

Geographical Indications of Tunun Gringsing: Basic Concepts of Rights Policy Development Process in Tenganan Pegringsingan Traditional Village

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Abstract. This study examines the basic concepts of the policy-making process for the Geographical Indication Rights of Tenun Gringsing in the Tenganan Pegringsingan Traditional Village, Karangasem Regency, Bali. Technological developments and globalization have resulted in the potential threat of plagiarism or counterfeiting of Tenun Gringsing. This has a negative impact on the people of Tenganan Village, both socio-culturally and economically. Socio-culturally, Tenun Gringsing has a sacred meaning and high philosophical value. Meanwhile, the community and Tenun Gringsing craftsmen economically get additional economic income from Tenun Gringsing. Thus, the plagiarism of Gringsing hurts the people of Tenganan Village. A more concrete and legally binding policy is needed to protect Tenun Gringsing. The Right to Geographical Indications from the Ministry of Law and Human Rights is an alternative solution. So that it is interesting to study the process of making policies on the rights of Geographical Indications for Tenun Gringsing. This research then uses a qualitative descriptive research method to elaborate the problem more comprehensively. The practical benefit of this research is to describe the policy process of the Gringsing Geographical Indication Right, to be used as a reference for the submission of Geographical Indication Rights by other regions.

Keywords: geographical indication rights; government science; gringsing; policy-making process; Tenganan traditional village

1. Introduction

Tenganan's *Tenun Gringsing* is the work of creativity and culture of the people of the Tenganan Pegringsingan Traditional Village, Karangasem Regency, Bali Province. Socio-culturally, *Gringsing* has an important meaning, especially in terms of religious ceremonies. *Gringsing* has always been a part of various religious activities in the Tenganan Pegringsingan Traditional Village. Besides that, *Gringsing* is also always used in cultural activities such as weddings, Pandan War or *Mekare-kare traditions*, and *ngusaba* (Lodra, 2015). So that the existence of Tenun Tenun Gringsing has an important role in the social and cultural life of the people of the Tenganan Traditional Village.

Apart from having a socio-cultural meaning, Tenun Gringsing also has an economic meaning for the people of Tenganan Pegringsingan Traditional Village. The effects of globalization and increasingly massive tourism in Tenganan Village also have an economic impact on Tenun Gringsings. Developments in the tourism climate, globalization and technology not only bring opportunities, but also bring threats to the people of Tenganan

Village, especially for Tenun Gringsing. The increasingly widespread market competition actually poses a threat to Tenun Gringsing, namely counterfeiting or plagiarism (Purnamawati, 2016). Clothing or textile industries outside Tenganan Village are starting to look at the designs and motifs typical of Tenun Gringsing to be produced irresponsibly. Technological advantages and capital capitalization make it easier for these industries to copy Tenun Gringsing motifs into clothing products according to their wishes.

From a socio-cultural perspective, this has damaged the philosophical value of Tenun Gringsing. Tenun Gringsing is made with a long and sacred process, such as performing certain rituals, *offerings*, and there are some taboos. The work on Tenun Gringsing begins with a ceremony called *mekelud seed*, which is interpreted as a ritual to remove *fatigue* or impropriety. The coloring of the yarn which is the main component of Tenun Gringsing is also done very carefully and naturally. There is a procession of *offerings* every time the yarn is dyed (Lodra, 2015). Likewise in the weaving process, it requires a high level of patience and precision so that the quality of Tenun Gringsing is maintained. Reflecting the sacred values contained in every process of making Tenun Gringsing.

All of these processes are carried out manually with the art of handcraft and traditional looms. Ideally, one Tenun Gringsing measuring 120cm x 90cm is made for one year (Lodra, 2015). Differences in cloth size and the level of complexity of the motifs also determine the length of work. This long process is heavily influenced by sacred values which can be seen from the ceremonies performed in the manufacturing process. There is not even the use of machine tools, electricity, or industrial technologies in all the spinning processes of Tenun Gringsing. The auxiliary equipment used is processed natural resources, which are made of wood, bamboo, stone, etc. In other words, Tenun Gringsing is the result of a collaboration of philosophical values and pure creative artistic power made by the people of Tenganan Village.

