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REGISTERING KOPI GUNUNG KAWI AS A GEOGRAPHICAL INDICATION: URGENCY OF COLLECTIVE LEGAL PROTECTION FOR FARMERS IN SUMBERDEM VILLAGE, MALANG REGENCY

Wahyu Ningtyas

Widya Gama University Malang, Indonesia

<https://orcid.org/0009-0002-6316-3221>, and wahyuningtyas181@gmail.com

Sulthon Miladiyanto

Widya Gama University Malang, Indonesia

<https://orcid.org/0009-0007-5273-2608>, and sulthon@widyagama.ac.id

✉corresponding email only: wahyuningtyas181@gmail.com

Abstract

The protection of geographical names as product identities serves as a legal instrument to safeguard the reputation, characteristics, and economic value of a product influenced by geographical factors. Although Gunung Kawi Coffee from Sumberdem Village, Malang Regency, has a history, reputation, and characteristics recognized by the public, it has not yet received protection through Geographical Indication (GI) registration. This study aims to analyze the legal framework governing geographical names as product identities, the legal status of the farming community prior to GI registration, as well as the urgency, readiness, and obstacles to the GI registration of Gunung Kawi Coffee. This study is an empirical legal research employing a statutory approach, a conceptual approach, and a sociological approach. Data were collected through interviews, documentary analysis, and literature review, and were subsequently analyzed using the Miles and Huberman interactive model, which includes data condensation, data presentation, and the drawing of conclusions and verification. The results of the study indicate that legal regulations regarding Geographical Indications are in place, but their implementation has not been optimal because the applicant's institutional framework, a requirements manual, and a monitoring system have not yet been

established. Prior to registration, the farming community held only a factual interest in the product's reputation without exclusive rights to the geographical name. Gunung Kawi Coffee has met most of the substantive requirements for a Geographical Indication but still faces obstacles in institutional, administrative, financial, and coordination aspects. Therefore, the registration of Geographical Indications is important as a form of collective legal protection for farmers.

Keywords

Geographical Indications, Gunung Kawi Coffee, Legal Protection, Communal Rights, Farmers' Community.

Introduction

As a state based on law, Indonesia is constitutionally obliged to protect every right recognized by law, including rights of a communal nature. This obligation is reflected in article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which affirms that the state recognizes and respects customary law communities together with their traditional rights, so long as these remain alive and consistent with the development of society and the principles of the unitary state. Article 28D paragraph (1) further guarantees every person the right to recognition, assurance, protection, and fair legal certainty.¹ These constitutional provisions demonstrate that the state is obliged to protect not only rights held by individuals, but also collective rights arising from the historical, social, cultural, and geographical relationship of a community with a particular territory.

One legal vehicle for protecting such communal rights is the intellectual property (IP) regime, particularly the protection of Geographical Indications (GI). Unlike copyright, patents, or trademarks, which generally confer exclusive rights on a particular individual or legal entity, GI is a right collectively held by the community of producers within a defined geographical area.² GI is regulated under Law Number 20 of 2016 on Trademarks and Geographical Indications. Article 1(6) defines a Geographical Indication as a sign that indicates the region of origin of goods and/or products which, because of geographical environmental factors — including natural factors, human factors, or a combination of both — confers a particular reputation, quality, and

¹ Article 28D paragraph (1), the 1945 Constitution of the Republic of Indonesia.

² Directorate General of Intellectual Property (DGIP), "Geographical Indication," accessed November 26, 2025, <https://www.dgip.go.id/menu-utama/indikasi-geografis/pengenalan>.

characteristic on the goods and/or products produced.³ Legal protection for GI is granted through a registration mechanism at the Directorate General of Intellectual Property (DGIP). Consequently, a right over a Geographical Indication acquires legal protection only after it has been registered in accordance with statutory provisions. The existence of GI protection serves a function broader than merely regulating the use of a region's name. Registration also safe guards product reputation and quality, assures consumers of the true origin of a product, prevents unauthorized parties from misusing a geographical name, and has the potential to increase the economic value captured by the community of producers.

The implementation of GI protection in Indonesia has produced positive outcomes for a number of leading regional products, among them Gayo Arabica Coffee from Aceh, Kintamani Bali Arabica Coffee, Muntok White Pepper from the Bangka Belitung Islands, and Amed Bali Salt, all of which have obtained GI certificates from DGIP.⁴ Once legally protected, the use of the geographical names attached to these products became more secure, since the names could thereafter be used only by producers originating from the designated geographical area who satisfy the production standards set out in the GI's Book of Requirements. This success demonstrates that GI protection not only provides legal certainty over the use of a geographical name, but also strengthens product reputation and the bargaining position of producer communities in trade.⁵

Nevertheless, numerous regional products that possess distinctive characteristics have yet to obtain legal protection through GI registration, indicating that the legal mechanism made available by statute has not been fully utilized by producer communities. This underutilization constitutes one of the persistent challenges in the implementation of GI protection in Indonesia. Indonesian coffee production is dominated by the Robusta variety, which is cultivated across regions with markedly different geographical characteristics; these variations give each coffee-producing region a distinctive flavor, aroma, and quality profile, creating potential for protection under the GI system. According to data from the Statistics Agency of East Java Province and the East Java Provincial Plantation Office, Malang Regency is one of the largest coffee-producing areas in East Java. Coffee

³ Article 1(6), Law Number 20 of 2016 on Trademarks and Geographical Indications, hereinafter referred to as the Trademark and GI Law.

