



Legal Protection Of Geographic Indications Of Traditional Food “Tahu Kuning Kediri” Jawa Timur, Indonesia

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Abstract

Purpose: The purpose of this study was to determine the opportunity for the traditional food of Tahu Kuning Kediri (Kediri Yellow Tofu) as a product that deserves legal protection in the form of geographic indications. **Methodology:** This research is a normative juridical study that emphasizes secondary data from literary studies. The research subjects are policies and regulations related to geographic indications. **Findings:** Based on the description above, it can be concluded that the traditional food of ‘Tahu Kuning Kediri’ meets the requirements for legal protection in the form of a geographical indicator because it fulfills four conditions, namely a sign indicating its origin, GI objects in the form of goods and/or products, geographical factors and certain characteristics of goods and/or products that are different from other traditional regional yellow tofu food. **Conclusions:** The process of applying for legal protection in the form of geographic indications can be carried out by the association of MSMEs of ‘Tahu Kuning Kediri’ producers who are already legal in collaboration with the local government and submit to the Ministry of Law and Human Rights by attaching the proposed Geographical Indication book.

Keywords : Legal Environment of Traditinal Food, Geographical Indication, Tahu Kuning Kediri, Legal and Policy Implication.

JEL Classification Code : D0, D2, D6, K0,O0.

1. Introduction

Kediri City is one of the food-producing cities that produce several excellent products. Based on data from the Kediri City Government in 2018, tofu, as traditional food, is one of the superior products of Kediri City. A tofu product that is one of the most popular and most produced is tofu with a characteristic yellow color, known as Tahu Kuning Kediri that has become a special attraction for consumers. Based on data from the Kediri City Industry and Trade Service (Disperindag) in 2018, the type of

business with the largest number of business units is tofu business totaling 121 units (Listianingsih & Azizah, 2018).

Purwaningsih (2020) explains that to improve local products which are small and medium enterprises products so that they are able to advance to a more established business domain with a level of technological readiness that is adaptive to global development, it is necessary to protect the law in the form of geographical indications. All local products basically need regulatory and policy support so that local products can be produced in a conducive economic climate with the support of science and technology, including information and technology in order to be able to provide local performance towards added value equivalent to imported products. Legal protection in increasing the capacity of "UMKM" (Micro, Small, and Medium Enterprises) is needed so that Tahu Kuning Kediri products can be exportable with guaranteed product quality and product legality.

As is well known, Micro, Small and Medium Enterprises (“MSMEs”) which produce ‘Tahu Kuning Kediri’ in the

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regional economy have an important and strategic role. However, MSMEs still have obstacles, both for developing their business and for the quality of their products. To produce quality tofu products with standardized production processes is still the dream of all parties.

Based on previous studies and preliminary observations made by researchers, UMKM products 'Tahu Kuning Kediri' currently do not have a joint brand. In addition, the packaging of 'Yellow Tofu' is still very simple, it has not been certified halal on the packaging, distribution is still very limited to local only, minimal promotion is only sold in the market, and marketing turnover is still low.

In the future, after obtaining legal protection in the form of geographical indications, it is hoped that all these weaknesses will be increased.

Viewed from the economic aspect, MSMEs of 'Tahu Kuning Kediri' has an effect on increasing household income, increasing and equal distribution of employment opportunities, improving the standard of living of the community, stabilizing market prices, and influencing other industries, as well as having a positive impact on improving the quality of life of the people around Kediri.

Economically, with the enthusiasm of the MSMEs of 'Tahu Kuning Kediri' products located in Kediri, it is hoped that it can improve the real economic sector of society. All owners of MSMEs of 'Tahu Kuning Kediri' can maintain their business, meanwhile all employees who are directly involved in the UMKM can support all their family members. Likewise, people who need MSMEs of 'Tahu Kuning Kediri' can meet their needs at affordable prices which are much cheaper

MSMEs of 'Tahu Kuning Kediri', which are home industry scale, mostly make and preserve their traditional food and beverage recipes from generation to generation, have not been properly promoted and protected. They still apply conventional management and marketing and excel as a product by raising local wisdom (Purwaningsih, 2020).

They have not thought about whether with such a concept of thinking, their products can survive. They do not have a competitive strategy at all, let alone the steps that must be taken to win business competition. They also do not have good managerial skills, including not having a strategy to protect themselves and their products, and they do not have a strategy to promote their products.

