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THE POSITION OF GENETIC RESOURCES AND POTENTIAL GEOGRAPHICAL INDICATIONS IN THE LEGAL PROTECTION OF COMMUNAL COFFEE

KEDUDUKAN SUMBER DAYA GENETIK DAN POTENSI INDIKASI GEOGRAFIS DALAM PELINDUNGAN HUKUM PADA KOPI KOMUNAL

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ABSTRACT

This study examines the position of Genetic Resources and Potential Geographical Indications as legal protection instruments for communal coffee in Indonesia. The study employs a normative legal research method using statutory and conceptual approaches. The findings show that coffee commodities may be recorded as either Genetic Resources or Potential Geographical Indications. However, the distinction lies in the aspects protected and the objectives of such protection. Genetic Resources focus on the biological value and genetic information of coffee, as well as the prevention of biopiracy, whereas Potential Geographical Indications serve as an initial inventory of products possessing particular characteristics, reputation and a connection to a specific geographical area as a preliminary step toward Geographical Indication protection.

Keywords: Communal Intellectual Property, Genetic Resources, Potential Geographical Indications

ABSTRAK

Penelitian ini mengkaji kedudukan Sumber Daya Genetik dan Potensi Indikasi Geografis sebagai instrumen pelindungan hukum terhadap kopi komunal di Indonesia. Penelitian menggunakan metode penelitian hukum normatif dengan pendekatan peraturan perundang-undangan dan pendekatan konseptual. Hasil penelitian menunjukkan bahwa komoditas kopi dapat dicatat sebagai Sumber Daya Genetik maupun Potensi Indikasi Geografis. Namun, perbedaannya terletak pada aspek yang dilindungi dan tujuan pelindungannya. Sumber Daya Genetik berfokus pada nilai biologis dan informasi genetik kopi serta pencegahan biopiracy, sedangkan Potensi Indikasi Geografis berfungsi sebagai inventarisasi awal produk yang memiliki karakteristik, reputasi dan keterkaitan dengan wilayah tertentu sebagai langkah menuju pelindungan Indikasi Geografis.

Kata Kunci: Kekayaan Intelektual Komunal, Potensi Indikasi Geografi, Sumber Daya Genetik

A. INTRODUCTION

The enactment of Government Regulation Number 56 of 2022 concerning Communal Intellectual Property (PP KIK)[1] has expanded the forms of protection for Communal Intellectual Property in Indonesia. According to the Indonesian Dictionary, communal refers to something that belongs to the public or a community. Based on Article 1 paragraph (1) of PP KIK, Communal Intellectual Property is defined as intellectual property that is inclusive and collective in nature and constitutes traditional cultural heritage that must be preserved because it forms the identity of a particular group or community.[2]

The concept of Intellectual Property is generally known in academic discussions and legal practice as being centered on individual intellectual property, including Copyrights, Patents, Trademarks and Geographical Indications, Industrial Designs, Trade Secrets, Integrated Circuit Layout Designs and Plant Variety Protection.[3] All of these emphasize exclusive rights that are privately attached to particular individuals or legal entities as creators or inventors.[4] Meanwhile, the Indonesian Government considers it necessary to provide legal certainty in order to support the inventory and protection of assets collectively owned by indigenous peoples and local communities. Based on this need, the Government enacted Government Regulation Number 56 of 2022 concerning Communal Intellectual Property. Through this regulation, the scope of Communal Intellectual Property includes Traditional Cultural Expressions, Traditional Knowledge, Genetic Resources, Indications of Source and Potential Geographical Indications.[5]

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[1] Peraturan Pemerintah Republik Indonesia Nomor 56 Tahun 2022 tentang Kekayaan Intelektual Komunal.

[2] Yoan Nursari Simanjuntak, *The Review of Communal Rights on Geographical Indications: Communal Standpoint as Constraints to Legal Protection*, Environmental Policy and Law, Vol.5`, No.5 (2021).

[3] Dominique Barjolle, dkk., *The Role of the State for Geographical Indications of Coffee: Case Studies from Colombia and Kenya*, World Development, Vol.98 (2017).

[4] Yoan Nursari Simanjuntak, *Violation of Geographical Indications viewed from the Consumer Protection Aspect*, Perspektif Hukum, Vol.23, No.1 (2023).

[5] Richard C. Breeden, *The Globalization of Law and Business in the 1990s*, Wake Forest Law Review, Vol.28, No.3 (1993).

Although legal regulations on Communal Intellectual Property are already available, their utilization in the coffee sector remains limited.[6] Coffee business practices are still dominated by cultivation activities and the sale of harvested products, while efforts to inventory, record Communal Intellectual Property and register Geographical Indications have not been widely carried out.[7] This condition can be seen from the large number of coffee products marketed by highlighting regional identity, varieties and certain characteristics as selling points, but which have not yet obtained legal protection through Communal Intellectual Property or Geographical Indications.[8]

Based on a search of the Communal Intellectual Property[9] and Geographical Indications[10] databases as of 27 August 2026, only 3 (three) coffee commodities were recorded under the Genetic Resources category, namely Kopi Rica-Rica and Kopi Mammi Balanda from West Sulawesi and Kopi Kaleok from West Sumatra. Meanwhile, 14 (fourteen) coffee commodities were recorded under the Potential Geographical Indications category, while a search of the Geographical Indications database showed 83 registered coffee related entries. Interestingly, the development of the national coffee industry has also begun to show increasing attention to Liberica coffee, which has long been overshadowed by Arabica and Robusta coffee. In Indonesia, several research institutions, such as the Research Center for Plantation Crops,[11] Institut Pertanian Bogor,[12] and the Indonesian

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[6] Puji Wahyu Mulyani, dkk., *Strategy for Strengthening Social Capital for the Geographical Indication Protection Community of Arabica Coffee: A Case Study in the South Tapanuli Regency, Indonesia*, Jurnal Ilmiah Pertanian, Vol.19, No.2 (2022).