⁴ Directorate General of Intellectual Property, *Buku Indikasi Geografis Indonesia* (Jakarta: DGIP, 2023), 18–35.

⁵ Ramliand Palar, *Hukum Kekayaan Intelektual Indikasi Geografis*, 60.

production in Malang Regency is spread across several sub-districts, including Dampit, Tirtoyudo, Ampelgading, Wonosari, Poncokusumo, and a number of other mountainous areas.⁶ One area known as a coffee-producing region within Malang Regency is the slope of Mount Kawi, which encompasses several villages in Wonosari Sub-district, including Sumberdem Village. Government data indicate that Sumberdem Village has considerable coffee-plantation potential and has developed coffee as a leading village commodity; supported by volcanic soil and a mountain climate, the community has cultivated coffee across generations, producing local knowledge of cultivation, harvesting, and processing techniques that has become part of the community's identity.⁷

Coffee in Sumberdem Village has developed into more than an agricultural output; it has become part of the area's regional identity. Producers in the village market their coffee under various trade names, such as "Sumberdem 1832" and other brands; even so, in promotion and marketing activities, the identity "Kopi Gunung Kawi" continues to be used to indicate the product's geographical origin. This indicates that the community has long recognized and relied on the geographical name "Kopi Gunung Kawi" as a collective identity that distinguishes its products from coffee produced elsewhere.⁸ However, a search of the DGIP's GI data base, conducted for the purposes of this research, found no GI certificate registered under the name "Kopi Gunung Kawi." In other words, although the geographical name has been used in trade and has acquired reputation among the public, its use has not yet obtained legal protection.

This condition reveals a gap between a product's potential and society's use of the legal instruments that the state has provided to protect a geographical name as product identity.⁹ Protection under GI does not arise automatically merely because a product has become known to the public; it must be preceded by a registration application that satisfies statutory requirements. A geographical name that has been widely used in trade can therefore remain unprotected so long as it has

⁶ Statistics Agency of East Java Province, "Data Perkebunan Kopi Provinsi Jawa Timur 2024," accessed February 9, 2026, <https://disbun.jatimprov.go.id>.

⁷ Malang Regency Government, *Profil Wilayah Kabupaten Malang* (Malang: Pemerintah Kabupaten Malang, 2024), 22–28.

⁸ Sumberdem Village Government, *Profil Desa Sumberdem* 2024.

⁹ Directorate General of Intellectual Property, "Data base Indikasi Geografis Indonesia," accessed December 10, 2025, <https://ig.dgip.go.id>.

not been registered as a Geographical Indication.¹⁰ The fact that Kopi Gunung Kawi has not yet been registered as a GI does not mean the area lacks potential for registration; rather, that potential has not been matched by the institutional and administrative readiness that the registration process requires.

Normatively, Law Number 20 of 2016 provides that an application for GI registration maybe submitted by an institution representing the community within a particular geographical area, or by a regional government. In practice, this process requires the formation of a community institution, the drafting of a Book of Requirements, the mapping of the geographical area, the determination of product characteristics, and the establishment of a quality-super vision system.¹¹ These requirements show that GI protection does not depend solely on the existence of a high-quality product, but equally on the institutional readiness of the producer community to fulfil the established legal mechanism. The legal problem addressed by this research therefore does not lie in the absence of regulation governing GI protection, but in the as-yet-suboptimal implementation of that regulation with respect to Kopi Gunung Kawi in other words, a gap between the legal mechanism that is already available and the readiness of the community and stakeholders to make use of it.

Based on the above discussion, this study is important for analyzing the legal protection framework governing the use of geographical names within the intellectual property rights system; examining the legal status and interests of farmers' communal rights regarding the use of the name "Kopi Gunung Kawi" prior to GI registration; and analyzing the level of urgency, readiness, and obstacles to the GI registration of Kopi Gunung Kawi in Sumberdem Village, Malang Regency.

Method

This study is an empirical legal study, namely a legal research that examines applicable legal provisions and analyzes their implementation in society through empirical data obtained from the field. The subject of this study is the regulations concerning GI protection in Law No. 20 of 2016 on Trademarks and Geographical Indications and other legal

¹⁰ Syarifah Mahila, "Problematika Perlindungan Hukum terhadap Produk Indikasi Geografis," *Jurnal Ilmiah Universitas Batanghari Jambi* 19, no. 3 (October 2019): 632, <https://doi.org/10.33087/jiubj.v19i3.769>.

