Geographic Indications

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Abstract

This study aims to analyze and identify the characteristics of Bone Palm Sugar so that it has the potential to be registered with geographical indications and identify local government efforts to report Bone Palm Sugar's geographical indications. The research was conducted using empirical research methods by conducting interviews with sources and collecting primary data on palm sugar farmers and district and provincial governments. The description in this study, namely: Bone Palm Sugar has the potential to be registered with geographical indications because it has a distinctive taste characteristic and a sweet palm sugar aroma, the color of the palm sugar produced is chocolate and natural production, the resulting Palm Sugar has the shape uniform, i.e., dry smooth. Geographical conditions Palm sugar, whose processed ingredients are taken from palm/inru/inau trees that grow in several sub-districts spread across Bone regency it is more widely used by the community for tuak drinks (sweet and sour) compared to trees in the highlands or mountains because the sap is suitable for processing palm sugar, and this is mainly produced by people in mountainous areas in Bone Regency. Local government efforts to register geographical indications of sugar Bone sugar palm is not optimal because the Regional Government has understood the importance of registering geographical indications and legally protecting a regional product as evidenced by the application for registration of communal intellectual property. However, the focus is only on cultural matters, even though a palm sugar industry can be developed and registered geographical indications.

Keywords: Legal protection; Geographical Indications; Palm Sugar Bone.

INTRODUCTION

Indonesia is a country that is rich in horticultural plant resources, among which it is known as the center of origin for various types of horticultural flora. As a country rich in natural resources, it obliges Indonesia to trade globally so that natural resources can produce and benefit the country and nation. The era of globalization and free trade requires Indonesia to protect itself but still respect other countries so that international

relations remain well established. One of Indonesia's steps towards globalization is the protection of intellectual property rights (HAKI).¹

HKI consists of different types of protection, depending on the subject (a form of intellectual property) being protected. Intellectual property rights consist of two fields, namely: first, Copyright (copyright), and Neighboring Right, consisting of science, art, and literature. Second, industrial property rights, consisting of patents, trademarks, industrial designs, layout designs of integrated circuits. And trade secrets (trade secrets).² Geographical Indications are part of HKI, which in Indonesia is regulated through Law Number 15 concerning Marks, in article 56 it states: "Geographical Indications are protected as a sign indicating the area of origin of an item, which due to geographical, environmental factors including natural factors, human factors, or The combination of these two factors gives specific characteristics and qualities to the goods produced."³ The number of regional products in Indonesia that are known and have a place in the international market to have high economic value needs to be followed by legal protection to protect these commodities from unfair competition practices.⁴

One of the industries that have existed for a long time is Palm Sugar, which is only spread in certain places. Palm sugar is one of the leading food commodities long been managed by the community independently and intensively.⁵ Palm sugar is used as food and is also included in the staple ingredients for the needs of the Indonesian people regularly. This Palm Sugar Production Commodity is also a source of income and employment opportunities that contribute pretty high to the regional economic development. Palm sugar is one of the food ingredients made from palm sap, including coconut and palm sugar. Demand for palm sugar is increasing due to increasing public awareness to maintain health by reducing consumption of granulated sugar and replacing it with brown sugar or palm sugar. Palm sugar has advantages such as brown color and distinctive aroma. It has a low glycemic index value compared to granulated sugar, so it is suitable for diabetics or people who want to maintain health. Sugar artisans' limited knowledge and low level of education have caused less attention to process sanitation from tapping to product packaging.

The people already know Palm sugar of Indonesia as a sweetener for food and beverages that can be used as a substitute for granulated sugar (cane sugar). Palm sugar is obtained from tapping palm sap which is then reduced in water content until it

¹ Dara Quthni Effida, Ety Susilowati, dan Kholis Roisah, *Upaya Perlindungan Hukum Indikasi Geografis Terhadap Salak Sidimpuan sebagai kekayaan alam Tapanuli Selatan*, *Jurna Law reform*, Volume 11, Nomor 2, tahun 2015, hlm. 189.

² *Ibid.*, hlm 191

³ *Ibid.*, hlm.192

⁴ Saky Septiono, *Perlindungan Indikasi Geografis dan Potensi Indikasi Geografis Indonesia, Subdit Indikasi Geografis Ditjen HKI: Kementerian Hukum Dan HAM. RI, 2009*, hlm. 1.