Apart from being in the socio-cultural field, efforts to plagiarize Tenun Gringsing also threaten the people of Tenganan Village from an economic standpoint. Weaving or crafting Tenun Gringsing is one of the livelihoods of the residents of Tenganan Village. Tenun Gringsing is an exclusive commodity that costs millions to hundreds of millions of rupiah. For art connoisseurs, this price is not a problem considering the process and sacred values that exist in every Tenun Gringsing product. But for society in general, these prices tend to be considered too high. This opportunity was used by other producers outside Tenganan Village to create woven fabrics with motifs similar to those of Gringsing at a much more affordable price. Without going through a long and sacred process, and with the help of sophisticated technology, it is not difficult for these producers to make woven fabrics resembling Tenun Gringsing at low prices. Therefore, the plagiarism of Tenun Gringsing is a threat both from a socio-cultural and economic perspective for the people of Tenganan Village, which needs to be addressed by the authorities.

Responding to this problem, the Rights of Geographical Indication (IG) from the Ministry of Law and Human Rights of the Republic of Indonesia is an alternative solution. Geographical indications are legal products that aim to protect the unique value of the product within a certain area, from the threat of plagiarism or counterfeiting. Geographical indications are a part of Intellectual Property Rights (Yessiningrum, 2015). In other words, Geographical Indications can be referred to as Intellectual Property Rights which are communal or together. There are geographical factors, natural resources, and human resources that produce a product that has its own characteristics and cannot be found in other areas. In addition, Geographical Indications are also closely related to Marks. Described by Purwo Sutjipto in Yessiningrum (2015), a brand is a sign that certain objects or products have been personalized so that they can be distinguished from other similar objects or products. By regulation, Geographical

Indications are also listed in Law no. 15 of 2001 concerning Brands. In article 56 of Law No. 15 of 2001 it is explained that "*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 a combination of these two factors, gives certain characteristics and qualities to produced goods*". Thus it can be interpreted that Geographical Indications are legal guarantees obtained by certain regions to protect regionally unique commodities from the threat of plagiarism or counterfeiting. Included in this is Tenun Gringsing in Tenganan Village.

Tenun Gringsing obtained a Geographical Indication in 2016. Submission of a Geographical Indication for Tenun Gringsing was carried out by the Geographical Indication Protection Council (MPIG) for Gringsing Tenganan Weaving. This institution was formed by the Head of Tenganan Village, Bendesa Adat Tenganan, and other figures in Tenganan Village (Detik, 2016). The vision of establishing this institution, which is then used to submit Geographical Indications, is to preserve and protect Tenun Gringsing from the threat of plagiarism. Before there were Geographical Indications, there were no legally binding policies for outsiders who wanted to falsify Tenun Gringsing (Adnyani, 2016). The issuance of Geographical Indications for Tenun Gringsing gives new hope to the people of Tenganan Village in protecting Tenun Gringsing from the threat of plagiarism or forgery.

The process of submitting Geographical Indications is not easy. It needs careful and complicated administrative verification so that it can be granted. Apart from that, there are several requirements that are quite tough, namely making books, academic studies, and so on. Before heading to the national level, approval must be obtained at the district and provincial levels. This long bureaucratic process is certainly a challenge for the people of Tenganan Village, whose daily time is spent in the village gardening, farming, raising livestock, or weaving. Therefore, it is interesting to study the dynamics of the process of issuing Geographical Indications for Gringsing Tenganan weaving. The lengthy mechanism for submitting Geographical Indications requires assistance from certain parties, such as NGOs, government, academics, etc. So this research will comprehensively discuss the dynamics of the processes that occur related to this matter. Starting from within Tenganan Village, Karangasem Regency Government, Bali Provincial Government, to the Indonesian Ministry of Law and Human Rights. Thus, the scope of this research will answer the dynamics of the basic concept of the policy-making process of Tenun Gringsing Geographical Indications in Tenganan Village. So that it focuses on the dynamics of the process and the submission mechanism until the Tenun Gringsing Geographical Indications are issued.