¹¹ Article 53 and its Elucidation, the Trademark and GI Law; Government Regulation Number 90 of 2019 on the Procedures for Application, Examination, and Settlement of Appeals for Geographical Indications, Article 4.

provisions relevant to the study, as well as the public's understanding of GIs, naming practices, institutional readiness, and obstacles encountered in the GI registration process. The researcher gathered information directly from informants selected based on their knowledge, experience, and direct involvement with the subject of the study. The data for this study consist of primary data obtained through semi-structured interviews and a literature review, as well as secondary data comprising laws and regulations, books, and scientific journals relevant to the study. Data analysis was conducted using a descriptive quantitative approach through the stages of data condensation, data presentation, and drawing conclusions and verification to address the research questions.

Results and Discussion

A. Legal Framework Governing the Use of Geographical Names as Product Identity

Normatively, a Geographical Indication is defined as a sign that indicates the region of origin of goods which, owing to geographical environmental factors — natural, human, or a combination of both — confers a particular reputation, quality, and characteristic on the goods produced.¹² The same formulation is essentially adopted in Article 22 (1) of the TRIPS Agreement, which requires an essential link between the quality, reputation, or characteristics of goods and their geographical origin.¹³ Three cumulative elements must therefore be satisfied for assign to qualify as a GI: assign indicating the region of origin; a link to geographical-environmental factors; and a resulting reputation, quality, and characteristic. Without a demonstrable geographical link, a regional name remains a mere “indication of source” devoid of GI legal significance.

The most salient legal character of GI is the constitutive nature of the right: protection arises only once the sign has been registered and approved by the Minister.¹⁴ This constitutive character distinguishes GI from the declarative system that governs a mere “indication of origin,” which arises automatically alongside the factual existence of its object, without any need for registration.¹⁵ The implication for this study is significant: however strong its factual market reputation, a geographical

¹² Article 1(6), the Trademark and GI Law.

¹³ World Trade Organization, *Agreement on Trade-Related Aspects of Intellectual Property Rights* (Marrakesh: WTO, 1994), art. 22.

¹⁴ Government Regulation Number 90 of 2019 on the Procedures for Application, Examination, and Settlement of Appeals for Geographical Indications, art. 2.

¹⁵ General Elucidation, the Trademark and GI Law.

name that has not been through the registration process has not yet been granted any exclusive right by the state. Reputation alone is not equivalent to a right. Equally important is the collective character of the GI right, which sharply distinguishes it from the trademark regime. A trademark is essentially an individual exclusive right arising from the creativity or investment of a particular person or legal entity to distinguish its products from competitors.¹⁶

GI, by contrast, was designed from the outset as a collective right jointly held by all producers within a qualifying geographical area, so that the applicant is not an individual but an institution representing that community, or a provincial or regency/municipal government.¹⁷ Once a GI is registered, any producer within the designated geographical area who meets the quality standard is entitled to use the sign without needing the permission of the party that filed the application, because the right was never held personally by the applicant.

Applying these characters to Kopi Gunung Kawi, the collective character of GI is far more suitable for protecting its reputation than protection through the trademark regime. If the coffee's reputation were protected solely through the trademark registration of a single business actor, the exclusive right that arises would attach only to the registrant, while other farmers in the Mount Kawi area who jointly built that reputation through generations of cultivation would risk losing the right to use the name of their own area without the registrant's permission. Under the GI regime, by contrast, the right to use "Kopi Gunung Kawi" remains open to every producer in the area who meets the quality standard, so that the legal protection formed is genuinely collective and consistent with the character of a reputation that was, in fact, built through joint community effort rather than by any single actor.

As a consequence of its constitutive nature, registration occupies a central position in the GI protection system. Registration serves three legal functions at once: a constitutive function, giving birth to an exclusive right that did not previously exist; a public declaratory function, announcing to the wider public that a geographical name has become the collective property of a particular community so that other parties are bound not to misuse it; and an evidentiary function, providing an official record that can serve as proof should a dispute arise.¹⁸ Applicants are, as noted, limited to institutions representing a

¹⁶ OK Saidin, *Aspek Hukum Kekayaan Intelektual (Intellectual Property Rights)* (Jakarta: PT Raja Grafindo Persada, 2004), 330–332.

¹⁷ Article 53 and its Elucidation, the Trademark and GI Law.

¹⁸ Rachmadi Usman, *Hukum Hak Atas Kekayaan Intelektual: Perlindungan dan Dimensi Hukumnya di Indonesia* (Bandung: PT Alumni, 2003), 385–388.

geographical community — associations of producers, cooperatives, or a Geographical Indication Protection Society (MPIG)—in addition to provincial or regency/municipal governments.¹⁹ In practice, an MPIG is the most common institutional form, because it is established specifically to accommodate the shared interests of producers within a GI area, from the application stage through post-registration management.