⁵ Kanter, Claudia Christiy Ester. "Perlindungan Hukum Terhadap Pemegang Hak Atas Indikasi Geografis Menurut Undang-Undang No. 20 Tahun 2016." *Lex Administratum* 7.4 (2020). hlm. 23.

becomes solid. This palm sugar product is in the form of molded sugar and palm sugar. Printed sugar is obtained by cooking palm sap until it becomes thick like sugar and then printing it in a semicircular mold. For ant sugar, the cooking process is more prolonged, namely until the palm sugar crystallizes, then dried (in the sun or the oven) until the water content is below 3%. The latter type has the advantage that it lasts longer, is more hygienic and practical in its use.⁶

Currently, there are still many agricultural and plantation products typical of the region in Indonesia that still have the status of Indication of Origin because the local government and local communities have not registered them as geographical indications. Whereas if it has been determined as a geographical indication, the typical product of the area can have more robust legal protection to avoid attempts to counterfeit other parties. Not only that, regional specialties that have been marked with geographic indication labels also appear more prestigious so that consumers more trust them.⁷

HKI investment can also be made in the field of geographical indications. These investments generally involve the role of local governments and social organizations in a particular community.⁸ The social organization can be in farmer groups, agricultural cooperatives, or social foundations for a specific area. The role of local governments, especially district/city governments, is very much needed to assist in the socialization and funding of Geographical Indication rights certification activities.⁹

The need for national sugar for immediate household and industrial consumption continues to increase with the increase in population every year. The alternative to meet the national sugar demand is to utilize plants developed and processed into palm sugar.¹⁰ *Nira/inru/Aren* is one of the palms with high economic value and can thrive in tropical areas such as Indonesia. Sugar palm plants can grow in all kinds of soil conditions, both loamy, calcareous, and sandy soils. However, palm trees cannot tolerate soils with too high acid levels. In Indonesia, sugar palm plants can grow and produce optimally on land with an altitude above 1,200 meters above sea level with an average air temperature of

⁶ Agus dwi Atmoko, *Analisa pengembangan Produk Gula Aren di Kabupaten Purworejo*, Volume 6 No 1 Tahun 2017, ISSN 2089-4082, hlm.16.

⁷ H. Rahmat Rukmana & H. Herdi Yudirachman, *Sukses Budi Daya Bawang Merah di Pekarangan dan Perkebunan*, (Yogyakarta: Lily Publisher, 2018), hlm .21.

⁸ Firdaus, Emilda, et al. "Penerapan pemberdayaan masyarakat pelaku usaha lopek bugih melalui perlindungan hukum dan inovasi usaha Desa Palung Raya Kecamatan Tambang Kabupaten Kampar Riau." *Unri Conference Series: Community Engagement*. Vol. 2. 2020. Hlm.89

⁹ Iswi Hariyani dkk., *Buku Pintar HaKI dan Warisan Budaya*, Cet. 2, (Yogyakarta: Gadjah Mada University Press, 2018), hlm , 342.

¹⁰ Didik Nursafuan, Ersan dan Dedi Supriyadi, *Pembuatan Gula Aren Cair dengan pengaturan Kapur dan Suhu Evaporasi*, Jurnal AIP Volume 4 No.2 Tahun 2016, hlm.79.

250 Celsius. Beyond that, palm trees can still grow but are less than optimal in production.¹¹

Palm sugar is a product of the concentration of palm sap with heat (cooking) to a shallow water content (<6%) so that when cold, the product hardens. Making palm sugar is almost the same as palm syrup. The sap is heated until it is very thick; besides, the viscous sugar liquid is poured into the mold and waited to cool. Making palm sugar is also easy and can be done using simple equipment.¹²

Palm sugar produced from palm sugar management is very helpful in increasing people's income. So far, the palm sugar industry is still used as a side business, especially for rural communities. They do not expect too much from the palm sugar industry, considering that the income is too little. Because of that, they still work in the fields, fields with other jobs to support their family's economic life. Therefore, it is very appropriate that the government should provide encouragement and motivation to improve welfare through the palm sugar industry that they already have.