Indonesia has a very varied culinary variety. It is certain that each region has its own special food and all of them need legal protection in the form of geographical indications. Currently yellow tofu has become a typical food of Kediri City, East Java Province. Therefore, in order to commercialize local products, it is necessary to provide legal protection in the form of geographical indications.

The significance and importance of the idea of this research is the protection of MSMEs 'Tahu Kuning Kediri'.

Therefore, the problems in this study: 1) does the traditional food of 'Tahu Kuning Kediri' meet the requirements as a product that deserves legal protection in the form of geographic indications? 2) what are the methods that can be done so that the traditional food of 'Tahu Kuning Kediri' gets legal protection in the form of Geographical Indications?

The novelty of this research lies in the novelty that is inventive, improvement and newness implications for science in the field of law. There is no research that raises legal protection measures for 'Tahu Kuning Kediri' products as geographic indications.

2. Literature Review

A local product is a product made from materials originating from within the country, the workforce comes from within the country, the product uses a local brand and company ownership is also local. So, a product can be said to be a local product if it fulfills one or even the four aspects at once (Tofan, 2020). Local products can also be interpreted as the result of a production process made by domestic producers or companies and will be sold to consumers who need them (World of Education, 2019).

MSMEs can play a role in increasing the production and marketing of local products. In order for production to increase, it requires a wide marketing pattern and area. The strategies that must be taken by MSMEs in improving local products are: 1) making e-commerce for local businesses, 2) including geographic area names, 3) utilizing social media, 4) building branding, 5) increasing quality, 6) production consistency, and 7) need to diversify (Nurhikmawati & Yuhanna, 2019).

Traditional food has a high local wisdom value because it retains original local raw materials and processes it manually, it can also describe its authenticity and its diversity leads to variations in shape and name. Traditional food as local wisdom has its own charm because it has uniqueness, originality, authenticity, and diversity (Harsama, Harmayani, & Widyaningsih, 2018).

Local wisdom related to food is not only about the food itself, but behind it all, there is a process of how to make food a taste of cultural heritage. Behind food and culinary there are copyright issues and defense of national identity (Setiawan, 2016).

Traditional food can be said as a local identity because of its existence which is part of the community's culture, such as certain procedures for processing food ingredients, its role in community culture and celebration procedures, and recipes that have been preserved from generation to generation. (Purwaningtyas, 2017)

To protect local products, this can be done through protection of Geographical Indications (GI) in the Intellectual Property Rights legal system. Protection of GI is one of the efforts to protect the products of the local community in the country. The goal is that there are no domestic products that are commercially exploited by foreign parties (Alfons, 2010).

In the general provisions of Law number 20/2016, GI is defined as: 'a sign indicating the origin of goods and / or products caused by geographical environmental factors including natural factors, human factors or a combination of these two factors. Reputation, quality, and certain characteristics of the goods and / or products produced'

According to this definition, the first GI element is a sign indicating its origin. Geographical names are often used as signs indicating the place of origin of the goods. The second element is the object of GI in the form of goods and / or products. The third element is geographical or environmental factors, including natural factors, human factors or a combination of the two factors. The fourth element is to provide reputation, quality, and certain characteristics of the goods and / or products produced (Sasongko, 2018).

Geographical Indication is part of IPR, which in Indonesia is regulated through Law Number 15 of 2001 concerning Marks, in Article 56 states: "Geographical Indications are protected as a sign indicating the area of origin of an item, which due to geographical environmental factors includes natural factors, human factors, or the combination of the two factors gives certain characteristics and qualities to the goods produced.

The sign in the definition of geographical indication is the name of the place or area or other certain signs indicating the origin of the place where the goods protected by the geographical indication are produced, Geographical Indications can be applied for goods in the form of agricultural products, processed products, handicraft products, or other goods. (Septiono, 2009).

The number of regional products in Indonesia that are well known and have a place in the international market so that they have high economic value, need to be followed by legal protection to protect these commodities from fraudulent competitive practices in trade (Septiono, 2009)

Geographical indication (GI) has a function to designate goods with quality, characteristics, or reputation associated with their geographic origin. According to Neilson (2018), "The inability to capture the value caused by the poor alignment of the local institutional environment with the main company strategy. The institutional environment depends on the pathway and further technical support is not possible to achieve value acquisition." Research conducted by Delphine Marie-Vivien (2017) in the southern states revealed that, "Geographical indication (IG) is used as a

tool for economic, social, territorial and ecological development."