The core document that applicants must prepare is the Book of Requirements, a written description containing the name of the GI, a description of the characteristics and quality of the goods, the boundaries of the geographical area, the history and tradition of use, the relationship between natural and human factors and the product's characteristics, and the quality-supervision method.²⁰ This document is substantively examined by the GI Expert Team, so that its quality significantly determines whether an application succeeds; in many Indonesian cases, the complexity of preparing this document is precisely the main obstacle faced by grassroots producer communities, because it requires scientific research into the geographical link that farmers cannot always compile on their own, without technical assistance.

Read as a whole, the application, examination, and announcement stages amount to preventive legal protection, aimed at preventing disputes and misuse before they occur through clear legal certainty from the outset; post-registration supervision and infringement litigation, by contrast, constitute repressive legal protection, aimed at law enforcement after a violation has occurred.²¹ This preventive–repressive framework is important for this study because, so long as Kopi Gunung Kawi remains unregistered, practically neither form of protection is accessible to its farming community: there is no preventive certainty because no right has yet arisen, and there is no repressive instrument because no registered right exists that could be sued for its infringement. Applying this normative framework to Sumberdem Village, field findings show that Kampoeng Kopi Sumberdem has taken one step, registering the trademark “Sumberdem1832” together with its product logo and obtaining a distribution permit.

“We process our own coffee under the brand ‘Sumberdem 1832’ and the Kampung Kopi Sumberdem product logo. Both have been registered for intellectual property rights and trademark protection, and we have obtained distribution

¹⁹ Elucidation of Article 53, the Trademark and GI Law.

²⁰ Andy Noorsaman Sommeng and Agung Damar Sasongko, *Indikasi Geografis: Sebuah Pengantar* (Jakarta: Directorate General of Intellectual Property, 2008), 41–45.

²¹ Philipus M. Hadjon, *Perlindungan Hukum Bagi Rakyat Indonesia* (Surabaya: PT BinaIlmu, 1987), 2–5.

permits (P-IRT, halal certification, and others) from the relevant agencies.”²²

This fact conceptually confirms the presence of a specific legal vacuum: the protection Kampoeng Kopi Sumberdem has obtained is individual-corporate in nature, attached to a particular trade name, and does not protect the geographical name “Kopi Gunung Kawi” that is used collectively by all farmers in the area, including those not affiliated with the community group. In other words, the legal steps taken so far have reached the interest of a single business entity, while the collective interest attached to the area’s name as the shared identity of all producers remains entirely untouched by any legal instrument. Field data from the Village Secretary further confirm that Sumberdem Village has not yet issued a village-level regulation specifically governing the use of the coffee name as village identity.

“As for a Village Regulation (Perdes) that specifically regulates coffee, there is none at present. Management so far still refers to general regulations on the village’s local authority over the origin of village potential.”²³

This absence of village-level regulation shows that the problem of regulating the name “Kopi Gunung Kawi” is not solely a national-level issue—the absence of DGIP registration—but is layered down to the level of local regulation that could otherwise function as interim protection pending completion of GI registration. Without a Village Regulation, the use of the name “Kopi Gunung Kawi” today rests purely on custom and social recognition, without any legal force against those who misuse it, as demonstrated in the discussion of Section B below. Integrating the statute, conceptual, and sociological approaches, it can be concluded that the legal regulation of geographical names as product identity in Indonesia is, at the level of norms, already adequately available—through Law 20/2016, Government Regulation 90/2019, and the TRIPS Agreement—but has not been followed by the utilization of these norms by the parties with the greatest interest: the Kopi Gunung Kawi farming community, and the village government as the party that could ideally facilitate the use of these norms through complementary local policy.

B. The Legal Position and Interest of the Farmers’ Community Prior to Registration

²² I1, Sukadianto, Head of the Kampoeng Kopi Sumberdem Community Group, interview, 13 July 2026.

²³ I4, Hadi, Secretary of Sumberdem Village, interview, 23 July 2026.

The use of the name “Kopi Gunung Kawi” did not emerge instantly as a marketing strategy; it was formed through a long historical process involving cross-generational cultivation heritage and a colonial-era trace that can still be followed to the naming of a hamlet. This historical awareness is one of the elements constituting the collective legitimacy of the geographical name the community uses.

“Historically, the first coffee survey in Malang Regency took place in 1832, during the era of Governor-General Van den Bosch in the Dutch East Indies... The 1832 survey covered four mountains: Semeru, Tengger, Arjuno, and Kawi. One of the survey points was right here, in Rekesan Hamlet.”²⁴

“Yes, that’s right. This is a business passed down from my grandfather, who was also a coffee farmer. If I count it, I am now the fourth generation cultivating the family coffee garden.”²⁵

These two statements reveal two mutually reinforcing layers of historicity: a macro-historicity in the form of colonial administrative records from 1832 linking the Mount Kawi area to structured coffee cultivation, and a micro-historicity in the form of farmers’ family lineages that passed cultivation practices down across generations. Their combination produces strong social legitimacy for the link between the name “Gunung Kawi” and the coffee commodity — an element substantively relevant to the reputation–territory link required by the Geographical Indication regime. Read through the lens of The theory of communal intellectual property rights, this kind of collective historicity is foundational to the emergence of a communal right, since the right does not arise from momentary individual creativity but from an accumulation of knowledge and practice jointly maintained by the community over a long span of time; this finding reinforces the view that ownership rights over communal knowledge in a Geographical Indication emerge from a community’s historical-social process of managing shared resources rather than from a unilateral claim.

