



## The Dichotomy of Traditional Cuisine Protection in Indonesia: Geographical Indications vs. Traditional Knowledge

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### Abstract

**Introduction to The Problem:** Traditional cuisines are an important part of national identity in Indonesia and a significant driver in the tourism industry, which are currently threatened by the constantly accelerating waves of globalization.

**Purpose/Objective Study:** This research aims to analyze the ways to protect traditional cuisines through the intellectual property law, comparing the regime of GI and traditional knowledge, as suitable options of protection.

**Design/Methodology/Approach:** This research utilizes normative legal research method, with statutory approach. To support this method, this research also utilizes literature analysis and comparative analysis technique to analyze the dichotomy between Geographical Indication and Traditional Knowledge.

**Findings:** Analysis finds that the GI regime comes out as the superior regime of protection from the dichotomy, with lesser normative loopholes. Authenticity plays an important role in the comparative analysis between the two regimes, as it's normatively backed as an important part of the tourism sector. Further analysis also finds that the GI regime can still be improved, particularly regarding substantive examination, which needs more definitive provisions to guarantee authenticity of traditional cuisines in Indonesia.

**Paper Type:** Research Article

**Keywords:** Communal Intellectual Property; Intellectual Property Rights; Traditional Cuisine

### Introduction

Indonesia as an archipelago country consisting of over 17,000 islands, is not only scattered regionally, but also culturally. This makes Indonesia one of the most culturally diverse countries in the world with over 300 ethnic groups (Chairy & Syahrivar, 2019). Indonesian traditional cuisines, in a lot of ways, mirrors not just its

geographical characteristics but also its diverse range of cultural and ethnic landscape which make up the very fabric of Indonesian society (Situngkir et al., 2015). The vast culinary range originating from many cooking techniques is a testament to Indonesia's cultural developments through centuries of mixing native and external traditions. Consequently, traditional cuisines became an important of the Indonesian tourism sector. There's an urgent need to also view traditional cuisine as a cultural product, to truly understand the reality of its commercialization, as it also threatens the existing qualities of the tourism sector (Tortolini, 2021). Traditional cuisines can also play the role of keeping social cohesion, making sure that community bond stays tight to ease social tensions, even between ethnicities (Perry, 2017). Like many intangible cultural heritages, traditional Indonesian cuisines are threatened by modern issues such as cultural appropriation, homogenization through globalization, and even worse, the commercialization of traditional cuisines without due recognition or benefit-sharing with the original communities. In response to these threats, there's an emerging need to protect these national assets through the legal framework, specifically the sphere of intellectual property law.

The main goal of this discourse is to find the best way, through the existing legal framework, to safeguard the essence and authenticity of Indonesian traditional cuisines. Among many regimes of Intellectual Property Rights (IPR), two have emerged as viable choices of protection from the realm of communal IPR: Geographical Indications (GI) and traditional knowledge. The two regimes of communal IPR have their own scale and mechanisms of protection, along with their own weaknesses, relative to the effort to protect Indonesian traditional cuisines. The spirit of this analysis is based on the realization of national self-sufficiency, stemming the wealth of traditional cultures in Indonesian society (Sari et al., 2020). This sense of national self-sufficiency can be reflected in how Indonesians realize that the wealth of cultural heritage doesn't only exist as ornaments in Indonesian society, but also as an potential that can local economies for the benefits of local communities (Martini et al., 2019).

The GI regime serves to protect an intellectual property by indicating that a specific product originates from a certain region or place, carrying some of the reputations, characteristics, and qualities that are attributable to its origin (Song, 2018). The well-known example of this is the "Champagne" from the Champagne region of France (Gultom & Wartini, 2023) or "Darjeeling Tea" from India, which have exemplified how GIs have been utilized for an IPR protection (Dubey, 2020). A cuisine identified with a GI would not only signify its origin geographically, but also the unique traditional methods and ingredients used in its culinary process as a part of the local subset of culture (Rinaldi, 2017). Beyond mere authenticity, it delivers to consumers a rich tapestry of history, a culmination of age-old cooking philosophies passed down through generations, and presents to producers a distinct branding advantage, all of which are important qualities that can improve economic performance of the tourism sector (Cardoso et al., 2022).