Related regulations that need to be harmonized include: Law No. 20 of 2016 concerning Trademarks and Geographical Indications. The current phenomenon, geographic appointment is expected to increase sales turnover. Agostino & Trivieri (2014) conducted a study "Geographical indications and wine exports: Empirical investigations considering major European producers. Appointment of production areas for quality products in certain regions can increase the value of exports, volume, and wide trading margins. In addition, higher export volumes tend to be realized only in high-income destination markets, but they do not seem to benefit all producers. "

Maina (2019) presents the opinion of producers in the agricultural sector in Europe regarding the geographical indication (GI) design. Producers view GI as a means of reducing market failures. This study concludes that, "Geographical indications can increase the collective participation of producers in certain regions in limiting production areas that are responsible for unique characteristics; therefore it can increase the value obtained by the producer." Furthermore, GI requires effective coordination and good governance through a framework that can mutually protect fellow producers from the same product in the same area.

Kudiya & Atik (2020) in conducting research on geographical indications of batik production in West Java concluded that the regulation of traditional batik use in West Java is regulated in a Governor Regulation and is intended to increase economic value and support the geographical indication of West Java Province. This arrangement is a strategic step in an effort to preserve, develop and protect the existence of traditional West Javanese batik.

3. Research Methods and Materials

Local wisdom is formed as the superiority of local community culture and geographical conditions in a broad sense. Local wisdom is a product of past culture that should be used continuously as a guide for life (Purwaningsih, 2020).

This research is a normative juridical study that emphasizes secondary data from literary studies, relevant research reports, journals, and reports on previous research related to traditional knowledge & local products (MSMEs) themes. Sources of literature data, observations, results of interviews with related MSMEs organizations. The research subjects are policies and regulations related to local products.

The use of secondary data means that the law is not only seen as a rule but also includes the operation of law in society. With research specifications that are descriptive analytical in nature, because this research is intended to provide a detailed, systematic and comprehensive picture of all matters, both legislation and legal theory (Wibowo, et.al. 2016). Secondary data is data obtained based on literature study which is intended to compare between theory and reality that occurs in the field through literature study. Data collection is attempted by studying books, articles and the internet as well as other references related to and related to this research (Saryono, 2013)

4. Results and Discussion

4.1. Reputation of 'Tahu Kuning Kediri' as an Indication Product of Kediri Origin

The popularity of 'Tahu Kuning Kediri' would be better if it received legal protection that would protect these commodities from unfair competition practices and could provide economic benefits and increase product competitiveness in Indonesian international trade (Ningsih, et.al, 2019).

For superior products that have specific locations in the field of superior traditional food and have a good reputation, these products need to get legal protection, as well as a means of promotion in their marketing (Sardjono, 2005).

Characteristics refers to the characteristics of an item/product, which is "something" that is easily recognized. In other words, characteristics refer to the existence of certain requirements which give more specific meaning that must be attached to goods / products based on geographical indications.

The term reputation in the elucidation of Article 56 Paragraph (1) of Law Number 15 Year 2001 concerning this Mark will have an effect on determining the existence of certain "characteristics" of goods/products which will be protected by geographical indications. The existence of a reputation is always identified with the existence of a certain item/product that has a certain/extraordinary achievement, or "goodwill" in the business, so it requires a relatively long time travel process for a product to be widely known among the public/consumers (Djualaeka , 2014).

Geographical indication legally forces producers to maintain the reputation, quality and quality of the product in accordance with the book requirements, so that from the consumer's point of view, of course it gives its own satisfaction to products that have a reputation and quality guaranteed to meet standards even though the selling price

is more expensive but consumers can enjoy the product at a higher price. the same quality from time to time.

The government of Kediri City and Kediri Regency must always maintain the reputation of 'Tahu Kuning Kediri' so that it remains the superior product of their regions. The local government through related service offices such as the Cooperative, Industry and Trade Office must always try to provide guidance, advocacy and guidance to the MSMEa Association of traditional food producers of 'Tahu Kuning Kediri', to jointly propose legal protection in the form of a geographical indication of the existence of Kediri yellow tofu.

Geographical Indication is the right way because it allows producers to gain a competitive advantage by gaining market recognition, differentiating their products from those produced elsewhere, and getting legal protection (Ningsih, et.al, 2019).

These potential products are known for their uniqueness and arise as a result of the interaction between these commodities and the local environment, socio-culture and technology. This uniqueness cannot be obtained in other locations, even if the commodities or raw materials are the same. The uniqueness of existing products is the superiority of the product and the region from similar products produced by other regions (Noerhadi, 2005)

Regional characteristics inherent in products that have different characteristics from other similar products, due to geographical environmental factors including natural factors and human factors, or a combination of the two, is known as a geographical indication, namely, "A sign used on goods that have a specific geographical origin and process qualities or a reputation that are due to that place of origin (WIPO, in Ningsih, et.al, 2019).