[7] Lennart Schüßler, *Protecting 'Single-Origin Coffee' within the Global Coffee Market: The Role of Geographical Indications and Trademarks*, The Estey Centre Journal of International Law and Trade Policy, Vol.10, No.1 (2009).

[8] Alif Muhammad Gultom dan Sri Wartini, *Preserving Indigenous Cultures: Analyzing Geographical Indication Registration for Indigenous People Protection in Indonesia*, Journal of Judicial Review, Vol.25, No.1 (2023).

[9] Pusat Data Nasional Kekayaan Intelektual Komunal atau Kikomunal, *Kekayaan Intelektual Komunal Indonesia*, accessed from https://kikomunal-indonesia.dgip.go.id/home, accessed on 27 August 2026.

[10] Directorate General of Intellectual Property, *Pangkalan Data Kekayaan Intelektual*, accessed from https://pdki-indonesia.dgip.go.id/, accessed on 27 August 2026.

[11] Balai Riset dan Pengembangan Tanaman/Research Center for Plantation Crops is currently under the Badan Perakitan dan Modernisasi Pertanian (BRMP), Ministry of Agriculture of the Republic of Indonesia.

[12] Institut Pertanian Bogor (IPB) is known in English as Bogor Agricultural University in Indonesia.

Coffee and Cocoa Research Institute,[13] identify Liberica coffee as an emerging specialty bean with economic and ecological value. Liberica coffee is known to grow well on peatlands with low acidity levels, such as those found in Jambi, Bengkulu and the Meranti Islands.[14] Several Liberica coffees have obtained Geographical Indication protection, including Liberica Rangsang Meranti Coffee, Liberica Prangat Baru Coffee, Liberica Kayong Utara Coffee and Liberica Tungkal Jambi Coffee.

Compared to the vast number of coffee producing regions in Indonesia, the number of coffee commodities recorded under the Communal Intellectual Property and Geographical Indications schemes remains relatively limited. Ayu Kumala Sari Hamidi and Iyah Faniyah noted that before the introduction of Geographical Indications regulations in Indonesia, Toraja Coffee and Gayo Coffee had been registered as trademarks by foreign companies. Among them, Toarco Toraja Coffee was registered by a Japanese company in 1977, while Gayo Mountain Coffee was registered by a Dutch company in 1999. In fact, both products have a close connection to their regions of origin and the communities that produce them in Indonesia. Following these cases, Toraja Coffee and Gayo Coffee later obtained Geographical Indication certificates in Indonesia.[15] Furthermore, Faradila Yulistari Sitepu explained that after the introduction of Geographical Indications regulations in Indonesia, various universities began conducting research and writing scientific publications related to Geographical Indications. Almost all provinces in Indonesia carried out studies on goods and handicraft products that have the potential to obtain Geographical Indication protection and the results of these studies were then documented and archived in various university libraries.[16]

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[13] Puslitkoka is the abbreviation of Pusat Penelitian Kopi dan Kakao Indonesia/Indonesian Coffee and Cocoa Research Institute.

[14] Kuntoro Boga Andri, *Liberika dan Excelsa: Jejak Eksotisme Kopi Nusantara*, accessed from https://perkebunan.brmp.pertanian.go.id/berita/liberika-dan-excelsa-jejak-eksotisme-kopi-nusantara, accessed on 28 August 2026.

[15] Ayu Kumala Sari Hamidi dan Iyah Faniyah, *Perlindungan Hukum Indikasi Geografis atas Merek Kopi Toraja dan Kopi Gayo yang Didaftarkan oleh Negara Lain*, UNES Law Review, Vol.2, No.1 (2019).

[16] Faradila Yulistari Sitepu, *The Potential of Geographical Indications and Its Legal Protection*, E3S Web of Conferences, Vol.52 (2018).

Balqis Siagian, Saidin, Suhaidi and Sunarmi, in their research on North Tapanuli Arabica Coffee, found that some farmers were more concerned with ensuring that their coffee could be sold and generate economic benefits than with obtaining legal protection for their products.[17] Based on the interview results, this condition occurred because the North Tapanuli Regional Government was considered not yet optimal in carrying out its facilitation function due to budget limitations and a lack of human resources with the competence to provide education related to Geographical Indications. The Head of the Agriculture Office of North Tapanuli Regency also acknowledged that public outreach regarding Geographical Indications remained very limited. This low level of legal awareness has become one of the obstacles to achieving Geographical Indication protection for coffee in North Tapanuli Regency.[18]

In addition to Geographical Indications, Genetic Resources also play an important role in protecting biological commodities from the risk of genetic resource extraction without recognition and fair benefit sharing. Several studies show that Indonesia has very abundant genetic resources, but their inventory and documentation are still not optimal.[19] Based on a search of the DGIP[20] Communal Intellectual Property Portal as of 27 August 2026, 259 Genetic Resources had been recorded. However, among this number, only three coffee commodities were recorded, namely Kopi Rica-Rica and Kopi Mammi Balanda from West Sulawesi and Kopi Kaleok from West Sumatra.