Beyond history, field findings consistently confirm that Kopi Gunung Kawi substantively satisfies the core GI requirement: a causal link between the product’s characteristics and both the natural and human factors of its area of origin.

“Our coffee is actually volcanic coffee. The soil here was formed from ancient volcanic eruptions millions of years

²⁴ I1, Sukadianto, interview, 13 July 2026.

²⁵ I2, Darto, Coffee Farmer, Mount Kawi Area, interview, 17 July 2026.

ago...It is this natural characteristic that give sour coffee its fruity aroma.”²⁶

“The main characteristic of our coffee here in Mount Kawi (Sumberdem) is Robusta with several clones, including a local clone unique to Sumberdem (the Sumberdem Clone).”²⁷

“We have run several cupping tests on quality, and our coffee has it so uniqueness—alight acidity, a strong caramel-sugar note, and a dominant cacao/chocolate or nutty flavor.”²⁸

The convergence of statements from three different informants — relating both scientific cupping results and generation so post-harvest technique—strengthens the conclusion that Kopi Gunung Kawi is not merely a trade name, but a product whose reputation and characteristics are genuinely and causally tied to its geographical area, precisely the element required by Article 1 (6) of Law Number 20 of 2016 and Article 22 of the TRIPS Agreement. Beyond natural and production factors, the geographical name was also found to function as tangible economic capital for business actors in the field.

“For selling, the name is clearly more important because it becomes the identity. Buyers out there do look for that name (coffee from Gunung Kawi), whether they are buying un hulled coffee cherries or already-dried hulled coffee.”²⁹

Interpreted through the concept of a geographical name as product identity within an intellectual-property perspective, this finding confirms that the name “Gunung Kawi” has come to serve a dual function: as a marker of origin and as an instrument of price differentiation in the market. This dual function is consistent with prior findings on Arabica coffee in Jumprit Hamlet, Temanggung Regency, which concluded that the economic added value of a geographical name can be optimized and sustained only when accompanied by binding legal protection.³⁰ An aspect that remains under-explored, however, is how the absence of registration creates room for outside parties to exploit a reputation that farmers have built without contributing anything to the area of origin — a gap this study addresses directly through the informants’ field accounts below.

The most crucial finding of this study concerns the tangible impact of Kopi Gunung Kawi’s unregistered legal status. Informant I2

²⁶ I1, Sukadianto, interview, 13 July 2026.

²⁷ I3, Lastri, Coffee Processor and Roasting Service Operator, interview, 14 July 2026.

²⁸ I4, Hadi, interview, 23 July 2026.

²⁹ I2, Darto, interview, 17 July 2026.

³⁰ Haritsah, Santoso, and Njatrijani, “Perlindungan Indikasi Geografis Terhadap Kopi Arabika,” 12

explicitly recounted a field experience of reputation misappropriation by outside parties.

“Right now there is a phenomenon where outside parties take coffee from the Mount Kawi slope area (such as Ampelgading, Tirtoyudo, and surrounding areas), then process and export it. As a result, the largest profit is actually taken by that company, while local farmers only receive the base price at the outset.”

“If it were genuinely Kopi Gunung Kawi, it should be called Gunung Kawi; if it comes from another area, it should be called by that other area’s name. Better to be honest about it.”³¹

The vulnerability experienced by Sumberdem farmers is compound in nature. The first layer is vulnerability over the name itself: the collective reputation of “Gunung Kawi,” built through history and natural characteristics, can be used by parties outside the area without any legal control mechanism, because factually there is as yet no instrument restricting the use of the name to producers within the legitimate geographical area. The second layer is market-structure vulnerability: the absence of a cooperative or a collective processing institution forces farmers to sell their harvest to middlemen without bargaining power, so that the added value generated by third parties’ (including exporting companies) use of the name “Gunung Kawi” entirely escapes the economic reach of the producer farmers. This finding both confirms and extends prior evidence from Gayo Coffee in the Gayo Highlands, where, prior to obtaining GI protection, the name “Gayo” was similarly used and claimed by parties outside the producer community, causing reputational and economic harm.³² The Kopi Gunung Kawi case follows a similar pattern but with a different character: whereas the Gayo case centred on trademark claims by a party abroad, the Gunung Kawi problem is more domestic and embedded within everyday trading practice—a form of silent misappropriation that is, in fact, harder to detect and harder to pursue legally, since it does not involve a registered trademark that could be challenged.

A further dimension of vulnerability concerns institutional representation. The head of Kampoeng Kopi Sumberdem and the Village Secretary describe an institutional landscape that is partial and not yet integrated within a single legal body specifically representing the collective interest over the name “Kopi Gunung Kawi.”