From this formula, it is interpreted that a Geographical Indication can be used as a sign indicating the "name of the area" of origin of a commodity or a product whose distinctive quality and characteristics are influenced by geographical factors. The sign referred to in the Geographical Indication sign can be in the form of labels or labels placed on the goods produced. Apart from that, it can also be the name of the place of the region or region, words, pictures, letters or a combination of these elements. Protection of Geographical Indications (GI) as part of Intellectual Property (IP) is very necessary. Geographical indication of a product plays an important role in giving impression to consumers about the existence of added value to the product being offered, both in terms of quality and properties that can increase competitiveness which is quite strong and has recently been developed in various countries. Moreover, Geographical Indication is one type of intellectual property that is communally owned which is more in line with Indonesian culture than other types of

intellectual property that tend to be individual (Ningsih, et.al, 2019).

The benefit of protection of Geographical Indications is that it provides legal protection for every commodity of goods or products, as well as as a marketing strategy for goods or products of Geographical Indications in trade transactions, both at home and abroad. This protection also provides added value to potential products. Geographical indication in areas that have the potential to increase regional economic capacity. In addition, it creates equal treatment for the protection and promotion of Geographical Indications abroad, as well as a means of avoiding fraudulent competition which is very detrimental to various parties.⁸ Geographical Indications also function as product identities and set production standards and process standards in Geographical Indication among stakeholders, avoiding unfair competition practices in trade (Junus, 2004).

In relation to Geographical Indications as a strategy to strengthen the regional economy. Geographical Indication status is based on the uniqueness of an item in a certain area and the activities of the people who live in it as well as the regional economy, namely an economic system based on the economic strength of the community.

With the linkage between community behavior and geographical conditions that support the production of 'Tahu Kuning Kediri', it is appropriate for 'Tahu Kuning Kediri' to receive legal protection for Geographical Indications in accordance with the provisions contained in Law Number 20 of 2016 concerning Trademarks and Geographical Indications and Government Regulation Number 51 of 2007 concerning Geographical Indications.

4.2. Legal Protection for Traditional Food of 'Tahu Kuning Kediri' as a Geographical Indication

Kediri City and Regency governments need to make regulations that can produce strategic values that can help achieve the vision, mission, goals and objectives of development that have been set. When the local government is able to make it happen, the local food products of Kediri yellow tofu will have a very strategic impact on the protection and development of traditional food in the region. This is in line with: 1) Law Number 5 of 2017 concerning Cultural Advancement, 2) Law Number 28 of 2014 concerning Rights to Traditional Knowledge Creation and Traditional Cultural Expressions (PTEBT), 3) Regulation of the Minister of Law and Human Rights Number 12 of 2019 is concerning Geographical Indications.

In the Law of the Republic of Indonesia Number 5 of 2017 concerning the Advancement of Culture, it is stated that culture is everything related to creativity, taste, intentions, and the work of society. 'Tahu Kuning Kediri' is a tangible and original form of the ancestral cultural

heritage of the creations of creativity, taste, initiative, and the great works of the Kediri people. Cultural Promotion, especially the traditional food of 'Tahu Kuning Kediri', is an effort to increase the cultural resilience and contribution of Indonesian culture in the middle of world civilization through the Protection, Development, Utilization and Development of Culture.

The protection of the traditional food of 'Tahu Kuning Kediri' which is included in the realm of local wisdom of Indonesian culture has been stated in the 1945 Constitution concerning the regulation of local wisdom which is one of the characteristics of the law that lives in society. The traditional food of 'Tahu Kuning Kediri' is one of the local wisdoms, this can be seen in Article 18 B paragraph (2) and is also confirmed in Article 28 I paragraph (3) of the 1945 Constitution (Kudiya and Atik, 2020).

Based on the 1945 Constitution, the regulation on local wisdom is one of the characteristics of law that lives in society. The traditional food of 'Tahu Kuning Kediri' has been passed down from generation to generation by their ancestors as a local wisdom, this can be seen in Article 18 B paragraph (2) and also confirmed in Article 28 I paragraph (3) of the 1945 Constitution.

