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Beyond Cultural Preservation: Legal Protection of Tapis Lampung as a Creative Economy Asset through Geographical Indications

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Abstract: This study examines the transformation of Tapis Lampung from a traditional cultural expression into a geographically based creative economy product and its legal implications within the Geographical Indications framework. The issue addressed arises from the limitations of cultural preservation approaches, which have not provided adequate protection for economic value, reputation, and the use of geographical names in commercial activities. This study aims to analyze the characteristics of Tapis Lampung that reflect the linkage between product, geographical origin, and producer community, as well as to formulate a legal protection model through the Geographical Indications regime. The research employs a normative legal method using statute, conceptual, and comparative approaches. The findings indicate that Tapis Lampung demonstrates a strong normative basis for Geographical Indication protection, particularly in terms of reputation, distinctive characteristics, and geographical linkage through human factors. Furthermore, Geographical Indications provide a mechanism for collective control over the use of geographical names and for the establishment and supervision of verifiable quality standards, thereby enhancing economic value within the creative economy framework.. Therefore, the application of the Geographical Indications regime constitutes a strategic measure to ensure legal protection as well as the economic and cultural sustainability of Tapis Lampung.

Keywords: Tapis Lampung, Geographical Indications, Creative Economy, Traditional Cultural Expressions, Collective Reputation.

INTRODUCTION

Tapis Lampung is a traditional textile that embodies aesthetic, social, and symbolic values within the life of the Lampung community. This textile functions not merely as a craft product but also as part of a cultural system that reflects collective identity, social structure, and cosmological values (Hartono, 1997). In customary practices, Tapis Lampung is closely

associated with significant social events, such as marriage ceremonies, conferral of traditional titles, and other rituals, making it inseparable from the social dynamics of the community.

In the contemporary context, Tapis Lampung can no longer be understood solely as a traditional cultural expression, but has transformed into a geographically rooted creative economy product. Within the creative economy framework, culturally based products such as Tapis Lampung fall within the craft and fashion subsectors, relying on creativity, skills, and local cultural heritage as primary sources of economic value. This transformation has led to increased production and broader market distribution at both national and international levels. However, this development also raises legal issues, particularly regarding the use of the designation "Tapis Lampung" by parties who have no connection to the original producing community or its geographical origin. In trade practices, the unauthorized use of geographical names may lead to *free-riding* on collective reputation and diminish the economic value of geographically based products (Gangjee, 2012). This phenomenon reflects a gap between the rapid development of the creative economy and the existing legal protection mechanisms.

To date, the safeguarding of Tapis Lampung has largely been framed within cultural preservation regimes, particularly through intangible cultural heritage and traditional cultural expressions. Such preservation-oriented approaches aim to ensure the continuity of traditions and the transmission of cultural values, but are not designed to provide legal protection for economic interests, reputation, or the use of geographical names in commercial activities (Blakeney, 2015). As a result, these approaches lack effective mechanisms to restrict unauthorized use, thereby leaving room for illegitimate commercial exploitation.

Existing scholarship relevant to Tapis Lampung can be grouped into three main strands. First, studies on Tapis Lampung predominantly examine its motifs, symbolic meanings, customary functions, and changes in social use (Hartono, 1997). Second, scholarship on traditional cultural expressions focuses on cultural preservation, misappropriation, and the limitations of conventional intellectual property regimes in protecting communal cultural products (Blakeney, 2015; Coombe, 1998). Third, Geographical Indications scholarship examines territorial linkage, collective reputation, producer governance, and the contribution of origin-linked products to local development (Gangjee, 2012; Bowen, 2010; Belletti et al., 2017). However, these bodies of literature remain largely disconnected in analyzing Tapis Lampung as both a traditional cultural expression and a geographically rooted creative economy product.