On the other hand, traditional knowledge acknowledges the shared insights and the collective ownership of traditions and practices (Meyer & Naicker, 2023). It provides a stark contrast to the conventional conceptualization of an IPR regime, which is substantially individual-centric and unlike geographical indication, traditional knowledge is entirely intangible. In the context of traditional cuisines, it recognizes that traditional cuisines, are a result of generations-worth of communal interactions, innovations, and traditions. In South Korea, the government is even obligated to traditional knowledge, which includes “methods of producing traditional food”, as governed by Article 37(1) of South Korea’s Framework Act on Agriculture and Fisheries (Lee, 2018). This is done through the GI regime, which consists of traditional knowledge itself. Unfortunately, far from this, existing regulations in Indonesia, still doesn’t have the capability to connect communal IPR protection as a passive legal protection with other legal frameworks as an active legal protection. Through passive legal protection, IPR can deny the future patents requests by providing reference for novelty test, and actively, other legal frameworks can stop the distribution of misappropriated cultural assets as it’s being distributed (Lee, 2018). Although Indonesia’s legal capability is still not capable for such complex methods of protection, the urgency to protect traditional cuisines call for analysis of the existing legal framework to analyze any norms that can be utilized to protect traditional cuisines.

The distinction between GI and traditional knowledge is conceptually accessible, but difficult to grasp as its application can differ significantly depending on the normative support that each of the IPR regimes has. The former leans towards market-driven protection and commercial benefits, while the latter is deeply rooted in recognizing and safeguarding communal heritage and knowledge. Each comes with its set of legal implications, benefits, challenges, and critics. These distinctions create a dichotomy for Indonesia to decide in its effort to protect traditional cuisines as one of its most important cultural assets in this age of globalization.

Traditional cuisines have been recognized in many countries as an important cultural asset, including in Indonesia (Elida et al., 2021). Geographical Indications (GIs) have been identified to have the capability to facilitate the efforts to protect these cultural assets, by emphasizing the value of a product’s unique identity, tying it to a specific region, while also underscoring the region’s distinct features. A study found that such ties not only offer branding benefits but also help promote a region’s cultural heritage (Osei-Tutu, 2021). Globally, Indonesia has been recognized by many as one of the sources of the best delicacies in the world. A study found that that there have been many attempts in benefiting Indonesia’s traditional cuisines which can significantly boost economic performance (Wijaya, 2019). However, without proper mention and recognition of its origin, which has been the case with many western researchers, it deprives indigenous communities off of their rights for recognition or payment through royalties (Radcliffe & Singh, 2021).

On the contrary, traditional knowledge presents a broader, collective approach for protection. A study highlights how the protection of traditional knowledge can safeguard traditional knowledge systems, emphasizing collective ownership and rights over individual claims, despite being entirely intangible (Irawan, 2017). In essence, this mechanism recognizes the interconnected nature of community practices, innovations, and traditions. Conceptually, this can include the indigenous methods of cooking, which are essentials in producing the best traditional cuisines in Indonesia (Zulkifli et al., 2023). A study even found that traditional methods of cooking can even help develop a sustainable innovation within the food industry, as traditional cultures are often more in line with the nature (Pereira et al., 2019). However, there's a significant challenge in defining clear boundaries and understanding the essence of what is being protected using the traditional knowledge regime at general (Rajesh Babu, 2018). The juxtaposition of GIs and traditional knowledge, especially in the context of Indonesian traditional cuisines, remains an underexplored area in current literature.