The findings above show that the protection of communal coffee in Indonesia has been directed more toward the Geographical Indications scheme than the Genetic Resources scheme. However, coffee is not only related to a particular geographical area, but also constitutes a biological resource with genetic potential. The characteristics of coffee that may be associated with both instruments raise questions regarding the boundaries, functions and positions of

[17] Hendra Djaja, *Perlindungan Indikasi Geografis pada Produk Lokal dalam Sistem Perdagangan Internasional*, Jurnal Cakrawala Hukum, Vol.18, No.2 (2013).

[18] Balqis Siagian, dkk., *Pelindungan Hukum Atas Potensi Indikasi Geografis di Kabupaten Tapanuli Utara*, Iuris Studia: Jurnal Kajian Hukum, Vol.2, No.3 (2021).

[19] Diah Imaningrum Susanti, *Sumber Daya Genetik Sebagai Potensi Kekayaan Intelektual Komunal*, Prosiding The 4th Conference on Innovation and Application of Science and Technology (2021).

[20] DGIP is the abbreviation of the Directorate General of Intellectual Property/Direktorat Jenderal Kekayaan Intelektual, Ministry of Law of the Republic of Indonesia.

each instrument in providing legal protection for communal coffee. Based on these questions, this study examines the position of Genetic Resources and Potential Geographical Indications as legal protection instruments for communal coffee. Research Question: "How are Genetic Resources and Potential Geographical Indications positioned as legal protection instruments for communal coffee?"

B. RESULT AND DISCUSSION

1. Characteristics of Communal Coffee as a Genetic Resource

Based on Article 1 point 4 of PP KIK, Genetic Resources are genetic materials derived from plants, animals, or microorganisms that contain units functioning as carriers of hereditary characteristics and have actual or potential value. In theoretical terms, Paleroni (1994) defines Genetic Resources as valuable chemical contents, enzymes, or potential genes.[21] Putterman (1996) defines Genetic Resources as a description of biodiversity consisting of genetic information.[22] Furthermore, Annie Patricia Kameri-Mbote (1997) argues that Genetic Resources include the germplasm of plants, animals and other organisms.[23] These Genetic Resources form the physical basis of hereditary traits and provide genetic diversity.[24]

The object of Genetic Resources is not limited to the physical form of an organism, but may also include extracts, active compounds, chemical derivatives, genetic information and traditional knowledge related to genetic resources.[2526] This broader scope of protection is intended to prevent the

[21] Ariandika Herviandi, dkk., *Optimalisasi Perlindungan Hukum terhadap Pendaftaran Merek Dagang di Negara Lain (Kajian Perlindungan Hukum Merek Kopi Arabika Gayo)*, Diponegoro Law Journal, Vol.6, No.1 (2017).

[22] Efridani Lubis, *Penerapan Konsep Sovereign Right dan Hak Kekayaan Intelektual dalam Perspektif Perlindungan dan Pemanfaatan Sumber Daya Genetik Indonesia*, Disertasi, Universitas Indonesia, Depok, 2009.

[23] Annie Patricia Kameri-Mbote dan Philippe Cullet, *The Management of Genetic Resources: Developments in the 1997 Sessions of the Commission on Genetic Resources for Food and Agriculture*, Colorado Journal of International Environmental Law and Policy, Vol.9, No.3 (1997).

[24] Indra Rahmatullah, *Perlindungan Indikasi Geografis dalam Hak Kekayaan Intelektual (HKI) Melalui Ratifikasi Perjanjian Lisabon*, Jurnal Cita Hukum, Vol.2, No.2 (2014).

[25] Sekhar Chandra Pawana dan Erico L. Hutahuruk, *Optimaliasasi Pemajuan Kebudayaan Daerah melalui Indikasi Geografis*, Jurnal Ilmu Hukum, Vol.6, No.2 (2021).

utilization of biological resources by other parties through extraction or further processing that may remove their connection to the original genetic resources.[27]

The definition of Genetic Resources is also provided in Article 1 point 4 of Law Number 22 of 2019 on Sustainable Agricultural Cultivation Systems. Furthermore, the Law explains that Genetic Resources have a very fundamental role and constitute an invaluable asset.[28] Their conservation and utilization are the shared responsibility of the Central Government, Regional Governments according to their respective authorities and the public. Law Number 5 of 1994, which ratified the United Nations Convention on Biological Diversity, places genetic resources as an important part of efforts to utilize and develop biodiversity in a sustainable manner to increase the added value of national biological resources.[29]

The protection of Genetic Resources developed from the concept of the Common Heritage of Mankind, which viewed biological resources as the common heritage of humanity.[30] This concept later shifted following demands from developing countries to obtain recognition of their sovereignty and interests over the genetic resources located within their territories. This development was intended to enable individuals and communities to benefit from the results of their creativity and the utilization

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[26] Bernard Roussel dan François Verdeaux, *Natural Patrimony and Local Communities in Ethiopia: Advantages and Limitations of a System of Geographical Indications*, Africa: Journal of the International African Institute, Vol.77, No.1 (2017).

[27] Gadis Penta Listaryadi, dkk., *Perlindungan Kekayaan Intelektual terhadap Eksploitasi Sumber Daya Genetik (SDG) oleh Pihak Asing di Indonesia*, Jurnal Hukum, Politik dan Ilmu Sosial, Vol.5, No.3 (2026).

[28] Nuzulia Kumala Sari, dkk., *Legal Protection for Communities Managing the Geographical Indication of Toraja Arabica Coffee*, DAS SEIN: Jurnal Pengabdian Hukum dan Humaniora, Vol.6, No.1 (2026).

[29] Teshager Dagne, Law and Policy on Intellectual Property, *Traditional Knowledge and Development: Legally Protecting Creativity and Collective Rights in Traditional Knowledge Based Agricultural Products through Geographical Indications*, Estey Journal of International Law and Trade Policy, Vol.11, No.1 (2010).