2. Method

This study uses a qualitative method. Bearing in mind that the subject matter of the research is a social issue that has a fairly high complexity. As the post-positivism paradigm states that social reality is something that is holistic, dynamic, and interactive. Research is conducted on natural objects, which are defined as objects that develop naturally and are not manipulated by researchers. The main instrument in qualitative research methods is humans or often called *human instruments*, namely the researchers themselves (Sugiyono, 2014).

The qualitative method is the most relevant approach in this research. The basic concept of the Tenun Gringsing Geographical Indication policy process is a phenomenon or social reality that is quite complex. Therefore, data along with qualitative analysis is needed in order to explore the problem more comprehensively.

This type of research uses descriptive in a qualitative framework. Descriptive method is used to explain social phenomena in this research in more depth. While the data sources use primary data sources and secondary data sources. Primary data sources were obtained from informants, namely the parties involved in the Tenun Gringsing Geographical Indication policy process, such as the Chairperson of the Traditional Village or Tenganan Pegringsingan Village, Head of Tenganan Village, Tenganan Village figures, Tenun Gringsing craftsmen, Karangasem Regency Government, Provincial Government of Bali, and the Ministry of Law and Human Rights of the Republic of Indonesia. While secondary data is obtained from searching *websites*, journals, books, etc.

In-depth interviews or *depth interviews* are used in this research instrument. The use of *depth interviews* is useful for obtaining in-depth and comprehensive data on informants. In order to support the *depth interview process*, sound and visual recording aids were used so that the data conveyed by the informants was captured clearly. Bearing in mind that the primary data sources for this research are informants related to the policy-making process of the Tenun Gringsing Rights of Geographical Indication, the clarity of the data narrated by the informants is important. The data obtained in this study used interactive and non-interactive collection techniques. Data collection with interactive techniques is done by observation and interviews.

The results of the data analysis are then presented in a narrative-descriptive manner and supplemented with tables, figures, charts, etc. The way of presenting the narrative-descriptive data is made in the form of sentence by sentence which is scientific in nature based on the data that has been obtained. While the presentation of data using tables, pictures, charts, etc. is used to explain some points that are easier to read through tables, pictures, charts, etc.

3. Results and Discussion

3.1. Tenun Gringsing in the Perspective of Local Wisdom

The Gringsing Tenganan Woven Cloth has a high meaning of local wisdom for the people in the Tenganan Pegringsingan Traditional Village, Manggis District, Karangasem Regency. Tenun Gringsing is not just a cloth, but a product of the creativity and culture of the local community. Socio-culturally, Tenun Gringsings play an important role, especially in terms of religious ceremonies. Tenun Tenun Gringsing has always been a part of various religious activities in the Tenganan Pegringsingan Traditional Village. Besides that, Tenun Gringsing is also always used in cultural activities such as weddings, Pandan War or *Mekare-kare traditions*, and *village ngusaba* (Lodra, 2015). So it can be seen that the existence of Tenun Tenun Gringsing has an important meaning in the social and cultural life of the people of Tenganan Pegringsingan Traditional Village.

In the perspective of *local wisdom* according to Mitchell (2003) in Njatrijani (2018), there are six dimensions that classify a local wisdom in the community. The first is the dimension of local knowledge, namely the insights possessed by the community naturally and are adaptive to nature or the environment. The second is the dimension of local values, namely a set of local values regarding actions that must be obeyed and agreed upon by the local community. The third is the dimension of local skills, the community's ability to survive and meet their individual needs. Fourth is local resources, namely the use of local resources without exploitation that causes damage to these resources. The fifth is the dimension of the local decision-making mechanism, a local-scale government that embodies the policy-making mechanism. Sixth is the dimension of group solidarity, which emphasizes aspects of mutual assistance among local communities.