There exists a research gap in understanding the protection of traditional cuisines, particularly the ones belonging to Indonesia, through intellectual property law. This gap also raises the need to analyze the comparison between GI and traditional knowledge in each of their capacities to protect Indonesian traditional cuisines. This research paper seeks to address this research gap and delve into this dichotomy, analyzing the suitability, advantages, disadvantages, and the broader implications of adopting either mechanism for the protection of traditional Indonesian cuisines. Finding the best-suited regime among the two can help prevent legal confusion and provides a clear starting point for further development of the legal framework regarding the protection of traditional cuisines.

### **Methodology**

This research utilizes the normative legal research method, to analyze the normative values within the existing positive laws (Disemadi, 2022b) in Indonesia. To support this analysis, this research employs statutory approach with secondary data in the form of primary law sources, namely Law No. 10 of 2009 on Tourism, Law No. 20 of 2016 on Trademark and Geographical Indication, Law No. 5 of 2017 on Cultural Advancement, and Government Regulation No. 56 of 2022 on Communal Intellectual Property. This research also utilizes the literature analysis technique, using data collection techniques such as reviewing books, literature, notes, and various reports that are relevant to the discourse of this research. Comparative analysis is also used in this research, to analyze the dichotomy of protection provided by the GI and traditional knowledge regime.

### **Results and Discussion**

#### **Urgency of Protecting Indonesian Traditional Cuisines**

The rich landscape of Indonesian culture is evident in its culinary heritage, making traditional cultures an important part of Indonesia's cultural legacy (Mardatillah et



al., 2019). Each dish tells a story of traditional landscape, with its own qualities and uniqueness, representing the place it originates from and the culture it represents, essentially detailing how a local food culture was shaped (Chen et al., 2021). It narrates tales many facets of Indonesian society that have gone through many cultural exchanges throughout its history. However, with globalization's accelerated pace, these culinary narratives are at risk of being lost or even misappropriated. The loss and misappropriation of cultural values can negatively affect the growth of the tourism sector, as it can threaten the authentic experience of visiting an attraction (Edelheim, 2015). To understand the urgency of protecting Indonesia's traditional cuisines, it's important to first dive deep into its cultural significance, the current threats, and the pivotal role of the legal framework.

Indonesia's culinary traditions are not just simple recipes passed down through generations for consumption. They are rituals, identities, and historical practices that hold significant importance in Indonesian archipelago throughout history (Prastowo et al., 2023). The vast range of culinary practices in Indonesia are integrally linked with Indonesia's rituals, from the daily offerings to the grand ceremonies, which are still important to Indonesian society today (Sukenti et al., 2016). These rituals play a significant role in birth celebrations, marriage ceremonies, and even funerary rites. They serve as a bridge between the ancestral past and the present modern world, between the spiritual and the worldly. In essence, to relish an Indonesian dish is to delve into its history and collective memory.

With the rise of the digital age and the rapid spread of globalization, traditional cuisines face a number of complex challenges. One of them is cultural misrepresentation (Haşim & Soppe, 2023), which has been amplified as a threat with the rise social media (Spink et al., 2019). The global demand for exotic foods has led to modifications of traditional recipes to suit broader palates. Such alterations, while seemingly harmless, can risk diluting the authentic essence of Indonesian traditional cuisines. Another threat and perhaps the most dangerous ones is the commercial exploitation of Indonesian traditional cuisines (Dewanto et al., 2021). Corporate food chains, in their quest for fresh and new products, may commit food fraud by adopt Indonesian dishes without due credit, resulting in a potential loss of cultural identity and economic benefits for local communities (Spink et al., 2019). In the tourism sector, this can also negatively affect the local communities as their traditional cuisines might end up becoming too common and no longer special in the eyes of many tourists.