Law Number 32 of 2009 concerning Environmental Protection and Management (EPM), in Article 63 paragraph (1) letter t, Article 63 paragraph (2) letter n, and Article 63 paragraph (3) letter k that is in the EPM (hereinafter) the Government and Regional Government have the duty and authority to determine and implement policies regarding the procedures for recognition of local wisdom. Including the recognition of the traditional food of 'Tahu Kuning Kediri' as a local wisdom.

In the EPM Law, local wisdom can be interpreted as a value that applies to people's lives to maintain and manage in order to be sustainable, so that local wisdom is used as a basis in protecting the traditional food of 'Tahu Kuning Kediri'. Local wisdom includes Traditional Cultural Expressions (TCE) which includes all intangible cultural heritage developed by local communities, both collectively and individually in a non-systemic manner and attached to the cultural and spiritual traditions of the community.

The traditional food of 'Tahu Kuning Kediri' can be categorized as a cultural heritage in the form of knowledge and skills to produce traditional crafts. The legal framework for TCE in Indonesia is implemented as stated in the 1945 Constitution of the Republic of Indonesia (fourth amendment) Articles 32 (1), Articles 38 and 39 concerning Copyright Law Number 28 of 2014, Law Number 5 of 2017 concerning the Law concerning the Promotion of Culture which was born in order to protect, utilize, and develop Indonesian culture, Presidential Regulation Number 78 of 2007 concerning the Convention on the Protection of Intangible Cultural Heritage, Regulation of the Minister of

Education and Culture Number 106 of 2013 concerning Cultural Heritage.

There is a geographical indication (GI) in accordance with international law that occurs with the ratification of the Agreement on Trade-Related Aspects of Intellectual Property Rights which is called the TRIPs Agreement. The TRIPs Agreement regulates the standard of availability, scope and use of intellectual property rights, especially GI. After being regulated in national law, in this context Indonesian national law, the provisions of the GI change to positive law.

When the Government of Indonesia implements the TRIPs Agreement into national law, it seems that the minimum standard provisions regarding GI in the TRIPs Agreement will be applied, in accordance with the national legal system and applicable legal practices. The provisions of the GI that are stipulated only apply in three articles, and are added to the Indonesian law of trade mark (law of TM). However, GI regulations in Indonesia apply the TRIPs-plus standard because the definition and elements of GI in the law of TM refers to the Appellation of Origin (AO) which has stronger legal protection than the GI rules in the TRIPs Agreement.

4.3. Legal Efforts to Get 'Tahu Kuning Kediri' to Get Geographical Indications

Like trademarks, IG protection is also based on a constitutive system. In this system, GI rights derive from registration. Article 53 paragraph (1) law number 20/2016 states that GI is protected after registration. These provisions are similar to the provisions stipulated in Law number 15 / 2001.¹⁰ The constitutive system aims to ensure greater legal certainty, not only for rights holders but also for other parties, such as consumers who purchase IG products. A constitutive system is also used for trademark protection (Sasongko, 2018)

Article 56 paragraph (4) law number 15/2001 regulates any signs that cannot be registered; this is similar to the provisions of Article 56 paragraph (1) law number 20/2016. However, Article 3 of Government Regulation (PP) 51/2007 states that generic signs cannot be registered. The TRIPs agreement does not use the term 'generic' but uses the term 'common name'; the terms 'generic' or 'non-generic' have become technical terms or specialized terms in trademark law.

Generally, the applicant for intellectual property rights is the owner of the intellectual work rights, such as the creator or inventor. This concept is conventional thinking in intellectual property law. However, the concept of individual ownership does not apply to GI. Ownership in GI is collective ownership, which is called collective rights, or public ownership, which is called public rights

(Rangnekar, 2003). In fact, GI rights are more accurately called tenure rights than property rights because they are generally controlled by the community; thus, these are called communal rights.

Interested parties can be: (a) institutions that represent communities in certain geographic areas that are looking for goods and / or products; (b) Provincial or district or city government. According to the elucidation of this article, the institutions that represent the community in this geographic area include producer associations, cooperatives, and GI communities.

So, to register the traditional food of 'Tahu Kuning Kediri' as a geographical indication, it can be done by the association of 'Tahu Kuning Kediri'. This association must be a legal entity, so it must obtain a notarial deed.

This provision is slightly different from the law number 15/2001 which states that an applicant for GI rights is: (a) an institution that represents the community in the area where the goods are produced; (b) the competent authority for this; or (c) consumer goods groups. This provision is somewhat confusing because there is no significant difference between a 'representative institution' and a 'competent authority'. According to Indonesian legal theory, both terms mean 'to give orders' (stay in Dutch) or 'give authorization' (volmacht in Dutch) (Subekti, 1987). The party may act for, and on behalf of, the assignor or authorizer.