The Indonesian people already know Palm sugar as a sweetener for food and beverages that can be substituted for granulated sugar (cane sugar). Palm sugar is obtained from tapping palm sap which is then reduced in water content until it becomes solid. These palm sugar products are in the form of molded sugar and palm sugar. Printed sugar is obtained by cooking palm sap until it becomes thick like sugar and then into a semicircular mold. For ant sugar, the cooking process is more prolonged, namely until the palm sugar crystallizes, then dried (in the sun or the oven) until the water content is below 3%. The latter type has the advantage that it lasts longer, is more hygienic and practical in its use.¹³

The registration of juridical ownership is essential to receive special attention from all parties, including the government and all levels of society, so the incident described above does not repeat itself. It is ironic for the Indonesian side when a product comes from its geographical area, but the foreign party enjoys economic value and business opportunities. Indonesia's geographical area is so vast, of course, there are still many regional superior products that must be protected immediately. One that needs protection is "Bone Palm Sugar," which has long been developed in Cempaniga Village, Barebbo District, Bone Regency, South Sulawesi. Bone Palm Sugar has its characteristics compared to Palm Sugar in other areas because it has a distinctive taste, natural manufacturing process, and sap/inru/Aren trees that grow from the highlands, thus producing Palm Sugar with a different taste. With other palm sugar. Kendal Palm Sugar Production in Central Java does not have good sugar quality due to different

¹¹ Agus Dwi Atmoko, *Op.Cit.*, hlm 16.

¹² Rosidah R Radam & Arfa Agustina Rezekiah, *Pengolahan Gula Aren (Arrenga Pinnata Merr) di Desa Banua Hanyar Kabupaten Hulu Sungai Tengah*, Jurnal Hutan Tropis Volume 3 No 3 November 2015, ISSN 2337-7771, hlm .268.

¹³ Agus Dwi Atmoko., *Op.Cit.*, hlm 17.

geographical conditions from other regions. The color intensity is inconsistent and often too dark.¹⁴

Realizing the reputation of Bone Palm Sugar as a product that has distinctive characteristics and quality that can only be produced from the geographical factors of the Bone region, Bone Palm Sugar should have been registered with the Directorate General of Intellectual Property (DJKI) of the Ministry of Law and Human Rights of the Republic of Indonesia as one of the geographical indication products for protecting these commodities from unfair competitive practices in the trade. However, in reality, the Bone Palm Sugar has not been registered. Of course, several problems need to be studied further regarding the registration of Bone Palm Sugar as a geographical indication product. Therefore, local governments, both provincial and district/city, have a significant role in encouraging and supporting parties that will apply for registration of geographical indications, in this case, the Bone Palm Sugar Association, one of which is by assisting the socialization and funding of Geographical Indications certification activities so that can increase regional income and can also provide welfare for Bone Palm Sugar makers as well as provide guidance and supervision of the protection of geographical indication products following the provisions of Law Number 20 of 2016 concerning Marks and Geographical Indications and Government Regulation Number 51 of 2007 concerning Geographical Indication.

RESEARCH METHODS

The type of research used to prepare this thesis is a multi-disciplinary research, namely the kind of legal research that emphasizes the combination of various existing sciences.¹⁵ The approach used in this research is the statutory approach and the conceptual approach. The data source for this research is primary and secondary data processing. Primary data is data obtained from the source directly in the field (field study). While secondary data, namely data obtained from library materials or literature, has to do with the research object. The data collected will be analyzed qualitatively to answer the problems and objectives to be achieved in the research, then presented descriptively, namely the delivery of the analysis results by selecting data that describes the actual situation. Explain, define, and describe the problems and solutions related to this research.

RESULTS AND DISCUSSION

Characteristics of Bone Palm Sugar so that it has the potential to be registered with geographical indications

¹⁴ Widi Astuti, Triastuti Sulistyarningsih, Dhidik Prastiyanto, *Peningkatan Kualitas Gula Aren Tradisional Produksi Desa Jawisari Kabupaten Kendal*, Universitas Negeri Semarang, ISSN 2665-9668. 2019, hlm 66.

¹⁵ Irwansyah dan Ahsan Yunus, *Penelitian Hukum, Pilihan Metode & praktik Penulisan Artikel*, Penerbit Mutra Buana Media, Yogyakarta, 2020, hlm. 48.