Another significant threat from this issue is the loss of traditional knowledge by misappropriation and misuse of traditional food (Atsali, 2020). Traditional knowledge is not just an asset to Indonesia, but also a part of national identity (Disemadi & Sudirman, 2023). As urbanization intensifies and younger generations migrate to cities, there's a risk that the intricate knowledge and techniques underpinning these dishes might fade, with few people left in areas where traditional



ways of life are still being practiced. In the end, this can significantly affect the loss of cultural identity, along its values and uniqueness which are dear to the Indonesian society. The loss of cultural diversity at the end also means the loss of national identity for all Indonesians, as Indonesia has long been known throughout the world as one of the most culturally diverse nations. Furthermore, loss of authenticity can have significant negative effects on the tourism sector as authenticity plays the role of a marker for a meta-narrative of the tourist attractions ([Edelheim, 2015](#)). Narrative is important to its ability in adding value to the already attractive natural landscapes that Indonesia has, making its tourism sector one of the best in the world. Through an appropriate narrative, any products based on traditional knowledge can show the deep connection between indigenous people with their land, area, and resources ([Adhiyatma & Roisah, 2020](#)).

The preservation of traditional cuisines, given their intangible nature, requires a legal framework that extends beyond conventional protective measures. Nations like France have succeeded in protecting their culinary heritage by having their gastronomic traditions inscribed on UNESCO's Representative List of the Intangible Cultural Heritage of Humanity ([Bortolotto & Ubertazzi, 2018](#)). Such acknowledgment doesn't only offer international recognition but highlights the urgency of preservation at a national level. Indonesia too can lean on international conventions that promote the safeguarding of intangible cultural heritages. This can in turn put a significant weight on the issue on the national level, influencing Indonesia's legal politics. However, the challenge lies in implementing these at a national level, ensuring they are adapted to Indonesia's unique socio-cultural fabric. Intellectual property plays the role of providing passive protection for traditional cuisines as intangible assets, by creating a reference to deny the novelty of efforts made to try to benefit from traditional cuisine ([Lee, 2018](#)). It can also be used to prevent patent request made by companies who seek only profit while also stealing authentic cultures and eventually denying access to it to the community it belongs to.

### **IPR Elements of Traditional Cuisines**

Traditional cuisines stand as a testament to Indonesia's rich history of cultural development throughout centuries ([Yudhistira, 2022](#)). These cherished culinary practices and recipes are more than just combinations of ingredients and cooking methods. To delve into the essential values of what makes these gastronomic traditions worthy of protection akin to IPR, we must first appreciate values they bring to society, particularly in Indonesia. A traditional cuisine is, first and foremost, heavily influenced by its environment ([Tsai, 2016](#)). The unique terrain, climate, and biodiversity of a region contribute directly to the flavors and ingredients present in its traditional meals ([Wittman et al., 2017](#)). This unique bond between nature and nourishment speaks to the sustainability and symbiosis inherent in culinary traditions. The land provides, and in return, the community cherishes, conserves, and celebrates its bounties through their dishes. Such a bond highlights the environmental significance and respect inherent in many of these culinary practices. Not only that, it



also relates directly to how the ingredients are grown, which can indicate unique methods of providing the ingredients themselves, to the region they originated from (Lee, 2018).

Beyond environmental ties, traditional cuisines signify cultural memory and collective identity. In every simmering pot or roasting pan lies a historical chronicle, recounting tales of conquests, cultural exchanges, or ancient rituals. When an Indonesian chef, for instance, prepares a dish like they are invoking centuries of shared history, from inter-island trade to royal feasts. Every bite offers a taste of the nation's collective past, its trials and triumphs, its amalgamated cultures, and its deep-rooted traditions. This cultural and historical richness presents an irrefutable argument for protection. Just as we preserve manuscripts, monuments, and artifacts, these living chronicles, embodied in dishes, warrant equal respect and safeguarding.