[30] Matthew J. Zinsli, *Authorizing the 'Taste of Place' for Galápagos Islands Coffee: Scientific Knowledge, Development Politics and Power in Geographical Indication Implementation*, Agriculture and Human Values, Vol.40, No.2 (2023).

of resources they have developed, while also encouraging innovation and the conservation of those resources.[31]

According to the DGIP Communal Intellectual Property Module, Genetic Resources can be found in seeds, tissues and other parts of plants.[32] Examples include red fruit, pasak bumi, temulawak, as well as other plant parts such as stems, leaves, bark, roots and soil attached to the plant. One of the registered Genetic Resources is the orchid plant, as part of efforts to protect Indonesia's biodiversity, which is vulnerable to population decline due to environmental damage and unsustainable exploitation.[33] Following the same understanding, coffee varieties or seeds developed within a community may also be regarded as Genetic Resources that deserve to be inventoried and recorded as Communal Intellectual Property.

Based on Article 9 of PP KIK, Genetic Resources consist of:

1.) Plants or parts of plants that have actual or potential value;
2.) Animals or parts of animals that have actual or potential value; and/or
3.) Microorganisms or parts of microorganisms that have actual or potential value.

Based on several definitions provided in the laws and regulations discussed above, the definition of Genetic Resources still appears broad and may create ambiguity in practice. Therefore, further analysis is needed through a conceptual approach and by examining actual examples recorded in the DGIP Communal Intellectual Property database. Based on a search of the DGIP Indonesian Communal Intellectual Property Portal as of 29 August 2026, a total of 259 Genetic Resources and 155 Potential Geographical Indications had been recorded. However, it is often difficult to distinguish Genetic Resources from Potential Geographical Indications

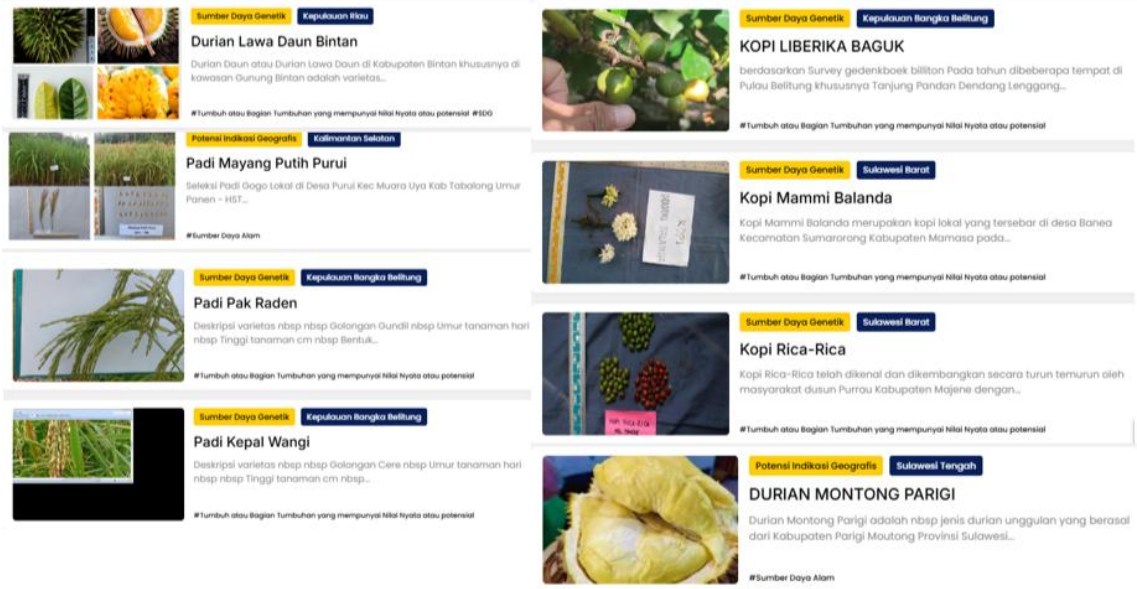
[31] Ria Wierma Putri, dkk., *Perlindungan Sumber Daya Genetik Sebagai Hak Kekayaan Intelektual Komunal*, Justice Publisher, Bandar Lampung, 2023.

[32] Ramona Teuber, *Geographical Indications of Origin as a Tool of Product Differentiation: The Case of Coffee*, Journal of International Food & Agribusiness Marketing, Vol.22, No.3-4 (2010).

[33] Direktorat Jenderal Kekayaan Intelektual, Kementerian Hukum dan Hak Asasi Manusia Republik Indonesia, *Modul Kekayaan Intelektual Bidang Kekayaan Intelektual Komunal*, Direktorat Jenderal Kekayaan Intelektual, Kementerian Hukum dan HAM RI, Jakarta, 2019.

because, as shown in the database, both may refer to the same objects, such as coffee, rice, durian and other agricultural commodities.

Picture 1.
Comparison of Genetic Resources and Potential Geographical Indications



Source: DGIP Communal Intellectual Property Data, https://kikomunal-indonesia.dgip.go.id/home

The difference lies in the focus of protection. Genetic Resources focus on the biological value contained in a biological resource and its potential utilization. One example is the Kerang Ale-Ale (*Meretrix meretrix*), which is recorded as a Genetic Resource in the DGIP Communal Intellectual Property Portal. According to the Regional Research and Innovation Agency of Ketapang Regency, this clam is a bivalve species that has important ecological, economic and cultural value for coastal communities in Ketapang Regency, West Kalimantan. The Kerang Ale-Ale contains protein and an amino acid profile that provide potential value for further development. These characteristics form the basis for its registration as a Genetic Resource. If, in the future, an industry or corporation utilizes the genetic information or extracts the biological contents of the Kerang Ale-Ale to develop commercial products, such as fish feed formulas or other derivative products, the main concern would be the utilization of biological resources originating from a particular community.