The characteristics of Bone Palm Sugar are as follows:

1. Natural taste and production

Palm Sugar Bone is made traditionally, namely using a wood stove, and stirring is done manually by human power. The tapped sap is immediately heated to boiling to avoid microbial contamination, which causes the fluid to become acidic and reduces the quality of the palm sugar produced. The characteristics of the shape, taste, and aroma and the composition of palm sugar include palm sap which, before being taken using jerry cans, are filled with small pieces of the jackfruit tree trunk to avoid acidity.¹⁶

The tapping of Nira Aren goes through the following process:

- a. Cleaning the cobs, the fibers around the flower cobs are removed to prevent the tapping process. 1 to 2 leaf midribs above and below the midrib are also removed.
- b. Determination of the readiness of the cobs to be tapped. After that, the cobs attached to the flower strand are incised; if the incisions release juice, it means the cobs are ready to be tapped. If no sap is released, the process of swinging and beating should continue.
- c. If the cobs are ready to be tapped, the cobs are cut at the incised part to determine the readiness of the cobs to be tapped.
- d. The midrib of the nira tree is on bamboo support, then a 5-liter jerry can, which has been filled with small pieces of the jackfruit tree trunk, is hung on the midrib of the cob adjacent to the bamboo
- e. The wiretapping lasted for 12 hours. The jerry cans that have been filled with sap are lowered. Every time they are tapped, they get 3-5 liters of fluid.¹⁷

Palm Sugar Processing is as follows:

- a. The tap water is filtered using a clean cloth and immediately accommodated in the pan.
- b. The fireplace is set in a stable (large) state using large wood. The processing time is approximately six hours.
- c. After the sap, water boils, and you can see palm sugar sticking around the pan.
- d. Reduce the heat after the sugar looks dry around the pan, then remove the pan from the stove.

¹⁶ Pengrajin Gula Aren Bone (Ishak) Desa Bana Kecamatan Bontocani wawancara tanggal 6 November 2021

¹⁷ Pengrajin Gula Aren (Arham) Desa Cempaniga Kecamatan Barebbo wawancara tanggal 4 November 2021

- e. The sugar is pitted using a spatula made of bamboo/wood.
- f. The sugar still in the pan is ground using a mill made from coconut shells.
- g. After grinding, the sugar is left to cool and then printed using the prepared mold.¹⁸

Palm Sugar Bone produced has a uniform shape, a dry, smooth round shape. This result was obtained because at the time of stirring, and it was quickly so that the results were good. The taste and aroma of palm sugar are sweet and have a distinctive taste from other palm sugars; the color of the palm sugar produced is brown, the price is around 5,000-10,000 thousand per seed.

Palm sugar, which is produced in Umpungeng Village, Jolle Mountains, Soppeng Regency, is made from palm tree sap, the texture is smoother, relatively easy to crush, the inside contains crystal granules, the taste is sweet, the chocolate is darker, the price is around 28 thousand/kg.¹⁹

Palm sugar is a well-known commodity in Bone, South Sulawesi. Palm sugar commodities are used as souvenirs from the region. The presence of the palm sugar production business contributes to the local community's economy. Although palm sugar production is still traditional in each part, it is an attractive business area to develop because the opportunities are enormous. Several districts within the province of South Sulawesi produce palm sugar, such as Soppeng, Sinjai, Bulukumba, Enrekang, and Palopo districts. Palm sugar production in each region is different and its characteristics. Based on people's opinions who consume Palm Sugar, Bone Palm Sugar has a different taste from other Palm Sugars, including Soppeng Palm Sugar; However, the shape and texture are the same; the taste is a person's level of preference for a food that is observed with the sense of taste. Likewise, the color produced by the Palm Sugar craftsmen is different, Bone Palm Sugar has a brown color while Soppeng Palm Sugar has a dark brown color, and color is the first sensory that can be seen directly by someone.

According to Nutrisurvey 2007 data, the nutritional content of palm sugar is 15 grams or the equivalent of 1 large tablespoon, containing 59.4 calories of energy, 14.6 grams of carbohydrates, 13.5 mg of potassium, 0.3 mg of sodium, 8.3 mg of calcium. mg, magnesium 2.1 mg and phosphorus 3.6 mg. Several minerals also enrich palm sugar that the body needs. In a study conducted, it was found that palm sugar contains potassium, iron, manganese, phosphorus, zinc, copper. In addition, palm sugar also found small doses of antioxidants, such as polyphenols, flavonoids, and anthocyanidins. Palm sugar is also rich in vitamin B2 (inositol), folic acid, vitamin B1 (thiamine), and vitamin B2 (riboflavin), which function to form healthy cells.²⁰

¹⁸ Pengrajin Gula Aren (Intan) Desa Lonrong Kecamatan Ponre wawancara tanggal 4 November 2021

¹⁹ https://instagram.com/golla_arenta?utm_medium. Diakses pada tanggal 1 Desember 2021