This disconnection reveals a specific research gap. Existing studies have not sufficiently explained how the cultural attributes of Tapis Lampung, including its distinctive motifs, traditional production techniques, human factors, and collective reputation, can be translated into legally verifiable elements of Geographical Indications protection under Article 1 point (6) of Law Number 20 of 2016 on Trademarks and Geographical Indications. Limited attention has also been given to the relationship between the legal framework of Law Number 24 of 2019 on the Creative Economy and the Geographical Indications regime in regulating the commercialization, use of geographical names, and collective control of Tapis Lampung. Accordingly, this study bridges cultural preservation, creative economy governance, and Geographical Indications law through the formulation of a product specification and collective governance model.

From the perspective of intellectual property law, a Geographical Indication is a sign used to identify goods as originating from a specific territory, where a given quality, reputation, or characteristic of the goods is essentially attributable to their geographical origin (WIPO, 2017). Geographical Indication protection is constitutive in nature and grants collective exclusive rights to producer communities to use a specific geographical name in accordance with defined standards of quality and production methods. With these characteristics, Geographical Indications function not only as legal protection instruments but also as economic

governance mechanisms that maintain the link between product, territory, and producer community.

Based on this background, this study aims to analyze the transformation of Tapis Lampung from a traditional cultural expression into a geographically based creative economy product and to assess its eligibility for protection under the Geographical Indications regime. The research questions addressed in this study are: (1) how the characteristics of Tapis Lampung reflect the linkage between product, geographical origin, and producer community; and (2) how a Geographical Indication-based legal protection model can be applied to Tapis Lampung within the creative economy framework.

METHOD

This study employs normative legal research using statute, conceptual, and comparative approaches. The statute approach examines Law Number 20 of 2016 on Trademarks and Geographical Indications, Law Number 24 of 2019 on the Creative Economy, their implementing regulations, the Agreement on Trade-Related Aspects of Intellectual Property Rights, and other relevant international instruments. The conceptual approach analyzes Geographical Indications, traditional cultural expressions, collective reputation, human factors, and creative economy assets.

The comparative approach examines India, the Republic of Korea, and Japan. India was selected as the principal legal comparator because its common-law-based Geographical Indications regime expressly accommodates traditional textiles and handicrafts, making it directly relevant to Tapis Lampung as a culturally rooted textile. The Republic of Korea and Japan were selected as complementary institutional comparators within the civil-law tradition. The Republic of Korea provides lessons concerning the integration of cultural identity, tourism, creative industries, producer support, and market expansion. Japan provides lessons concerning the institutional protection of traditional craftsmanship, handmade production, artisan continuity, and producer-based quality standards. The comparison applies five parameters: the legal basis and scope of protection; the requirements for establishing geographical linkage; producer organization; product specifications and quality control; and the integration of legal protection with creative economy and regional development policies.

Primary legal materials consist of legislation and international legal instruments, while secondary legal materials include legal doctrines, scholarly articles, and literature concerning Tapis Lampung and origin-linked products. Supporting non-legal materials, including cultural studies and official reports, are used only to contextualize the legal analysis. The legal materials were collected through library research and analyzed through legal interpretation and prescriptive reasoning. The analysis proceeded by identifying the applicable legal norms, interpreting the elements of reputation, quality, characteristics, geographical origin, and human factors, and assessing the documented characteristics of Tapis Lampung against those normative elements. The comparative findings were subsequently synthesized with Indonesian law to construct an integrated legal protection model consisting of a legally precise *Dokumen Deskripsi Indikasi Geografis*, an inclusive and representative producer institution, an accountable system of verification, supervision, labeling, and enforcement, and integration with creative economy and regional development policies.

RESULT AND DISCUSSION

The Characteristics of Tapis Lampung as a Geographically Linked Product

Article 1 point 6 of Law Number 20 of 2016 on Trademarks and Geographical Indications requires a product seeking Geographical Indication protection to possess a reputation, quality, and characteristics attributable to its geographical environment, including natural factors, human factors, or a combination of both. Therefore, the legal qualification of Tapis Lampung

cannot be established merely by demonstrating that it is culturally associated with Lampung. It must be shown that its identifiable characteristics and collective reputation result from production knowledge and social practices maintained within the Lampung community.