“Our legal status is limited to a Community Group (Pokmas), so our legality relies on a Village Decree (SK). Even so, in terms

³¹ 12, Darto, interview, 17 July 2026.

³² Cadizza and Rizanizarli, “Perlindungan Hukum,” 179–180.

of benefits, we have already received support from the government...”³³

“Several farmer groups already have legal-entity status. For example, the Sumber Mulyo Coffee Farmer Group already has legal-entity status and holds a Regent’s Decree... whereas Kampung Kopi itself falls under the tourism sector (a thematic village)...so, specifically, per-hamlet there is no separate decree.”³⁴

This reveals a layered institutional fragmentation: while some farmer groups, such as the Sumber Mulyo group, hold legal-entity status through a Regent’s Decree and are thus lawful legal subjects in the agricultural sector, Kampoeng Kopi Sumberdem — the entity most active in building the historical narrative and the brand of the name “Gunung Kawi” — holds only Pokmas status under a Village Decree that is sector ally categorized as a tourism awareness group (Pokdarwis), not as a coffee-producer group. This matters because GI registration requires the existence of an MPIG as a single applicant institution representing all producers within the registered geographical area; an institutional landscape fragmented among an agricultural legal entity, a tourism Pokmas, and individual business actors such as I3 has the potential to create technical difficulty in determining lawful legal representation at the time of GI registration.

Because the Indonesian GI system is constitutive, the Kopi Gunung Kawi farming community currently holds, in strict juridical-normative terms, no exclusive right whatsoever over the geographical name. The legal status attached to the community is wholly factual(*defacto*), rather than an enforceable right (*de jure*), and can conceptually be described as a “quasi-right” — ownership of a reputation that is socially recognized but carries no binding legal force against third parties. The conceptual approach to communal rights helps explain why this condition is problematic. As set out in the theoretical framework, communal rights over a Geographical Indication are ideally jointly held by the community of producers within a geographical area, consistent with the constitutional recognition in Article 18B (2) and Article 33(3) of the 1945 Constitution.³⁵ However, this general constitutional recognition does not automatically supply legal certainty to a group that is not a formal customary-law community, but rather an economic-cultural community such as the Sumberdem coffee-farming group.

³³ 11, Sukadianto, interview, 13 July 2026.

³⁴ 14, Hadi, interview, 23 July 2026.

³⁵ Article 33 (3), the 1945 Constitution of the Republic of Indonesia.

When asked directly about the need for specific legal protection, I2 responded unequivocally.

“In my view it is very necessary. There must be a law that protects, similar to the protection given to a coffee name in the Blitar area. The purpose is so that the name of our area cannot be misused or claimed by outside parties.”³⁶

Read through Hadjon’s theory of legal protection, this statement expresses an urgent need for preventive legal protection, which is currently absent. Farmers have, in fact, developed a sufficiently mature legal awareness to identify that what they need is a preventive legal instrument, rather than merely a mechanism for resolving disputes after loss has occurred (a repressive instrument)—an awareness that ideally should be met promptly through the formation of an MPIG and GI registration. The legal position of the Kopi Gunung Kawi farming community prior to registration can accordingly be summarized in two propositions: factually, the community is the owner of the reputation and the builder of the product’s characteristics through natural and human factors that it has maintained across generations; yet juridically, the community holds no enforceable exclusive right against third parties, because the GI system is constitutive and its institutional representation remains fragmented. This gap between *de facto* reputation and *de jure* right is the core legal problem that GI registration must urgently resolve.

C. Urgency, Readiness, and Obstacles in Registering the Geographical Indication

The urgency of registering a GI for Kopi Gunung Kawi can be analyzed from three angles. First, from an economic standpoint, the Village Secretary reported that close to 80 percent of Sumberdem’s community economy and welfare depends on the coffee commodity, so that the absence of legal protection over the geographical name threatens the livelihood of the great majority of village residents. Second, from the stand point of demonstrated harm, the practice of outside companies appropriating the name, as recounted by I2, is no longer merely a potential risk but an occurrence that has factually taken place and is ongoing. Third, from a regional-comparison stand point, the official 2024 registration of the Geographical Indication for Pasuruan Robusta Coffee by the Pasuruan Robusta Coffee MPIG provides a concrete precedent within the same province, confirming that the obstacles that have so far constrained Kopi Gunung Kawi are not

³⁶ I2, Darto, interview, 17 July 2026.

attributable to technical impossibility, but to the as-yet-un optimized institutional initiative at the local level.³⁷

As to readiness, findings show a landscape that must be read in a balanced way. Substantively, Kopi Gunung Kawi already satisfies the core elements of GI — a link between reputation, quality, and characteristics on one hand and natural and human factors on the other, evidenced through cupping tests and generations of farmer experience. Socially, the legal awareness of farmers and Pokmas administrators regarding the importance of GI registration is high, as shown by the support voiced by every informant. Institutionally and administratively, however, readiness remains low: the MPIG has not been formed, the Book of Requirements has not been drafted, and collective legal representation remains fragmented. To assess this readiness in a structured manner, the substantive requirements of GI are examined element by element below.