Under the Genetic Resources classification using the keyword "Kopi"[34] eight recorded entries were identified. However, only three entries are publicly accessible, namely Kopi Rica-Rica and Kopi Mammi Balanda from West Sulawesi and Kopi Kaleok from West Sumatra. The other five entries have been recorded but are not publicly accessible because the information contained in them is not published. These include Robusta Coffee from Central Java, Gading Dendang Coffee and Liberica Baguk Coffee from the Bangka Belitung Islands, Robusta Coffee from South Sumatra and Boehoen Coffee from West Java.

The recording of Genetic Resources is regulated under Article 18 of PP KIK. This provision requires an application form, a description, supporting data and a statement of support from the Regional Government.[35] The description of Genetic Resources must at least contain the name, type, region or location and documentation in audio and/or visual form.[36] The term Regional Government refers to the Governor when the Communal Intellectual Property object falls within a provincial area or across regencies/municipalities and to the Regent or Mayor when the object is located within a single regency or municipality. This authority may also be delegated to an officially appointed officer in accordance with the applicable laws and regulations.[37] Based on data from the DGIP Communal Intellectual Property Portal, the recording of coffee as a Genetic Resource shows that, for Kopi Rica-Rica, the reporting institution was the West Sulawesi Agricultural Technology Assessment Agency, with the Regent of Majene serving as the responsible authority. Furthermore, Kopi Kaleok was reported by the same institution with the Regent of Polewali Mandar as the responsible authority, while Kopi Mammi Balanda was reported by the

[34] "Kopi" is the Indonesian term for coffee. The keyword "kopi" was used because it corresponds to the classification and search results available in the Indonesian Communal Intellectual Property Portal.

[35] Chidi Oguamanam dan Teshager Dagne, *Geographical Indication (GI) Options for Ethiopian Coffee and Ghanaian Cocoa*, UCT Press, Cape Townn, 2014.

[36] Waspiah, dkk., *From Bean to Benefit: How Indonesian Intellectual Property (IP) Law Protects the Coffee Farmers in Indonesia?*, Jambe Law Journal, Vol.7, No.2 (2024).

[37] Justin Hughes, *Coffee and Chocolate – Can We Help Developing Country Farmers Through Geographical Indications?*, Working Paper, International Intellectual Property Institute, Washington, D.C, 2009.

West Sulawesi Agricultural Technology Assessment Agency with the Regent of Mamasa as the responsible authority. These data indicate that Regional Government support in the recording of Genetic Resources is reflected through the involvement of regional heads according to the territorial scope of the Communal Intellectual Property object.

The characteristics of communal coffee recorded as Genetic Resources in the DGIP Communal Intellectual Property Portal can be seen from the descriptions provided in each record. The data generally contain the name of the genetic resource, its place or region of origin, documentation and information regarding the plant or plant parts that have actual or potential value. The records are also accompanied by a Local Variety Registration Certificate, which shows the connection between the genetic resource and the varieties developed and maintained by local communities or particular communities. These characteristics indicate that the recording of Genetic Resources focuses on the identification of biological resources and their biological value, while also preventing the acquisition and utilization of such resources by other parties without recognition of the originating community or without fair benefit sharing.

The need for such protection is closely related to the risk of biopiracy. Biopiracy refers to the appropriation and commercialization of biological resources and traditional knowledge without the consent of the originating community and without a fair benefit sharing mechanism. This practice generally occurs when companies or research institutions utilize certain biological resources for research or commercial purposes and subsequently obtain exclusive rights through intellectual property systems without involving the communities that have long maintained and developed those resources.[38]

The threat of biopiracy has encouraged the development of various international legal instruments aimed at ensuring that the utilization of genetic resources is carried out fairly and does not harm the communities or

[38] Padala Thirupathi, *Biodiversity, Bio Piracy and the Protection of Traditional Ethno Botanical Knowledge: A Framework for Benefit Sharing Equitable*, International Journal of Science, Strategic Management and Technology, Vol.2, No.4 (2026).

countries of origin. One of these instruments is the Nagoya Protocol, which regulates access to genetic resources and the sharing of benefits between users and providers of genetic resources based on prior informed consent and mutually agreed terms. Indonesia ratified the Nagoya Protocol through Law Number 11 of 2013 concerning the Ratification of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization to the Convention on Biological Diversity.

It should be noted that biopiracy is no longer limited to the appropriation of genetic resources in their physical form. In the modern era, the main objects are natural information, such as DNA/RNA genetic sequence data or molecular formulas. Once foreign researchers or companies obtain such data, which can now be stored and accessed digitally as Digital Sequence Information, they no longer need to collect physical samples directly from the country of origin. The problem is that, although this information may later be used for commercial purposes, mechanisms for fair benefit sharing or royalty payments to countries that possess the biological diversity are often overlooked and do not operate as intended.[39]

2. Potential Geographical Indications as a Means of Protecting and Developing Communal Coffee

Potential Geographical Indications are one form of Communal Intellectual Property recognized under Government Regulation Number 56 of 2022 on Communal Intellectual Property. Based on Article 1 point 6 of PP KIK, a Potential Geographical Indication is a good and/or product which, due to geographical environmental factors, including natural factors, human factors, or a combination of both, possesses a particular reputation and has the potential to be protected as a Geographical Indication but has not yet been registered as one. The Indonesian Dictionary (KBBI) defines potential as an ability that has the possibility to be developed, strength, or capability. When this definition is combined with the concept of

[39] Pallavi Mishra, *The TRIPS-CBD Conflict: How Global Trade Regimes Undermine Access and Benefit-Sharing and Perpetuate Biopiracy Against Biodiversity-Rich Nations*, Biodiversity and Conservation, Vol.35, No.6 (2026).