²⁰ <http://www.klikdokter.com/info-sehat>, diakses pada tanggal 3 Januari 2022

2. Geographical Conditions

Geographically, the district of Bone is located in the eastern part of the province of South Sulawesi and the western part of the Gulf of Bone with promising natural resource potential to be developed, in addition to having a relatively large area. One of the natural resources that can be created is palm sugar produced in several sub-districts in Bone district, including Barebbo District, Ponre District, and Bontocani District. Palm sugar whose processed ingredients are taken from palm/inru/inau trees that grow in several sub-districts spread across the Bone district, palm/inru/inau trees whose growth is in the lowlands are not suitable for processing into sugar because palm sap is more abundant it is used by the community for tuak drinks (sweet and sour), compared to trees in the highlands or mountains. After all, the sap is suitable for processing palm sugar, mainly produced by people in mountainous areas in Bone Regency.²¹ The data above shows that Bontocani District is 538.00 masl (meters above sea level), Ponre District is 300.00 masl, Barebbo District is 40.00 masl. This indicates that the three sub-districts are located in the highlands.²²

Efforts of the Regional Government towards the registration of geographical indications of Palm Sugar Bone

Legal protection of geographical indications is one of the specialties of regional responsibility. Therefore, the local government of Bone determines policies to guarantee the security of rights to geographical indications in the area as a form of concern for the wealth of the site.²³

The diversity and condition of human resources and the other regional governments' political will influence regional products protected as geographically indicated products. The provincial government, in this case, is the governor, regent, or mayor, as well as regional apparatus as regional government administrators. Regional governments are authorized to manage their government as a manifestation of the principle of provincial autonomy by taking into account the principles of democracy, equity, and justice which are directed at accelerating the realization of community welfare through improvement, service, empowerment, and community participation, as well as increasing regional competitiveness.

In addition, local governments, provincial and district/city governments are expected to disseminate information on HKI, especially geographical indications, continuously. They are more likely to be familiar with HKI terms such as patents and trademarks. Based on the results of an interview with one of the business owners of Bone

²¹ Mardiyanto, Agus, et al. "Implementasi Perlindungan Hukum terhadap Hak Kekayaan Intelektual Masyarakat Asli/Tradisional di Kabupaten Purbalingga." *Jurnal Dinamika Hukum* 13.1 (2013). Hlm. 24-38.

²² Badan Pusat Statistik kabupaten Bone

²³ Imam Lukito, *Peran Pemerintah Daerah dalam mendorong Potensi Indikasi Geografis*, Jurnal Ilmiah Kebijakan Hukum, Vol.12, No 3, 2018, hlm.315.

palm sugar (Arham), the author explained the importance of registering Bone palm sugar as a geographical indication product. Arham said that he did not understand the registration of palm sugar brands.²⁴

This is where the importance of socializing about geographical indications, that one aspect of special rights in intellectual property rights is economic rights, namely the right to obtain financial benefits on intellectual property. Geographical indications, in addition to protecting Bone palm sugar as a unique local product from violating the reputation of the product, can also play a role in the economic development of a region by providing producers and farmers to maintain and improve the quality of their products, consolidate or even increase market prices. . This geographical indication is an asset whose data is used as a means to enhance the welfare of the people in a country, especially a region if the government has more initiative to develop the natural potential of a part appropriately and wisely. Thus, this geographical indication can genuinely benefit an area and community entitled to it; there needs to be legal protection.²⁵ The protection of geographical indications provides benefits to the product's value. It is of higher importance so that geographical indications can develop and move the economy from the area of origin of the product from the geographical indication.²⁶

The role of local government or regional apparatus organizations related to palm sugar bone is as follows:

1. South Sulawesi Ministry of Law and Human Rights

The Head of Sub Division of Intellectual Property Services within the Ministry of Law and Human Rights of South Sulawesi has a vital role in protecting Intellectual Property because it can support economic and trade development both at the center and in the regions. This is because the Intellectual Property System cannot be separated from the world of business and investment. Given this, it is necessary to strengthen the protection of intellectual property potential, both personal and communal, to encourage and increase competitiveness in the global market. Cooperation with representatives of the district/city government.

The importance of Intellectual property in economic development and trade has spurred the start of a new era of economic development based on science. The economic growth of a developing country, including Indonesia, is highly dependent on foreign capital. The legal system invests in Indonesia; its role is to create a conducive and safe

²⁴ Yessiningrum, Winda Risna. "Perlindungan hukum indikasi geografis sebagai bagian dari hak kekayaan intelektual." *Jurnal IUS Kajian Hukum dan Keadilan* 3.1 (2015). Hlm. 45.