The element of **reputation** is reflected in the long-standing recognition of Tapis Lampung as a textile associated with Lampung customary identity. Tapis is traditionally used in marriage ceremonies, the conferral of customary titles, and other culturally significant events. Its motifs, including *pucuk rebung*, *kapal*, and *pohon hayat*, communicate social, philosophical, and cosmological meanings recognized within Lampung society (Hartono, 1997). This historical and social recognition distinguishes Tapis Lampung from textiles that merely reproduce similar decorative elements. Accordingly, its reputation does not arise solely from commercial promotion, but from the continuous association between the product, Lampung customary practices, and the community that preserves its meaning.

The reputation element is also supported by the concept of origin-linked products, in which consumer and community perceptions are shaped by the historical relationship between a product and its place of origin (Barham, 2003; Bowen, 2010). In the case of Tapis Lampung, the designation "Lampung" communicates more than a production location. It conveys an expectation that the textile is connected to particular cultural meanings, embroidery traditions, and community-based knowledge. Unauthorized use of the designation for textiles lacking this relationship may therefore exploit the collective reputation generated by Lampung producers.

The element of **characteristics** is demonstrated through the combination of motif structures, embroidery techniques, production stages, and cultural rules governing the creation and use of Tapis. Traditional hand embroidery techniques, locally transmitted production knowledge, and the symbolic arrangement of motifs distinguish Tapis Lampung from mass-produced textiles. These features are not independent artistic choices but form part of a localized system of craftsmanship transmitted across generations. They therefore constitute legally relevant characteristics rather than merely descriptive cultural attributes.

The geographical linkage of Tapis Lampung predominantly derives from **human factors**. Its distinctive identity does not principally depend upon natural conditions, but upon skills, creativity, customary interpretation, and intergenerational knowledge maintained within particular Lampung communities. The causal link required under Geographical Indication law is therefore established through the relationship between the geographical area and the human community that develops, preserves, and reproduces the relevant techniques and meanings (Gangjee, 2012; Rangnekar, 2004). The product could physically be manufactured elsewhere, but its legally relevant identity would be weakened if its production were separated from the knowledge system and producer community that generate its reputation and characteristics.

The element of **quality**, however, requires a more careful assessment. The cultural significance and traditional techniques of Tapis Lampung demonstrate identifiable characteristics, but they do not automatically establish measurable and consistent quality. For Geographical Indication registration, quality must be translated into verifiable standards concerning materials, embroidery density, production techniques, workmanship, durability, motif structure, and other relevant product attributes. These standards must be included in the *Dokumen Deskripsi Indikasi Geografis* and applied consistently by authorized producers. Therefore, the present characteristics of Tapis Lampung provide a normative basis for establishing quality standards, but formal verification remains dependent upon the preparation of product specifications, testing methods, and supervision mechanisms.

This distinction is important because Geographical Indication protection should not be based on an assumption that every product marketed as Tapis Lampung possesses an identical level of quality. Rather, the regime must determine which characteristics are essential, which quality standards are enforceable, and which variations remain permissible. Such formalization does not eliminate the dynamic nature of traditional craftsmanship. It translates community-

based production practices into legal criteria that can distinguish authentic Tapis Lampung from imitative or misleading products.

Accordingly, Tapis Lampung demonstrates a strong prima facie basis for Geographical Indication protection, particularly concerning collective reputation, distinctive characteristics, and geographical linkage through human factors. Nevertheless, full legal qualification requires documentary proof of historical reputation, clearly defined geographical boundaries, verifiable quality standards, an authorized producer community, and an operational supervision system. The legal significance of Tapis Lampung therefore lies not merely in its cultural value, but in the demonstrable causal relationship between its identity, the Lampung territory, and the community whose knowledge sustains its production.

The Transformation of Tapis Lampung within the Creative Economy Framework and Its Legal Implications

The transformation of Tapis Lampung from a traditional cultural expression into a creative economy product has significant legal implications, particularly in relation to its commercialization and market expansion. Within the creative economy framework, cultural products are no longer confined to their traditional contexts but are repositioned as economic assets capable of generating value through market mechanisms (UNCTAD, 2010). Tapis Lampung, as part of the craft and fashion subsectors, exemplifies this transformation, where cultural heritage is utilized as a basis for economic development.