Geographical Indications, it can be understood that a Potential Geographical Indication is a product and/or good that has the possibility of being registered and obtaining protection under the legal framework governing Geographical Indications.[40]

At first glance, Potential Geographical Indications and Geographical Indications appear similar because both relate to products that are associated with a particular region. Article 1 point 6 of Law Number 20 of 2016 on Trademarks and Geographical Indications defines a Geographical Indication as a sign indicating the place of origin of a good and/or product whose reputation, quality and specific characteristics are attributable to geographical environmental factors, including natural factors, human factors, or a combination of both. According to Lukito, a Geographical Indication sign may take the form of a regional name or a specific symbol indicating the origin of a product, whether agricultural products, processed goods, handicrafts, or other products.[41] Geographical Indications also constitute a form of legal protection for products that possess a particular reputation, quality, or characteristic derived from geographical factors, whether natural factors, human factors, or a combination of both. This protection aims to preserve the uniqueness and reputation of the product and to prevent the unauthorized use of geographical names by other parties.[42]

Based on these definitions, Potential Geographical Indications and Geographical Indications occupy different positions. A Potential Geographical Indication represents the initial stage of recognition for a good and/or product that is associated with a particular geographical area and has the potential to be registered as a Geographical Indication.[43] As a form of Communal Intellectual Property, the recording of a Potential Geographical Indication primarily serves as an inventory and preliminary recognition of

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[40] Direktorat Jenderal Kekayaan Intelektual, Kementerian Hukum dan Hak Asasi Manusia Republik Indonesia, *Op.Cit*..

[41] Imam Lukito, *Peran Pemerintah Daerah dalam Mendorong Potensi Indikasi Geografis (Studi pada Provinsi Kepulauan Riau)*, Jurnal Ilmiah Kebijakan Hukum, Vol.12, No.3 (2018).

[42] Nita Anggraeni, dkk., *Problematika Hak Atas Kekayaan Intelektual Indikasi Geografis (Kajian Yuridis Empiris terhadap Potensi Indikasi Geografis di Banten)*, Jurnal Ilmiah Galuh Justisi, Vol.12, No.2 (2024).

[43] Rani Pajrin, dkk., *Hukum Kekayaan Intelektual Komunal: Konsep, Perlindungan dan Implementasinya*, Penerbit Pustaka Rumah C1nta, Magelang, 2026.

the potential possessed by a community. The distinction between the two becomes clearer in Article 5 paragraphs (2) and (3) of PP KIK, which provide that Potential Geographical Indications only confer communal moral rights upon the originating community. These rights take the form of recognition of the connection between a product and a particular community and geographical area, but do not yet grant exclusive rights to prevent other parties from commercially using the geographical name or identity. In contrast, a Geographical Indication constitutes a constitutive form of protection, as it arises only after completing the registration process and obtaining a certificate from the state under Law Number 20 of 2016 on Trademarks and Geographical Indications. Once a Geographical Indication is registered, a legal entity is officially recognized as representing the community that owns the Geographical Indication and is entitled to pursue legal action against uses that do not comply with the applicable provisions.

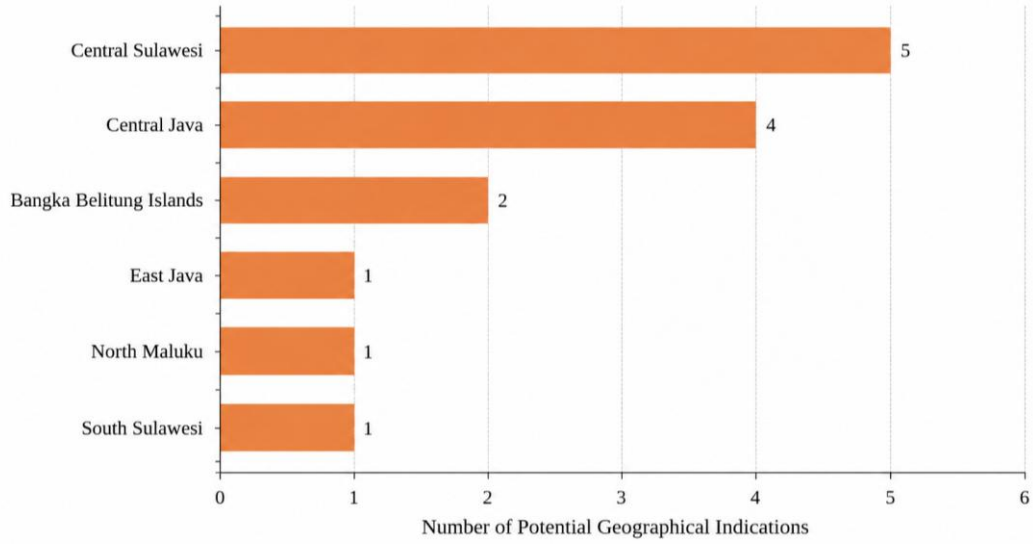
It is important to note that Genetic Resources and Potential Geographical Indications, as regulated under PP KIK, do not stand as isolated protection regimes. Potential Geographical Indications in particular function as a preliminary stage within a broader legal framework that ultimately connects to Law Number 20 of 2016 on Trademarks and Geographical Indications (UU MIG), which governs the definitive registration and exclusive protection of Geographical Indications. This interconnection between a communal-recording regime under PP KIK and a constitutive-registration regime under UU MIG is precisely what makes the classification and positioning of communal coffee analytically significant and forms part of the boundary this study seeks to clarify.