The understanding and classification of the six dimensions of local wisdom can be found in Tenun Gringsings. First, on the dimension of local knowledge, Tenun Gringsing is the result of insight into neat and intricate weaving techniques, and is only owned by the people of Tenganan Pegringsingan Traditional Village. Second, on the dimension of local values, Tenun Gringsings have important social and economic significance for the local community. Third, on the dimension of local skills, one of the efforts to survive for the people of the Tenganan Pegringsingan Traditional Village is through Tenun Gringsings. Fourth, on the dimension of local resources, Tenun Gringsing is the result of processing nature in a traditional way, without exploiting this nature. Fifth, from the dimension of the local decision-making mechanism, the craftsmen of Tenun Gringsing have a community whose role is to make policies or regulations related to Tenun Gringsing. Finally, on the dimension of local group solidarity, the people of Tenganan Pegringsingan Traditional Village and the craftsmen of Tenun Gringsings work together to carry out local values or traditions. Thus, the Tenun Gringsing is a local wisdom of the people of the Tenganan Pegringsingan Traditional Village which has significance in the aspects of tradition and socio-culture.

Along with the times, there are several factors that can threaten the preservation of Tenun Gringsings, one of which is plagiarism or forgery. Apart from having socio-cultural and traditional meanings, Tenun Gringsing also has economic significance for the people of Tenganan Pegringsingan Traditional Village. The effects of globalization and increasingly massive tourism in Tenganan Village also have an economic impact on Tenun Gringsings. Developments in the tourism climate, globalization and technology not only bring opportunities, but also bring threats to the people of Tenganan Village, especially for Tenun Gringsing. The increasingly widespread market competition actually poses a threat to Tenun Gringsing, namely counterfeiting or plagiarism (Purnamawati, 2016). Clothing or textile industries outside Tenganan Village are starting to look at the designs and motifs typical of Tenun Gringsing to be produced irresponsibly. Technological advantages and capital capitalization make it easier for these industries to copy Tenun Gringsing motifs into clothing products according to their wishes.

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3.2. Geographical Indications of Tenun Gringsing in the Public Policy Framework

The granting of Geographical Indications for the Tenun Tenun Gringsing of the Tenganan Pegringsingan Traditional Village is the result of public policy. Thus, it is important to observe this from a public policy perspective. Thomas R. Dye (1987) states that *public policy* is a series of actions that are carried out and not carried out by the government with specific goals and are oriented to the interests of society. In other words, all government actions can be considered as *public policy*, as explained by Dye (1987): "*whatever government chooses to do or not to do*". The definition from Dye (1987) refers to four implications. First, that government policy is the determination of government actions. Second, government policy is not only at the statement level, but must be implemented in real terms. Third, that government policies are based on certain goals and interests, whether something is done or not done. Fourth, that government policies must be oriented or aimed at the interests of the whole community.

This research then tries to explore the process or stages of the Tenun Gringsing geographical indication policy through four categories according to Abdoellah & Rusfiana (2016):

1. Policy Demands

The category of *policy demands* refers to all demands addressed to government actors. Can be submitted by private actors, civil society, or certain government circles. The aim is to submit demands to more competent parties, in this case the government, to respond to existing problems. According to the presentation of Putu Yudiana, ST (2022), as Keliang Adat of the Tenganan Pegringsingan Traditional Village during an interview with the research team, the demands of the people of the Tenganan Pegringsingan Traditional Village to obtain legal protection for Tenun Tenun Gringsing have existed since 2014. This was based on the restlessness of the Village community The Tenganan Pegringsingan custom relates to the potential threat of counterfeiting and plagiarism of Tenun Gringsings.

A similar statement was made by Putu Wiadnyana (2022), secretary of the Tunun Gringsing Concerned Society for Geographical Indications (MPIG) during an interview with the research team, that the leaders of the Tenganan Pegringsingan Traditional Village had issued an idea to find the right policy formula to protect Tenun Gringsings. However, in 2014 relevant and suitable facilities have not been found to be able to protect Tenun Gringsings, especially legally. Then in 2015, after conducting various discussions with the Karangasem Regency Tourism Office, Karangasem Regency Industry and Trade Office, and the Indonesian

Ministry of Law and Human Rights, a relevant policy formula and legal product was found to protect Tenun Gringsings, namely Geographical Indications (IG). Since 2015, various components to complete the requirements for submitting Geographical Indications have been carried out by the people of the Tenganan Pegringsingan Traditional Village who are members of the Tunun Gringsing Community Concerned for Geographical Indications (MPIG).