The economic transformation of Tapis Lampung is supported by the existence of identifiable artisan and small-industry clusters. Official records concerning the Tapis Village Tourism Program identified 200 artisans in Pekon Lugu Sari, Pringsewu; 279 artisans in Pekon Way Sindi, Pesisir Barat; and 30 Tapis small and medium industries alongside 30 weaving industries in Pekon Sumber Mulyo, Tanggamus (Dinas Komunikasi, Informatika dan Statistik Provinsi Lampung, 2022). These figures demonstrate that Tapis production is not limited to isolated ceremonial craftsmanship, but forms part of a territorially distributed production network involving artisans and small-scale enterprises.

This production network operates within the broader MSME ecosystem of Lampung. The provincial Single Data System recorded 492,986 MSMEs in 2023, while several Tapis-based enterprises were identified among the region's leading fashion and handicraft businesses (Dinas Koperasi dan UKM Provinsi Lampung, 2024). Although this provincial figure cannot be interpreted as the number of Tapis enterprises, it demonstrates the economic environment within which Tapis producers operate and the importance of small-scale businesses in the commercialization of culturally rooted products.

Market opportunities are also reinforced by the expansion of tourism and product-distribution channels. Lampung received 17,875,613 domestic tourist trips in 2024, representing an increase of 29.90 percent compared with 2023, with average expenditure of Rp2,291,270 per trip (Dinas Pariwisata dan Ekonomi Kreatif Provinsi Lampung, 2025). These figures do not measure purchases of Tapis directly, but they indicate an expanding potential market for locally identified crafts, fashion products, and cultural souvenirs. Government initiatives involving exhibitions, artisan development, and digital marketplaces further demonstrate efforts to extend the commercial reach of Tapis and other Lampung creative products.

Nevertheless, the available official statistics do not separately identify the economic contribution or realized export value of Tapis Lampung. Provincial reports show that Tapis-motif handbags and decorative products have been included in export-development programs, but they do not provide disaggregated export values for Tapis products (Dinas Perindustrian dan Perdagangan Provinsi Lampung, 2022). This statistical limitation is itself legally and institutionally significant. The absence of a consolidated producer register, standardized

product classification, and origin-based traceability makes it difficult to measure production, market performance, and benefit distribution. A Geographical Indication framework could address this problem by identifying authorized producers, defining protected product categories, and establishing documentation mechanisms capable of supporting more reliable economic and export measurement.

However, this transformation also exposes Tapis Lampung to various legal risks, particularly the unauthorized use of its geographical name by parties who are not part of the original producer community. Such practices may lead to *free-riding*, where external actors benefit from the established reputation of Tapis Lampung without contributing to its production or maintaining its quality standards (Gangjee, 2012). This phenomenon not only undermines the economic interests of local producers but also threatens the integrity and authenticity of the product.

Existing protection mechanisms, primarily based on cultural preservation, are insufficient to address these challenges. Preservation regimes, such as those related to intangible cultural heritage, focus on safeguarding cultural practices and ensuring their continuity, rather than regulating market behavior or restricting the use of cultural identifiers (Blakeney, 2015). Consequently, these regimes do not provide effective legal tools to prevent unauthorized commercial exploitation or to protect the economic value of culturally based products.

In contrast, the GI regime offers a legal framework that integrates cultural, economic, and territorial dimensions. By granting exclusive rights to use a geographical name to a defined group of producers, GI protection ensures that only those who comply with established standards and are located within the designated geographical area may benefit from the product's reputation (WIPO, 2017). This mechanism is particularly relevant in the context of the creative economy, where the commercialization of cultural products necessitates legal instruments that can balance cultural preservation with economic protection.

The integration of Tapis Lampung into the creative economy framework also reflects broader global trends in the commercialization of cultural heritage. Cultural products are increasingly positioned as strategic economic assets, contributing to regional development and international trade (UNCTAD, 2010). In this context, the value of Tapis Lampung extends beyond its cultural significance to include its potential as a marketable commodity that can generate income and employment for local communities. However, this economic potential is closely tied to the preservation of authenticity and reputation, which are vulnerable to misuse in the absence of adequate legal protection.