Additionally, the very act of preparing and sharing traditional meals fosters the bond between people community and help ease social tension. This is particularly important in a multicultural Indonesian society, which is very prone to socio-economic and religious tension (Kurniawan & Miftah, 2021). Food culture reinforce societal bonds, bridging generations and ensuring that ancestral wisdom, values, and narratives are safeguarded and passed on to the next generations as a part of historical storytelling (Datta, 2018). This communal aspect of traditional cuisines enhances their significance. It's not just about flavor profiles or culinary techniques; it's about unity, identity, and continuity. Most importantly, it displays the creative power of human intelligence in generating works that are essentially a form of intellectual property, which necessitates protection (Gorda et al., 2022). This is because human thoughts that are expressed in a way that can be experienced, be it by touch or utilization should be protected (Muthoharoh, 2021).

As globalization intensifies and the world becomes increasingly interconnected, there's an inherent risk that these culinary narratives might be diluted, misrepresented, or lost in the vast sea of global cuisines. The important values that highlight their importance in a society, such as environmental harmony, cultural memory, historical recounting, communal bonding, and cultural authenticity, which are all threatened in today's rapidly changing world. Hence, the urgency for protection, while only needed in the realm of IPR, is justified by the existing elements of traditional cuisines. It's even more important when the growth of Micro, Small, and Medium Enterprises (MSMEs) in Indonesia is taken into account, which is a crucial aspect in the development of creative economy in Indonesia (Disemadi, 2022a).

Intellectual property, at its core, aims to protect creations of the mind: inventions, literary and artistic works, symbols, names, and images. It's important in preserving a good legal culture that fosters creativity and competition (Putra & Disemadi, 2022). It guarantees the protection to award the inventors or creators, so that they can be rewarded for exerting creativity and knowledge (Sudirman & Disemadi, 2021). Such

is the same purpose for Geographical Indications and Traditional Knowledge, which are both applicable in protecting traditional cuisines to reward a certain local community. However, it's important to choose the right regime that can facilitate the necessary mechanisms of protection for traditional cuisines, according to the elements that signify them as an intellectual property (Disemadi, 2023). Some IPR regimes are in fact ill-equipped in protecting traditional cuisines, such as the copyrights and the patents regime. Their temporal limitations and requirement for novelty render them ineffective for dishes that have evolved over centuries. However, other IPR tools, like Geographical Indications (GI), can offer protection indefinitely, as long as its protection is not cancelled and is constantly being renewed (Lin & Lian, 2018). GI ties a product to a specific geographical origin, attributing its quality, reputation, or other characteristics to this geographical link. On the other hand, traditional knowledge as a regime of protection also offers a suitable protection for traditional cuisines, by claiming that the knowledge that has been passed down through many generations is an important part of a community, therefore necessitating a legal protection (Irawan, 2017). Particularly in Indonesia, these two regimes of protection are a part of the communal IPR system, which was developed by the Indonesian government to protect the authenticity of many existing traditional Indonesian cultures.

### **Geographical Indication vs. Traditional Knowledge for Traditional Cuisines Protection**

Indonesian intellectual property law consists of many different regimes which are specialized in protecting different types of intellectual property, according to its own unique technicality in protection (Gultom & Wartini, 2023). This legal framework is responsible for protecting creations from misappropriation and rights of the creators by awarding them the right of legal protection and exclusive rights for economic benefits. Communal IPR is not by itself a new concept within the sphere of intellectual property law. However, this concept has been recontextualized by Indonesian through its legal development, to broaden the scope and enhance the level of protection, particularly for the protection of Indonesian cultural assets (Putri et al., 2022). This is very important for the Indonesian economy, particularly for the tourism sector which relies on not just the beautiful landscapes, but also cultural authenticity. To date, Indonesia remains the only country that legally protects communal IPR using inventory system and data integration (Ramadhan & Dewi Siregar, 2022).