²⁵ Winda Risan Yessiningrum, *Perlindungan Hukum Indikasi Geografis Sebagai bagian dari Hak Kekayaan Intelaktual*, Jurnal IUS-Kajian Hukum dan keadilan, Vol. 3 No.7, April 2015, hlm. 43.

²⁶ Ramitya Ganindha dan Sukarmi, *Peran Pemerintah daerah dalam mendukung potensi indikasi geografis produk pertanian*, Jurnal cakrawala hukum, Volume 11 No 2 Agustus 2020, hlm 217

climate for exploiting and commercializing intellectual property rights.²⁷ In the current era of globalization, intellectual property protection has become very important because it has become an exciting and prominent issue in international economic relations. Law enforcers need a more comprehensive understanding.²⁸

Through the general directory of Intellectual Property, the Ministry of Law and Human Rights has made several applications for registration of Intellectual Property Rights for the January-October period in 2021.

Tabel 1.1

Intellectual Property Rights Registration Period January-October in 2021

NO	HAKI	AMOUNT	DESCRIPTION
1	Copyright	238	GENERAL
2	Brand Rights	155	GENERAL
3	Patent	2	GENERAL
4	Industrial Design	3	GENERAL
5	COMMUNAL INTELLECTUAL PROPERTY	238	GENERAL

Based on the Minister of Law and Human Rights Regulation Number 13 of 2017 concerning Communal Intellectual Property Data, Communal Intellectual Property abbreviated as KIK, is defined as Intellectual property in the form of traditional knowledge (PT), Traditional Cultural Expressions (EBT), genetic resources (SDG), and potential geographic indications. In general, communal intellectual property is another intellectual property whose ownership is group, different from other types of intellectual property which are exclusive and individual. Communal Intellectual Property is a traditional cultural heritage that needs to be preserved, considering that culture is the identity of a group or society.²⁹

In the table above, HKI registered as an application for Intellectual property by the Ministry of Law and Human Rights does not yet contain Bone palm sugar. Therefore the Directorate General of Intellectual Property (DJKI) should coordinate, collaborate and cooperate with local governments so that all matters related to Intellectual Property

²⁷ Suyud Margono dan Amir Angkasa, *Komersialisasi Aser Intelektual*, Jakarta, PT. Grasindo 2002, hlm . 53.

²⁸ Masrur, Devica Rully. "Perlindungan Hukum Indikasi Geografis Yang Telah Didaftarkan Sebagai Merek Berdasarkan Instrumen Hukum Nasional Dan Hukum Internasional." *Lex Jurnalica* 15.2 (2018), hlm. 200-204.

²⁹ Kementerian Hukum dan HAM Sulawesi Selatan (Deno) wawancara tanggal 9 November 2021

can be followed up by registering the Intellectual property. Communal Intellectual Property reported as follows:³⁰

- a. *Songkok recca/songkok To Bone*'
- b. *Massempe*
- c. *Tari sere Bissu Maggiri*
- d. *Mattompang Arajang*
- e. *Sirawu Sulo*
- f. *Sijello To Mampu*
- g. *Rumah Adat Bola Soba Bone*
- h. *La padoma Sibawa I Mangkawani*
- i. *Kayu sanrego*
- j. *Kopi Bontocani*
- k. *Sukun Bone*
- l. *Kawali Gecong*
- m. *Mappadekko*
- n. *Tari Pajoge Angkong*
- o. *Tari Pajoge Makkunrai*
- p. *Tari pajjaga Andi makkunrai*
- q. *Tari Padduppa Bosara*
- r. *Asal Mula Nama Kampung Matajang dan kampung Manurungng'e di Bone*
- s. *Lipa sabbe corak Lebba*

2. The Legal Bureau of the South Sulawesi Provincial Government and the Regional Government of Bone Regency

The Provincial Government Legal Bureau, which handles regulations, has its task. Based on the South Sulawesi Provincial Regulation Number 6 of 2008 concerning the establishment of the Organization and Work Procedure of the South Sulawesi Provincial Secretariat, which has been amended by the South Sulawesi Provincial Regulation which has been amended by the South Sulawesi Provincial Regulation Number 10 of 2009, the position of the Legal and Human Rights Bureau is a supporting element of the Regional Government within the scope of the Regional Secretariat.³¹

The role of the Provincial Government Legal Bureau in the context of registering Bone Palm Sugar has not been maximized either, because this is a new substance whose development has only begun in recent years, even though the rules regarding Intellectual Property Rights have long been in place.³² So the Legal Bureau has not been able to carry

³⁰ Purnamawati, I. Gusti Ayu. "Perlindungan Hukum Indikasi Geografis terhadap Kerajinan Tradisional untuk Penguatan Ekonomi Wilayah." *Pandecta Research Law Journal* 11.1 (2016), hlm. 31-46.