The legal implications of this transformation are particularly evident in the context of market differentiation and consumer protection. In competitive markets, geographical names serve as indicators of quality and authenticity, guiding consumer choices. Unauthorized use of the name "Tapis Lampung" by non-local producers may mislead consumers and distort market competition, thereby undermining trust in the product (Calboli & Lee, 2014). This situation highlights the need for legal mechanisms that can ensure the integrity of geographical names and prevent deceptive practices in trade.

Furthermore, the absence of effective legal protection may lead to the gradual dilution of the product's reputation. As imitation products proliferate, the distinctive characteristics of Tapis Lampung may become less recognizable, reducing its value in the market. This phenomenon, often referred to as "reputation erosion," poses a significant threat to geographically linked products (Gangjee, 2012). In the long term, such erosion may not only affect economic outcomes but also weaken the cultural identity associated with the product.

In this regard, the GI regime provides a comprehensive solution by addressing both economic and cultural dimensions. By linking product characteristics to geographical origin and establishing enforceable standards, GI protection creates a framework that supports

sustainable commercialization while safeguarding authenticity. This dual function is particularly relevant for Tapis Lampung, which exists at the intersection of culture and commerce. Therefore, the adoption of GI protection should be understood not merely as a legal measure but as a strategic response to the challenges of integrating cultural products into the global economy.

The positioning of Tapis Lampung within the creative economy also necessitates a reconsideration of the role of law in regulating cultural commodities. As cultural products enter the market, they become subject to the dynamics of supply and demand, competition, and consumer perception. In this context, law functions not only as a protective mechanism but also as a regulatory framework that shapes market behavior. The absence of adequate legal protection may result in market failures, where the value of authentic products is undermined by imitation and misrepresentation (Calboli & Lee, 2014).

In the Indonesian context, the development of the creative economy has been supported by various policy initiatives aimed at promoting cultural industries. However, these policies often emphasize economic growth without adequately addressing the legal protection of cultural products. This creates a structural gap between economic policy and legal regulation, particularly in relation to products that rely on geographical identity. Tapis Lampung exemplifies this gap, as its increasing commercialization is not matched by corresponding legal safeguards that can protect its identity and reputation.

The concept of unfair competition is particularly relevant in analyzing the legal implications of unauthorized use of geographical names. The use of "Tapis Lampung" by non-authorized producers may constitute a misleading practice that distorts competition and harms both producers and consumers. In international trade law, such practices are addressed through provisions that prohibit false indications of origin and deceptive practices (WTO, 1994). Although these provisions provide a general framework, their effectiveness depends on the existence of specific legal instruments, such as GI registration, that clearly define the scope of protection.

Moreover, the integration of Tapis Lampung into global markets raises issues related to cross-border protection. Without GI registration, the name "Tapis Lampung" remains vulnerable to misuse in international markets, where enforcement mechanisms may be limited. This highlights the importance of securing GI protection not only at the national level but also through international agreements and recognition systems. As noted by Gangjee (2012), the effectiveness of GI protection is closely linked to its recognition across jurisdictions, which enables the enforcement of rights beyond the country of origin.

The commercialization of culturally embedded products such as Tapis Lampung necessitates the establishment of clear legal boundaries that define the scope of permissible use. Market expansion inevitably introduces actors who are not part of the original production system, creating a divergence between authentic and imitative products. This divergence poses a challenge to the integrity of the market, as consumers may be unable to distinguish between products that genuinely originate from the Lampung region and those that merely adopt its name.

The role of law in this context is to restore alignment between market representation and actual origin. Geographical indications serve this function by creating a legally recognized link between a product and its place of origin, thereby reducing information asymmetry in the market. Consumers rely on geographical names as indicators of authenticity, and any misuse of such names undermines the reliability of these indicators. The protection of geographical indications, therefore, is closely related to the broader objective of consumer protection, as it ensures that representations made in the marketplace correspond to reality.