The head of MPIG Tunun Gringsing, Wayan Yasa (2022) in an interview with the research team stated that since its inception MPIG Tunun Gringsing received positive support both from within the Tenganan Pegringsingan Traditional Village and various government agencies. So that the process of submitting Tenun Gringsing Geographical Indications by MPIG gets convenience and smoothness, especially at the central government level (Kemenkumham).

2. *Policy Decisions*

Decisions that have been formulated and made by the relevant government, to provide authority or direction for the implementation of government policies. This category includes decisions to create statutes, issue executive orders, and regulations at the administrative level. Since 2015, the application for geographical indications for Tenun Gringsing submitted by MPIG has been received by the Ministry of Law and Human Rights of the Republic of Indonesia.

Based on interviews with a team from the Ministry of Law and Human Rights of the Republic of Indonesia Bali Regional Office, the Tenun Gringsing geographical indication policy decision has been accepted since 2015. The geographical indication is part of intellectual property. Intellectual Property is the equivalent of *Intellectual Property* or abbreviated as IP. Intellectual Property is a right that arises as a result of human thinking that can produce a product or a process that is useful for humans. Intellectual property has the right to enjoy economically the results of an intellectual creativity. Intellectual Property has 3 pillars, namely the KI filing system, Commercialization of Intellectual Property, Enforcement of intellectual property law.

A Geographical Indication is a sign indicating the area of origin of goods and/or products which due to geographic environmental factors including natural factors, human factors or a combination of the two factors give reputation, quality and certain characteristics to the goods and/or products produced. The GI protection system can be done by using a GI label which can only be done by registered GI rights holders/GI users. The use of labels is only for products that meet the quality standards of the description document. If the label is used on a product that does not match the description document, it is the same as a GI violation .

The applicant or prospective holder of GI rights is regulated in Article 53 Paragraph (3) of Law 20 of 2016, namely: The applicant is an institution that represents the community in a certain geographical area that seeks a goods and/or products in the form of natural resources , handicrafts or industrial results. Any person who unlawfully uses a sign that has the same overall resemblance to the IG belonging to another party for goods that are the same or similar to the goods registered, shall be punished with imprisonment for a maximum of 4 (four) years and/or a fine of up to Rp. 2,000,000. 000.00 (two billion rupiah). Any person who unlawfully uses a sign which is similar in principle to the IG belonging to another party for goods which are the same or similar to the goods registered, shall be subject to imprisonment for a maximum of 4 (four) years and/or a fine of a maximum of Rp. 2,000,000. 000.00 (two billion rupiah) (Ministry of Law and Human Rights of the Republic of Indonesia, 2022).

3. *Policy Statements*

Official statements or articulations explaining government/public policies. For example, at the central government level, these are MPR decrees, presidential decrees, ministerial

regulations, followed by administrative regulations at a lower level. Speeches by government officials can also be included in the category of *policy statements*. In other words, this category shows a more serious effort from the government to convince the public about the policies to be taken.

Based on data from the Intellectual Property Database of the Ministry of Law and Human Rights, the Geographical Indication for Tunun Gringsing was issued under No. 06/IG/IV/A/2016 and with the number IG.00.2015.000015. The following data shows *the policy statement* on the geographical indication of Tenun Gringsing:

		No. Paten G// 000046	Tgl. Pemberian 2016-07-18
Status			
(GI) Didaftar			
Detail			
NOMOR PENGUMUMAN -		TANGGAL PENGUMUMAN 2016-04-15	
NOMOR PERMOHONAN G002015000015		TANGGAL PENERIMAAN 2015-12-16	
TANGGAL DIMULAI PELINDUNGAN 2015-12-16		TANGGAL BERAKHIR PELINDUNGAN 2115-12-16	

(Source: Indonesian Ministry of Law and Human Rights Intellectual Property Database)

There are two indications based on geographic indications, namely those contained in TRIPS and Law no. 20 of 2016 concerning Brands. Geographical indications are one of the branches of Intellectual Property Rights which have been agreed upon and stipulated as a rule of law in all member countries that are members of TRIPS (Trade Related Aspects on Intellectual Property) and Indonesia has ratified it in Law no. 7 of 1994 as a consequence of the signing of the Multilateral Agreement of the World Trade Organization. Geographical indications were first regulated in the provisions of the Trademark Law No. 14 of 1997 and later regulated in the Trademark Law no. 15 of 2001, as well as implementing regulations, PP No. 51 of 2007 concerning Geographical Indications. Finally in Law no. 20 of 2016 concerning Trademarks and Geographical Indications (Ministry of Law and Human Rights of the Republic of Indonesia).