Although there is no significant evidence that indicates that tourism was an important driving factor of the government plan through the development of communal IPR, it's safe to say that the it was a part of the considerations, with Law No. 5 of 2017 on Cultural Advancement being passed not long after Law No. 28 of 2014 on Copyrights and Law No. 20 of 2016 on Trademarks and Geographical Indications (Trademark and GI Law) were passed. This is due to the significance of the tourism sector to the Indonesian economy, with data that the tourism sector was responsible for 567





trillion IDR (4.65% of total GDP) in 2016 to 786.3 trillion IDR (4.97% of total GDP), indicating excellent growth ([Santika, 2023](#)). However, this data also showed the massive drop in 2020 due to the COVID-19, necessitating measures to revive the tourism sector. One of the ways to revive the sector is through better protection of IPR ([Prasiasa et al., 2023](#)).

According to Directorate General of Intellectual Property (DJKI), there are four types of communal IPR in Indonesia: traditional expression, potential geographical indication, traditional knowledge, and genetic resources ([DJKI, 2022](#)). Among the four, geographical indication and traditional knowledge stand out as the possible options of protection for traditional Indonesian cuisines. The intrinsic elements of what make up a traditional cuisine, as explained before, have their own senses of uniqueness, making it worthy of being protected. An important thing to note here is the mention of “potential” geographical indication, as supposed to just “geographical indication”. As there’s no normative difference in the definitions of the two terms, this research will continue to use “geographical indication”. Economically, the practical use of Geographical Indications is closely related to branding, making the distinctions of a product connected to the marketing efforts to generate more profits ([Cassago et al., 2021](#)). On the other hand, the practical use of traditional knowledge is more closely linked to profit sharing, which is to give back to the community of origin ([Kusumaningtyas et al., 2023](#)). While both can help develop the economy, the practical use of Geographical Indications is leaning more towards empowerment. This is because instead of taking profits out of a traditional cuisine getting popularized by people outside of the community of origin, the community itself can be responsible in the popularization and commercialization of their own traditional cuisines, which can also give them better controls of the output to maintain cultural integrity. Furthermore, although some GI products aren’t categorically labeled as a part of the creative industry, they can be considered as regional superior natural products ([Saputra, 2020](#)). This ensures a wider scope of protection, necessary in protecting the intellectual properties in Indonesia.

Indonesia mainly uses Law No. 20 of 2016 on Trademarks and Geographical Indications (Trademark and GI Law) for the protection of GIs. This law was passed while also revoking its previous version, which was Law No. 15 of 2001 on Trademarks. The government realized the need to protect GI indication, which then complied into the Trademark and GI Law. The law itself comprises of two dimensions, one for the protection of trademark and the other one for GI. GI is defined through Article 1 number 6 as “*a sign that denotes the region of origin of a particular good and/or product. The reputation, quality, and distinct characteristics of the said good and/or product arise from geographical environmental factors, including natural and human influences, or a combination of the two.*” Application for protection of GI, according to Article 53 paragraph (3), can be given to three types of products: natural resources, handicraft goods, or industrial products. Traditional cuisines fall into the industrial products as it’s a part of the creative industry. This is also supported by

Law No. 10 of 2009 on Tourism (Tourism Law), particularly through the provision of Article 14 e which states foods and beverages as a part of the tourism industry.

For traditional knowledge, Indonesia uses Government Regulation No. 56 of 2022 on Communal Intellectual Property (Communal IP Government Regulation). Traditional knowledge is defined by Article 1 number 3 as *“all ideas and concepts within a society, embodying local values derived from tangible experiences in interacting with the environment, are continuously developed and passed down to subsequent generations.”* Traditional cuisines can be considered a traditional knowledge, which according to Article 14 of the Communal IP Government Regulation, should include name of traditional knowledge, community of origin, form of traditional knowledge, region/location, type of traditional knowledge, and documentation in audio and/or visual form in the description as a part of administrative requirements in the application of traditional knowledge protection. Before the development of this government regulation, the legal efforts to protect traditional knowledge as one of the forms of communal IPR, was facilitated by the Trademark and GI Law, which normatively recognizes the existence of communal IPR (Hananto & Prananda, 2019), but doesn't necessarily establish an entirely different regime from the classical IPR regimes.