First, a clear geographical name. One core requirement of a GI is a geographical name used as the identity of a product originating from a particular area. Findings show that the name “Kopi Gunung Kawi” has been used by the community, farmers, and business actors as the identity of coffee originating from the Mount Kawi area, specifically Sumberdem Village, Wonosari Sub-district, Malang Regency, and has developed further through promotion, marketing, and tourism activities organized by Kampoeng Kopi Sumberdem. None the less, this usage has not yet obtained protection through GI registration, so that no legal certainty yet exists as to who is entitled to use the name.

Second, a delimitable production area. Field findings show that Kopi Gunung Kawi production is concentrated on the slope of Mount Kawi, encompassing Sumberdem Village as one of the coffee-production centres in Wonosari Sub-district. The area shares a relatively uniform geographical condition in terms of altitude, mountain climate, and volcanic soil, giving it a definable character. This clarity of production area is an important asset for drafting the GI Book of Requirements, since the area’s boundary will determine which producers are entitled to use the GI sign.

Third, product reputation. Reputation is an important element in GI protection because it reflects public recognition of the quality or characteristics of a product originating from a particular area. Findings show that Kopi Gunung Kawi’s reputation was built through a history of coffee cultivation dating to the Dutch colonial era around 1832, a tradition of cross-generational cultivation, and promotional activities carried out by Kampoeng Kopi Sumberdem. Interview data further

³⁷Directorate General of Intellectual Property, *Buku Indikasi Geografis Indonesia*, 41.

indicate that the name “Kopi Gunung Kawi” became widely known following marketing activities and the development of coffee tourism by the community, reinforced by educational activities, promotion, and recognition from various parties who have visited the Kampoeng Kopi Sumberdem area.

Fourth, distinctive character is ties or quality. Findings show that Kopi Gunung Kawi has characteristics that distinguish it from coffee produced elsewhere. Informants described a distinctive flavor profile of mild acidity and caramel, nutty, and cacao aromas, obtained through a combination of natural conditions and cultivation and post-harvest processes. These characteristics are maintained through the application of cultivation standard operating procedures, the picking of ripe red cherries, sorting, drying, and green-bean processing. The elements of quality and distinctive characteristic require under the GI system have therefore been substantively identified in the field findings factors volcanic soil, altitude, temperature, and rainfall and human factors, through cultivation techniques passed down across generations. Informants explained that the balance of mountain climate, the use of shade trees, pruning technique, fertilization, and post-harvest processing together shape the coffee’s distinctive flavor. A causal relationship between geographical condition and product characteristic, the basis for GI protection, is thus established.

Sixth, a representative producer group. GI registration must be filed by an institution representing the community of producers. Findings show that several coffee-farmer groups and the Kampoeng Kopi Sumberdem Pokmas are already active in cultivation, education, promotion, and local coffee development in Sumberdem Village. However, as of this study, no MPIG had been established as the institution specifically representing the producer community in the registration process. Institutional capacity therefore still requires strengthening to satisfy the administrative requirements for a GI application.

Seventh, a quality-supervision system. Quality supervision is an important component of the GI system for maintaining consistent product quality once legal protection is obtained. Findings show that quality control of Kopi Gunung Kawi is currently carried out internally by the community group through cultivation and post-harvest SOPs. Although this practice is already functioning, no structured quality-supervision mechanism yet exists. This indicates that the quality-supervision system still needs to be developed as part of preparation for GI registration.

Table 1. Readiness of Substantive Elements for GI Registration

GI Element	Field Finding	Analysis	Status
Geographical name	The name “Kopi Gunung Kawi” is used by the community, Pokmas, and recognized as the coffee identity of the Mount Kawi area.	The geographical name has been used consistently as an identity of origin.	Met
Geographical area	Production is concentrated in Sumberdem Village, part of the Mount Kawi slope.	The area of origin can be clearly determined and delimited.	Met
Reputation	The coffee has been known since 1832 and promoted through Kampoeng Kopi Sumberdem.	Reputation has been built through history, marketing, and public recognition.	Met
Characteristics/ quality	Distinctive flavor (mild acidity, caramel, cacao); shaped by volcanic soil and cultivation process.	The product possesses characteristics that distinguish it from other regions’ coffee.	Met
Link between quality and geography	Altitude, climate, volcanic soil, and inherited cultivation	A causal relationship between natural factors and	Met

	technique influence quality.	product quality can be explained.	
Representative producer group	Pokmas and several farmer groups exist, but no MPIG has been formed as the GI applicant.	A producer organization exists, but not yet in the institutional form required for a GI applicant.	Partially met
Quality-supervision system	Quality control relies on internal SOPs; no formal supervision mechanism exists.	The supervision system requires strengthening through MPIG formation and the Book of Requirements.	Not yet optimal

Source: processed by the author from interviews with I1, I2, I3, and I4 (2026).