4. Policy Outputs

The form of government policy that can be felt or seen the most lies in the category of *policy outputs*. This category concerns things that are done to implement everything that has been issued in the previous categories. *Policy outputs* can be said to be policy products that have been implemented and directly lead to community problems. Geographical indication is a legal product that guarantees and protects Tenun Gringsing as communal intellectual property. The policy output that can be seen is the oversight mechanism.

Control of Geographical Indications is carried out by the central government and regional governments in accordance with their authority. This supervision can also be carried out by the community, which is a member of the Society Concerned with Geographical Indications (MPIG). The Geographical Indications expert team evaluates the GI Description Document and provides considerations or recommendations to the Minister regarding registration, amendment, cancellation, technical development/supervision of national geographical indications.

5. Policy Outcomes

The impacts felt by the community towards the policies that have been issued by the government. Even though it has gone through a long mechanism, it is not a guarantee that a public policy can work effectively for the community. Therefore, policy evaluation is important in *policy outcomes*.

The benefits of GI for the local economy are to increase the reputation (fame) of the area, maintaining the preservation of natural beauty, traditional knowledge, and biological resources, support the development of agro-tourism, stimulate the emergence of other activities related to GI products. The roles of the GI Management Group include managing group members in terms of producing GI products, actively participating in every step of GI development and preparing description documents, being the motor in the process of developing and sustaining GI products, and constantly promoting the importance of providing quality raw materials.

GI Management has a role, among others, to produce high quality products in accordance with market demand, and actively promote them, provide *quality assurance* for the products produced by group members to the GI Management Group, carry out quality control (*quality control*) on the products produced by members of the group, especially on raw materials and production processes, carry out quality tests (*quality assessment*) of the products produced by members of the group.

The same thing was conveyed by Wayan Yasa (2022), chairman of MPIG Tunun Gringsing, that the real impact felt by the people of the Tenganan Traditional Village with the existence of this IG is recognition under national law, thereby increasing pride. According to his presentation in an interview with the research team, after obtaining the GI certificate, there are important benefits that can be concluded, namely as a forum for self-organization. For example, when you get an order from the ministry, it can make coordination easier and better for equity.

The next benefit is the protection of legal guarantees that the community in the Tenganan Pegringsingan Traditional Village provides comfort to the local village community. The benefits derived from the economy, namely the existence of MPIG can be trusted from an economic point of view, the government will provide more opportunities. After obtaining IG, quality control becomes a crucial thing that must be done, especially by MPIG.

However, there are still a number of things that need to be improved to optimize the benefits of IG for the people of Tenganan Pegringsingan Traditional Village. Socialization is the most crucial thing that must be done together, both by the government and MPIG management. Most of the people of the Tenganan Pegringsingan Traditional Village still do not understand substantively about geographical indications. Even though a correct and precise understanding of geographical indications is important in order to be able to take advantage of this policy.

4. Conclusion

Geographical indications are a product of public policy aimed at providing legal guarantees for the preservation of Tenun Gringsings in the Tenganan Pegringsingan Traditional Village. The Gringsing Tenganan Woven Cloth has a high meaning of local wisdom for the people in the Tenganan Pegringsingan Traditional Village, Manggis District, Karangasem Regency. Tenun Gringsing is not just a cloth, but a product of the creativity and culture of the local community. Socio-culturally, Tenun Gringsings play an important role,

especially in terms of religious ceremonies. Tenun Tenun Gringsing has always been a part of various religious activities in the Tenganan Pegringsingan Traditional Village. Apart from being in the socio-cultural field, efforts to plagiarize Tenun Gringsing also threaten the people of Tenganan Village from an economic standpoint. The granting of Geographical Indications for the Tenun Tenun Gringsing of the Tenganan Pegringsingan Traditional Village is the result of public policy. Thus, it is important to observe this from a public policy perspective.

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