³¹ jdih.sulselprov.go.id, diakses pada tanggal 5 Januari 2022

³² Avianto, Median, and Absori. *Kebijakan Pemerintah Daerah Kabupaten Karanganyar Di Bidang Hak Atas Kekayaan Intelektual*. Diss. Universitas Muhammadiyah Surakarta, 2017, hlm.54.

out the protection or registration of intellectual property rights itself, including conducting socialization to the public because it is entirely given to the Legal Bureau of each Regional Government. If there is a request from the region to carry out regulations related to a particular matter, the provincial Legal Bureau is ready to help with this.³³

One of the regulations assisted by the provincial government's Legal Bureau is the Pinisi Ship recognized by UNESCO as intangible heritage, in the South Sulawesi local regulation Number 3 of 2020 concerning the preservation and promotion of intangible culture. Article 9, letter b, states that the Regional Government guarantees the protection of cultural expressions. The Pinisi ship is a culture of the Bulukumba people, which has its historical value and philosophy.³⁴

The Legal Bureau of the Bone Regional Government has also not played an active role in registering the brand rights of Bone SMEs products, including Bone Palm Sugar, because the Legal Bureau does not yet have its own rules related to Intellectual Property Rights, so it only follows the rules in Law Number 20 of 2016 concerning Trademark Rights. And Geographical indications. The Legal Bureau appreciates suggestions and input related to Intellectual Property Rights because it can improve the community's economy and have Palm sugar Intellectual Property Rights regulations. One of the regulations made by the Legal Bureau in collaboration with the Culture Service regarding Panre Bessi (Blacksmiths), Songkok to Bone, Keris, and ring stones are all related to intangible heritage.³⁵

Legal protection in the registration of Bone Palm Sugar brand rights needs to be considered continuously because including legal protection facilitates artisans to register their marks and provides education to Bone palm sugar farmers on how to process quality Bone palm sugar, as well as the name that will be used in registration. Brand rights.³⁶

The Law Bureau of South Sulawesi Province and the Regional Government of Bone Regency have not been maximal in protecting Intellectual Property, as the agency that handles legal cases must make breakthroughs related to HKI regulations and continue to coordinate with the directorate general of intellectual property, the industrial

³³ Biro Hukum Sekretaris Daerah Provinsi Sulawesi Selatan (A.Alfatah) wawancara tanggal 8 November 2021

³⁴ Karim, Abdul, and Efridani Lubis. "Perlindungan Hukum Hasil Kekayaan Alam Talas Bogor Dalam Perspektif Hak Kekayaan Intelektual." *Jurnal Ilmiah Living Law* 8.2 (2016), hlm.34.

³⁵ Biro Hukum Sekretaris Daerah kabupaten Bone (Andi Gunawan) wawancara tanggal 3 November 2021

³⁶ Biro Hukum Sekretaris Daerah Kabupaten Bone (A.Dedi) wawancara tanggal 3 November 2021

service, the office of cooperatives and SMEs, the trade office so that HKI registration can be maximized and the public knows about HKI itself.³⁷

3. Department of Industry, South Sulawesi Provincial Government and Bone Regency Government

The role of the South Sulawesi Industry Service as an industrial sector which is a pillar of the South Sulawesi economy, the industrial office has a vital role in developing regional industries in the registration of Intellectual Property, one of the agencies that have a role in the registration of Intellectual Property needs to continue to make breakthroughs in the registration of HKI. The Department of Industry has one of the goals to develop value-added and highly competitive industries, increase the added value of industrial production, improve the quality of human resources (HR) of industrial business actors, and increase the number of small industries.