Within Law No. 5 of 2017 on Cultural Advancement (Cultural Advancement Law), traditional cuisine is included as one of the forms of traditional knowledge, as governed by Article 5 letter e. The Article defined traditional knowledge as all ideas and notions in society, which contain local values as a result of real experience in interacting with the environment, are developed continuously and passed on to the next generation. Despite the fact that there is no other mention regarding cuisines as a part of Indonesian heritage, traditional cuisine is an object of cultural advancement that needs to be protected, developed, utilized and fostered, as mentioned in Article 1 number 3 which defines what cultural advancement is. It's also mentioned in Cultural Advancement Law that the efforts for this must be appropriated according to the principle of locality, which according to the explanation of Article 3 letter c, is the cultural advancement that takes into account the characteristics of natural resources, ecosystems, geographical conditions, local community culture and local wisdom.

The two regimes indicate sufficient capability in protecting traditional cuisines. Therefore, it's important to highlight the weaknesses that these regimes have to choose which one is the best. The GI regime, uniquely, also includes the Communal IP Government Regulation, but nonetheless mainly uses the Trademark and GI Law as it provides a more detailed normative structure and stronger provisions. One of the weaknesses of the GI regime, is the lack of quality control. GIs, according to Article 61 of Trademark and GI Law are protected indefinitely without needing to be renewed, as long as their qualities are protected. However, there's no way of understanding the standard of quality protection, as according to Article 58, it's only provisioned that such task is the responsibility of the GE Expert Team in their substantive examination.



Without the system of renewal, there's no guarantee that this substantive examination will be done regularly, posing risk of lowered authenticity among to-be-protected traditional cuisines.

Similarly, the same weakness is also found in the traditional knowledge regime, with even more normative holes. Communal IP Government Regulation guarantees the protection of traditional knowledge indefinitely without needing renewal, but doesn't mention anything regarding the possibility of it being cancelled, unlike Article 61 paragraph (2) of the Trademark and GI Law. Furthermore, the legal framework of traditional knowledge is also incomplete, as shown by its reliance on further legislation regarding the mechanisms of examination and verification of traditional knowledge, as mentioned in Article 22 and 25 of the Communal IP Government Regulation. This poses an even bigger risk to authenticity of traditional cuisines, as there's almost no system of quality control at all. This issue is normatively against the provision of Article 4 letter f of the Tourism Law which states that tourism industry should strive to advance Indonesian cultures. An important point of the advancement of Indonesian culture, according to Article 27 paragraph (2) of the Tourism Law, among many, is authentic value. Therefore, the GI regime, through Trademark and GI Law is far more suitable in protecting traditional cuisines, as it has more elements of quality control which is important in retaining authentic value as described by the Tourism Law.

### **Conclusion**

Normative analysis finds that among the two regimes of IPR, the GI regime through Trademark and GI Law is better suited than the traditional knowledge regime as it has less weaknesses while also providing the same level of protection. The GI regime is also better supported by quality control initiative, to retain the authentic value of traditional cuisines. Authentic value plays an important part in the comparative analysis between the two regimes, as it's explicitly stated by the Tourism Law as an important part of the tourism sector in Indonesia. However, it's important to note that the GI regime still has its own weaknesses, particularly regarding the issue of substantive examination, which needs further normative support. Further legal developments need to take this into account, and the traditional knowledge can still be used, but more for database purposes, to make sure that data regarding traditional knowledge can be properly handled and harmonized with the GI regime.

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### Declarations

- Author contribution** : Author 1: Designed the research framework, collected secondary data, conducted data analysis, and wrote the majority of the manuscript. Author 2: Played a role in legal analysis related to geographical rights and traditional knowledge, as well as drafted the legal aspects of the discussion section. Author 3: Contributed to the literature review supporting the theoretical framework of this article and assisted in the text drafting process. Author 4: Provided guidance to enhance the manuscript.
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