Table 2. Obstacles to GI Registration for Kopi Gunung Kawi

Obstacle	Field Evidence	Impact	Parties Involved	Proposed Resolution
MPIG not yet formed	I1 states the community needs legal-drafting assistance; I4 states the village is ready to	No institution can lawfully submit the GI application.	Pokmas, farmer groups, Village Government	Forman MPIG with facilitation from regional government and DGIP

	facilitate MPIG formation if needed.			
Drafting the Book of Requirements	I1 states preparing the GI document is a need the community cannot yet meet independently.	The GI application cannot be filed.	Pokmas, academics ,DGIP	Assisted drafting of the Book of Requirements by universities and relevant agencies
Cross-stakeholder coordination	I4 states coordination has begun but has not yet been directed toward registration.	Programs remain un integrated.	Village Government , Agriculture Office ,DGI P	Joint action plan for GI registration
Public understanding of GI	I1 and I4 indicate basic awareness exists, but not all community members understand the procedure and benefits.	Limited community participation.	Farmers, farmer groups	Socialization and training on GI
Financing	I4 states	Registra	Village	Budget

	budget is an obstacle because village develop ment prioritie s lie elsewhe re.	tion process is delayed.	Governme nt, Regional Governme nt	allocatio n and use of govern ment facilitati on program s
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Source: processed by the author (2026).

Overall, the principal obstacle to registering the GI for Kopi Gunung Kawi is not the product’s potential, but the as-yet-un optimized readiness of institutions, administration, and resource support. From the standpoint of distributive justice, this finding also reinforces the view that the success of GI protection in Indonesia depends heavily on the extent to which the state — including government at the most local level — takes an active role in facilitating registration, rather than leaving it entirely to the initiative of a community that may not possess adequate economic resources of its own. The distinguishing feature of this study relative to prior scholarship is its specific locus: the tension between a bottom-up, grass roots village-budget planning mechanism and the technical, multi-year requirements of GI registration—a dimension rarely explored in regency- or municipality-level GI research, and one that enriches the discourse on GI-registration urgency from the perspective of village governance rather than intellectual-property norms alone.

Conclusion

This study yielded three main conclusions regarding the legal protection of the geographical name “Kopi Gunung Kawi.” First, the national legal framework—such as the Trademark and Geographical Indications Law, the Minister of Law and Human Rights Regulation, and the TRIPS Agreement—has facilitated the protection of the interplay between natural, human, and reputational factors of Kopi Gunung Kawi, these exclusive rights only arise after registration is completed due to the constitutive nature of the system. However, implementation on the ground remains limited to the registration of the individual trademark “Sumberdem 1832” by Kampoeng Kopi Sumberdem, while the collective name “Kopi Gunung Kawi” is not yet

protected by either national regulations or village bylaws. Therefore, the existence of legal norms will not provide effective protection without concrete steps by stakeholders to officially register the name with the Directorate General of Intellectual Property.

Second, this study shows that the farming community of Sumberdem Village holds collective interests and an economic reputation under the name “Gunung Kawi Coffee,” which stems from a history of cultivation dating back to the colonial era, volcanic soil conditions, and intergenerational post-harvest skills. However, because the Geographical Indication system is constitutive in nature and the farmers’ institutional structure remains fragmented, the community’s legal standing prior to official registration amounts to nothing more than a nominal right that is vulnerable to abuse. This vulnerability is evident in the fact that outside parties have exported coffee from other regions under the name “Kopi Gunung Kawi,” underscoring that *de facto* ownership of a reputation does not automatically confer legal protection in the absence of formal registration.

Third, the registration of the Geographical Indication (GI) for Gunung Kawi Coffee is urgent in order to anticipate the risk of misuse of the name by outside parties and to protect the economic sustainability of Sumberdem Village, which is heavily dependent on this commodity. In essence, Gunung Kawi Coffee has already met all the basic GI criteria because it possesses distinctive characteristics resulting from a combination of natural factors and human expertise, as demonstrated through organoleptic testing (cupping tests). This indicates that both the product’s readiness and the community’s legal awareness are essentially well-established, so the only remaining step is the scientific preparation of the Specifications Manual. However, the registration process remains hampered by institutional issues and structural constraints beyond the farmers’ direct control. A Geographical Indication Protection Agency has not yet been established, while farmer representative bodies remain fragmented between the agriculture and tourism sectors. These limitations are compounded by complex administrative procedures and a village budget planning system that has not yet prioritized GI registration as a local development priority. Therefore, the primary urgency of registering Gunung Kawi Coffee does not lie in the product’s quality or social readiness, but rather in the urgent need for institutional consolidation, bureaucratic streamlining, and strengthened policy support from the local government.

Government—in collaboration with the Malang Regency Agriculture Office and the Directorate General of Intellectual Property—immediately prioritize the establishment of a Geographical

Indication Protection Association (MPIG) and allocate a special multi-year budget for the drafting of the Requirements Manual, rather than merely treating GI registration as a supplementary program outside the scope of physical development priorities. In addition, universities and professional associations need to be involved to provide technical assistance in documenting the scientific relationship between geographical conditions and product quality.

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