This distinction can be seen in the recording practices reflected in the data on Kopi Robusta Lembantongoa Sigi listed in the Indonesian Communal Intellectual Property Portal. The description primarily emphasizes the existence of the coffee commodity in Sigi Regency and was submitted by the Industry and Trade Office of Sigi Regency without identifying a specific community organization as the rights holder. In contrast, the Geographical Indication data for Kopi Arabika Toba, which

was registered on 11 August 2021, lists Masyarakat Perlindungan Indikasi Geografis (MPIG) Kopi Arabika Toba as the rights holder representing the producing community.

Based on data from the DGIP Communal Intellectual Property Portal, as of 1 September 2026, a total of 155 Potential Geographical Indications had been recorded. Of this number, coffee commodities accounted for 14 Potential Geographical Indication records distributed across several provinces in Indonesia. The data indicate that Central Sulawesi has the highest number of coffee related Potential Geographical Indications, followed by Central Java and the Bangka Belitung Islands. The details are presented in the following figure.

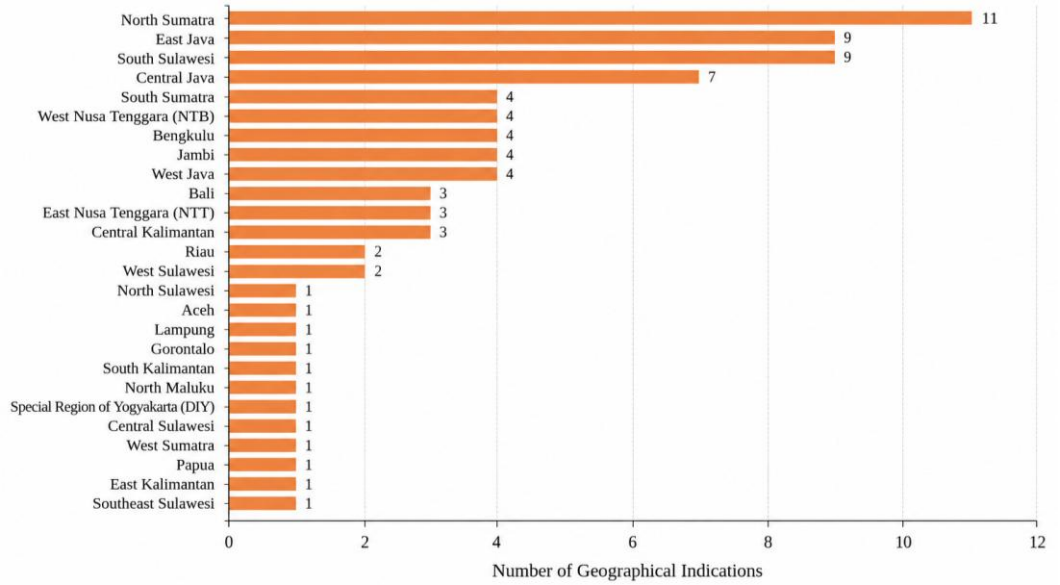
Chart 1.
Number of Potential Geographical Indications for Coffee in Indonesia



Source: Communal Intellectual Property Database (PDKI), processed by the author (as of 10 September 2026).

Based on data obtained from the Intellectual Property Database, as of 10 September 2026, a total of 83 Geographical Indications related to coffee commodities had been registered in Indonesia.

Chart 2.
Number of Potential Geographical Indications for Coffee in Indonesia



Source: *Intellectual Property Database (PDKI), processed by the author (as of 10 September 2026).*

The data indicate that the protection of coffee through the Geographical Indication scheme has been utilized more extensively, although there are still 14 coffee commodities recorded as Potential Geographical Indications.

The issue that arises is that coffee can be found in the Communal Intellectual Property database under both the Potential Geographical Indications and Genetic Resources classifications. The presence of the same object within these two classifications raises questions regarding the different positions and functions of each instrument. In other words, the question is how coffee may be classified as a Potential Geographical Indication and how it may be classified as a Genetic Resource.

Based on Article 11 of PP KIK, Potential Geographical Indications include goods and/or products derived from Natural Resources, handicrafts and industrial products. In the context of this study, coffee falls within the

category of products derived from Natural Resources. To obtain registration as a Potential Geographical Indication, an applicant must satisfy the administrative requirements stipulated under PP KIK, which at a minimum include:[44]

a. An application form for registration;
b. A description of the goods and/or products containing, at a minimum, the name of the Potential Geographical Indication, the type of goods and/or products, the characteristics, history and reputation of the goods and/or products, a map and territorial boundaries and documentation in audio and/or visual form;
c. Supporting data; and
d. A written statement supporting the protection, preservation, development and utilization efforts, signed by the Regional Government.

These requirements indicate that the recording of Potential Geographical Indications serves to document the existence of a product, as well as its characteristics, reputation, history and connection to a particular geographical area. This inventory function is important, as Indonesia has previously experienced cases involving the use of regional products by other parties, one example being Kopi Toraja, which was once registered as a trademark by a foreign company.[45] In this context, the recording of Potential Geographical Indications enables a product, together with its characteristics and geographical origin, to be documented in the Communal Intellectual Property database at an early stage, thereby ensuring that the existence and identity of the communal product can be recognized and minimizing the risk of claims or use by other parties without the involvement of the originating community.