The absence of such protection creates conditions in which the economic value generated by local communities can be appropriated by external actors. This not only results in financial

losses for producers but also weakens the incentive to maintain traditional production methods. When imitation products dominate the market, the cost of maintaining authenticity may outweigh the economic benefits, leading to a gradual abandonment of traditional practices. The legal protection of geographical indications addresses this issue by ensuring that only authorized producers can benefit from the use of the geographical name, thereby preserving both economic and cultural sustainability.

The regulatory function of GI protection also extends to the prevention of unfair competition. By clearly defining the criteria for the use of geographical names, the GI system establishes a level playing field for producers. Unauthorized use can be challenged through legal mechanisms, providing a deterrent against deceptive practices. This regulatory aspect is particularly important in markets where cultural products are commodified, as it ensures that competition is based on genuine attributes rather than misleading representations.

The expansion of cultural products into commercial markets also raises questions regarding the commodification of heritage and the role of law in mediating this process. Legal scholars have noted that the commercialization of traditional products often leads to tensions between cultural preservation and economic exploitation, particularly when market actors seek to capitalize on cultural symbols without adhering to their underlying values (Coombe, 1998). This tension is evident in the case of Tapis Lampung, where the use of its name in commercial contexts may detach the product from its cultural and geographical roots.

The protection of geographical indications addresses this tension by embedding cultural elements within a legal framework that governs market use. This approach ensures that commercialization does not occur at the expense of authenticity, as the use of the geographical name is contingent upon compliance with defined standards (Tregear, Arfini, Belletti, & Marescotti, 2007). The legal regulation of geographical names thus serves as a mechanism to align economic incentives with cultural preservation, creating a balance between market expansion and the safeguarding of identity.

The implications of such regulation extend to the concept of value appropriation within the creative economy. Without legal protection, the economic value generated by culturally embedded products may be captured by actors who are not part of the originating community. This phenomenon has been described as a form of cultural appropriation in economic terms, where the benefits of commercialization are unevenly distributed (Zografos, 2008). The GI system mitigates this risk by allocating rights collectively to the producer community, ensuring that the economic benefits derived from the product are retained within its geographical origin.

The Legal Protection Model of Tapis Lampung through Geographical Indications

The formulation of a Geographical Indication protection model for Tapis Lampung requires a comparative assessment of foreign legal and institutional practices relevant to culturally embedded products. The selection of India, the Republic of Korea, and Japan was based on their distinct legal traditions and their different approaches to the protection and economic development of culturally rooted products. India, as a jurisdiction shaped by the common-law tradition, provides the closest direct legal comparison because its Geographical Indications regime expressly accommodates traditional textiles and handicrafts. The registration of various Indian sarees and other traditional textiles demonstrates how inherited craftsmanship, localized production knowledge, collective reputation, and cultural identity may be translated into legally verifiable elements of Geographical Indication protection.

The Republic of Korea and Japan, both influenced by the civil-law tradition, were selected as complementary institutional comparisons. The Republic of Korea is relevant because of its success in strengthening cultural identity and integrating cultural products with creative industries, tourism development, producer support, and market expansion. Japan was selected because of its strong institutional appreciation of traditional craftsmanship,

particularly the continued production of cultural goods through handmade techniques performed directly by skilled artisans. In the Japanese context, the preservation of craftsmanship, quality standards, and the continuity of artisan communities contributes to the distinctiveness and increased market value of traditional products. Accordingly, India provides the principal legal reference for the direct protection of traditional textiles through Geographical Indications, while the Republic of Korea and Japan provide complementary lessons concerning cultural identity, creative economy development, artisan capacity, quality assurance, and the economic valorization of handmade cultural products.

Under Section 2(1)(e) of the *Geographical Indications of Goods (Registration and Protection) Act, 1999*, a Geographical Indication identifies agricultural, natural, or manufactured goods whose quality, reputation, or other characteristics are essentially attributable to their geographical origin. Section 2(1)(f) further defines "goods" to include handicraft and industrial goods, thereby expressly accommodating traditional textiles and other craft-based products within the Indian Geographical Indications regime. Furthermore, Section 11(1) provides that an application may be submitted by an association of persons or producers, an organization, or a legally established authority representing the interests of the producers concerned. Section 11(2)(a)–(e) requires the application to describe the relationship between the product's quality, reputation, or other characteristics and its geographical environment, identify the relevant class of goods, provide a map of the geographical area, describe the appearance of the indication, and specify the producers represented by the application.