The Industry Service has a vital role in the intellectual property rights of Bone palm sugar because palm sugar is one of the industries fostered by the South Sulawesi Industry Service, and palm sugar across districts has never been registered because there is a priority scale that takes precedence and the quota for each section. Different.³⁸

4. Office of Cooperatives and Small and Medium Enterprises (UKM) of South Sulawesi Province and Bone District

The role of the Department of Cooperatives and SMEs has a significant role in the development of micro and small businesses to be registered with IPR. The Cooperative Service functions as an institution accommodating cooperatives and SMEs in the province and district. As a whole, Palm Sugar SMEs within the area of South Sulawesi do not yet have the form of an association, but it is suitable for SMEs to create cooperatives so that it is easy to assist.³⁹ Bone palm sugar is considered good sugar for consumption because we often participate in exhibitions at the provincial level. However, palm sugar is currently in the form of seeds and the state of sachets.⁴⁰

The Bone Cooperative and UKM Service have SME assistance, including Bontocani palm sugar which is located in Bana Village, among several palm sugar productions in Bone district; it is the best because it has been tested in the Bontocani

³⁷ Budiwinomno, Susilo, and Cecep Tedi Siswanto. "Hak Indikasi Geografis Terhadap Salak Pondoh Di Kabupaten Sleman Sebagai Upaya Perlindungan Hak Kekayaan Intelektual Atas Produk Lokal." *Jurnal Cakrawala Hukum* 9.2 (2017). Hlm. 87.

³⁸ Dinas Perindustrian Provinsi Sulawesi Selatan (Ibu Mirkah) wawancara tanggal 6 Oktober 2021

³⁹ Febrina, Dewi. "Hak Kekayaan Intelektual: Hubungan Degradasi Ruminal Bahan Kering, Protein Kasar dan Serat Kasar Baggase Amoniasi Urea ditambah Sumber Urease." (2020). hlm. 75.

⁴⁰ Dinas Koperasi dan Usaha Mikro Kecil Menengah (UMKM) Provinsi Sulawesi Selatan (Zainuddin) wawancara tanggal 28 Oktober 2021

community and the purchasing power of warkop in Watampone City is a lot as a substitute for sugar.⁴¹

5. Dinas Tanaman Pangan, Hortikultura dan Perkebunan Provinsi Sulawesi Selatan dan Kabupaten Bone

The Department of Food Crops, Horticulture, and Plantation of South Sulawesi Province and Bone Regency has a significant role because plantations are the main thing where most of the plant source industries are managed by the plantation office, especially inru/aren/henna trees. The Department of Food Crops, Horticulture, and Plantation has one function of dealing with the problem of food crops, including plantations spread across several provinces of South Sulawesi. The Department of Plantation has fostered crops, namely cocoa, coffee, pepper, cloves. These plants get special attention because they are given tree seeds regularly. Sugar palm trees are not considered fostered plants because they are only continuously related to the number, production, and sugar palm farmers. After all, palm trees have a time limit to grow each year.⁴²

The Food Crops, Horticulture, and Plantation Service of Bone Regency, in this case, the Plantation Service, has many commodities, including Palm Trees. Still, it is not fostered like other commodities; the Plantation Service only records the number, area (ha), production each year. Planted and grown in the time of the previous ancestors, that is what is maintained and produced by today's society.⁴³

CONCLUSION

Bone palm sugar can be registered with geographical indications because it has palm sugar's distinctive taste and sweet aroma. The color of the palm sugar produced is brown and natural production. The resulting palm sugar has a uniform shape, namely, dry smooth. Geographical conditions Palm sugar, whose processed ingredients are taken from palm/inru/inau trees that grow in several sub-districts spread across Bone regency people use it more for tuak drinks (sweet and sour), compared to trees in the highlands or mountains because the sap is suitable for processing palm sugar, and this is mainly produced by people in mountainous areas in Bone Regency.

The local government's efforts to register geographical indications of Bone Palm Sugar are not optimal because the Regional Government has understood the importance of registering geographical indications and legally protecting a regional product, as evidenced by the application for registration of communal intellectual property. Still, the focus is only on culture, even though there is also a palm sugar industry that can be developed and applied to register geographical indications.

⁴¹ Dinas Koperasi dan Usaha Mikro Kecil Menengah (UMKM) Provinsi Sulawesi Selatan (Pak Herman) wawancara tanggal 3 November 2021

⁴² Dinas Tanaman Pangan dan Hortikultura Provinsi Sulawesi Selatan (Syarifuddin) Wawancara tanggal 10 November 2021

⁴³ Dinas Tanaman Pangan dan Hortikultura Kab Bone (Ibu Darma) wawancara tanggal 3 November 2021

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