Based on a search of the Communal Intellectual Property Portal, 14 coffee commodities have been recorded as Potential Geographical

[44] Pasal 20 dan Pasal 21 Peraturan Pemerintah Republik Indonesia Nomor 56 Tahun 2022 tentang Kekayaan Intelektual Komunal.
[45] Winda Risna Yessiningrum, *Perlindungan Hukum Indikasi Geografis sebagai Bagian dari Hak Kekayaan Intelektual*, Jurnal IUS Kajian Hukum dan Keadilan, Vol.3, No.1 (2015).

Indications. Each record contains the notation "*Not Yet Registered as a Geographical Indication*." This notation indicates that recording under the Potential Geographical Indications category does not automatically confer protection as a Geographical Indication. If a community or the relevant authorized party intends to obtain such protection, the process must follow the Geographical Indication registration mechanism as provided under Articles 56–65 of Law Number 20 of 2016 on Trademarks and Geographical Indications.

This registration mechanism under UU MIG is considerably more rigorous than the recording procedure for Potential Geographical Indications under PP KIK. It requires the applicant to submit a formal application accompanied by a Geographical Indication Description Document detailing the reputation, quality and characteristics of the product, followed by both administrative and substantive examination by the Directorate General of Intellectual Property, public announcement of the application, an opportunity for third parties to file objections and, only after these stages are completed, the issuance of a Geographical Indication certificate. The comparatively simple documentation required for Potential Geographical Indication recording under PP KIK, discussed above, therefore represents only the initial inventory stage; the substantive legal gatekeeping and the resulting exclusive right, are located entirely within the UU MIG registration process.

For coffee commodities, the recording of Potential Geographical Indications serves as a means of development by creating opportunities for a coffee product to gain wider recognition through its distinctive characteristics. These characteristics may subsequently form the basis for building the product reputation and the identity of its place of origin. The development aspect can be seen in the growing attention given to Excelsa coffee. Amid increasingly unpredictable climate and weather conditions, several regions have begun to consider Excelsa as an alternative because it is regarded as more adaptable to certain environmental conditions than other coffee varieties. This situation has made Excelsa increasingly well known

and has provided promising prospects for its future development. One example is Kopi Excelsa Tapin, which obtained Geographical Indication protection under Geographical Indication Number ID G 000000279 on 1 September 2026. In Indonesia, Excelsa coffee is still cultivated on a limited scale. Its ability to grow in acidic peatlands and its relatively short harvesting period make it a promising commodity for further development,[46] including in Kalimantan, where Kopi Excelsa Tapin has emerged as a Geographical Indication product.

In addition to Excelsa coffee, Liberica coffee has also begun to attract attention as an emerging specialty bean with economic and ecological value. This development can be seen from several Liberica coffees that have obtained Geographical Indication protection. These include Kopi Liberika Tungkal Jambi (ID G 000000032), which has been registered since 23 May 2013 by Masyarakat Perlindungan Indikasi Geografis (MPIG) Kopi Liberika Tungkal Jambi; Kopi Liberika Rangsang Meranti (ID G 000000041), which has been registered since 2 May 2016 by Masyarakat Peduli Kopi Liberika Rangsang Meranti (MPKLRM); and Kopi Liberika Kayong Utara (ID G 000000106), which has been registered since 4 October 2023 by Masyarakat Peduli Indikasi Geografis Kopi Liberika Kayong Utara (MPIGKLKU). In addition, Kopi Liberika Prangat Baru has been under the status of For Publication since 5 August 2026, with Masyarakat Perlindungan Indikasi Geografis Kopi Liberika Prangat Baru as the applicant.

C. CONCLUSION

Based on the discussion above, it can be concluded that coffee may be recorded as both a Genetic Resource and a Potential Geographical Indication. However, the position of coffee as a Genetic Resource and as a Potential Geographical Indication relates to different aspects of protection, namely:

1. Genetic Resources focus on the biological value and genetic information

[46] Muhammad Imron Rosadi, dkk., *Pengolahan Kopi Excelsa Pasca Panen Terhadap Roasting Kopi di Kelurahan Pecalukan Kecamatan Prigen Kabupaten Pasuruan*, Jurnal Abdimas Berdaya: Jurnal Pembelajaran, Pemberdayaan dan Pengabdian Masyarakat, Vol.4, No.2 (2021).

contained in coffee plants, whereas Potential Geographical Indications focus on the characteristics, quality and reputation of coffee products associated with a particular geographical area.

2. Genetic Resources aim to document biological resources and prevent biopiracy, as well as utilization without recognition or fair benefit sharing for the originating community. In contrast, the aspect protected by Potential Geographical Indications is not the genetic characteristics of the coffee plant, but rather the identity of the product and its connection to its place of origin.
3. The recording of Potential Geographical Indications under PP KIK constitutes an initial, documentary step that does not by itself confer exclusive rights. It is only through the registration mechanism under Articles 56–65 of Law Number 20 of 2016 on Trademarks and Geographical Indications that a product's characteristics, reputation and geographical origin translate into an enforceable exclusive right, valid for as long as the underlying reputation and characteristics persist. Accordingly, the positioning of communal coffee as a Potential Geographical Indication should be understood not as an endpoint but as a bridge between the inventory function of Communal Intellectual Property regulation and the definitive, constitutive protection available under Indonesia's Trademark and Geographical Indication law.
4. In the long term, Genetic Resources are directed toward the conservation, research and utilization of biological resources with potential economic value, whereas Potential Geographical Indications are directed toward strengthening product reputation, increasing regional economic value and obtaining Geographical Indication protection.

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