Law number 20/2016 does not regulate administrative audits; it only mentions the Document Description without further explanation. Law number 15/2001 also does not regulate these documents; however, Government Regulation (PP) 51/2007 regulates the application of GI registration, Book of Requirements and inspection procedures.

An application to register a GI must be submitted by the applicant or by the right recipient by filling in a form requesting personal information such as the name of the association and the address of the applicant. In addition, the application must be accompanied by a complete Book of Requirements, which is a set of documents containing information on quality and characteristics that can differentiate goods from one another in the same category (Sasongko, 2012).

The Book of Requirements according to Article 6 paragraph (3) Government Regulation (PP) 51/2007 contains complete data and information on GI registration: (a) the identity of the goods; (b) characteristics and qualities that differentiate goods and are related to their area; (c) geographic environment, natural factors and human factors that affect the quality or characteristics of goods; (d) boundaries and / or area maps; (e) history and traditions; and (f) the production process.

So to register the traditional food of ‘Tahu Kuning Kediri’ as a geographical indication, the association of Kediri yellow tofu producers must make a GI application book that is compiled in collaboration with the local government of the Regency and/or City of Kediri which contains all the aspects contained in article 6 paragraph (3) Government Regulation (PP) 51/2007.

The MSMEs Association The traditional food products of ‘Tahu Kuning Kediri’ must be able to explain the identity of ‘Tahu Kuning Kediri’ in different details from the yellow tofu in general. In addition, it must also be able to explain the characteristics and qualities that differentiate goods and are related to their regions. Raw materials must come from Kediri, and cannot come from other regions. If the raw goods are from other regions, the quality of the tofu will be different. Including the natural dyes used, which have special characteristics compared to food dyes from other regions. It would be better if the proposer, in this case the MSMEs association, was able to show the type of ‘Tahu Kuning Kediri’ dye that only exists in the Kediri area. This happens because of the influence of geographical environment, natural factors and human factors that affect the quality or characteristics of ‘Tahu Kuning Kediri’. Furthermore, the association of MSMEs traditional foods ‘Tahu Kuning Kediri’ as proposer must be able to show the boundaries and / or map of the area. Also having to be able to explain the history and traditions of the people makes Kediri yellow tofu different from other regions. In addition, the production process must also be explained in detail, which shows a different process from the process of making tofu in general. This production process will also give a different taste from yellow tofu made in other places.

The strategic values that will be obtained by the community and the government of the City and Regency of Kediri when the traditional food of ‘Tahu Kuning Kediri’ can obtain legal protection in the form of geographical indications are as follows: 1) protection is an effort to maintain the continuity of the traditional food of ‘Tahu Kuning Kediri’ which has now been produced in decline from generation to generation, 2) is an effort to revive the local kerifan ecosystem, especially the traditional food of Kediri as well as to improve, enrich and disseminate the traditional food of ‘Tahu Kuning Kediri’ to the national and international levels, 3) an effort to utilize local wisdom of Kediri to strengthen ideology, politics, economy, social, culture, in realizing national goals, 4) efforts to empower Human Resources in the field of MSMEs Traditional Kediri food in increasing and expanding the active role and community initiatives, and 5) ‘Tahu Kuning Kediri’ as traditional food can get Geographical Indication certification at The Ministry of Law and Human Rights which will have a positive impact on increasing the economic value of MSMEs traditional

food of ‘Tahu Kuning Kediri’, and enhancing the image of Kediri yellow tofu at the national and international levels.

5. Conclusions

Based on the description above, it can be concluded that the traditional food of ‘Tahu Kuning Kediri’ meets the requirements for legal protection in the form of a geographic indicator, because it fulfills four requirements, namely a sign indicating its origin, GI objects in the form of goods and/or products, geographical or environmental factors, including natural factors, human factors or a combination of the two factors; including reputation, quality, and certain characteristics of the goods and / or products produced that are different from other traditional regional yellow tofu foods.

The process of applying for legal protection in the form of geographic indications can be carried out by the association of MSMEs of ‘Tahu Kuning Kediri’ producers who are already legal in collaboration with the local government, as well as submitting to the Ministry of Law and Human Rights by attaching a proposed book of Geographical Indications which contains in full the identity of the goods, characteristics and qualities that differentiate goods and are related to their area, geographical environment, natural factors and human factors that affect the quality or characteristics of goods, territorial boundaries and/or regional maps, history and traditions; and the production process.

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