These statutory requirements are further operationalized by Rule 32 of the *Geographical Indications of Goods (Registration and Protection) Rules, 2002*. The Geographical Indications Registry explains in its 2011 *Manual of Geographical Indications Practice and Procedure* that the statement of case should contain the product specification, proof of origin, method of production, uniqueness, inspection structure, and relevant market information.

The Indian framework demonstrates that the protection of traditional textiles cannot rely solely on their cultural significance. Their inherited craftsmanship and localized production knowledge must be translated into verifiable legal elements, including geographical boundaries, documented production methods, quality benchmarks, producer representation, and an inspection mechanism. This approach is directly relevant to the formulation of a Geographical Indication protection model for Tapis Lampung.

The Republic of Korea provides a complementary institutional model through the *Craft Industry Promotion Act*. Article 2, subparagraph 2 of the Act defines "craft goods" as products of craft production possessing utilitarian and artistic value, including traditional craft goods produced through techniques, skills, materials, and patterns that reflect cultural elements. Article 3 places responsibility for the promotion of the craft industry upon the central and local governments, while Article 5 governs the formulation and implementation of basic plans for craft-industry development. The statutory support framework is further distributed across Article 8 on business start-ups and production, Article 9 on the training of professionals, Article 10 on quality improvement and the development of craft techniques, Article 12 on distribution and investment, and Article 13 on international exchanges and overseas market expansion. Accordingly, the Korean framework treats craft-industry development as an integrated legal policy encompassing production capacity, professional skills, product quality, distribution, investment, and market expansion.

The Korean experience indicates that legal recognition of origin must be integrated with a broader creative economy ecosystem. Registration alone does not ensure that local producers possess the capacity to maintain quality, develop product innovation, expand market access, or compete with imitative products. This approach is consistent with Law Number 24 of 2019 on the Creative Economy. Article 1 point 3 defines the Creative Economy Ecosystem as an interconnected system supporting the creation, production, distribution, consumption, and

conservation of creative economy products in order to generate added value, enhance competitiveness and accessibility, and ensure legal protection. Article 5 further entitles creative economy actors to government and regional-government support through ecosystem development, while Article 7 requires capacity-building measures through training, technical guidance, mentoring, business standardization, and professional certification. Article 10 places research, education, financing, infrastructure, marketing, incentives, intellectual property facilitation, and the protection of creative outputs within the components of ecosystem development. Furthermore, Articles 16 and 17 regulate intellectual-property-based and alternative financing, Articles 21 and 23 concern intellectual-property-based marketing and intellectual property facilitation, and Article 24 requires the Government and Regional Governments to protect creative outputs embodied in intellectual property. Accordingly, Geographical Indication protection for Tapis Lampung should be coordinated with artisan capacity building, financing, quality standardization, collective marketing, intellectual property facilitation, and effective legal protection rather than being limited to registration alone.

Japan provides a further institutional lesson concerning the continuity of traditional craftsmanship and the management of production standards. Article 1 of the *Act on the Promotion of Traditional Craft Industries*, Act No. 57 of 1974, establishes the promotion of traditional craft industries as a means of enriching public life, contributing to regional economic development, and supporting the sound development of the national economy. Article 2 further requires a designated traditional craft to be primarily used in everyday life, predominantly handmade, manufactured using traditional techniques and raw materials, and produced by numerous persons within a particular area. These criteria demonstrate that Japanese law treats traditional craftsmanship not merely as cultural heritage, but as a territorially embedded industrial activity whose identity depends on the continuity of techniques, materials, artisans, and the producing region.

Article 4 paragraph (1) of the Act enables producer associations to formulate promotion plans and seek governmental authorization. In its implementation, such plans encompass the recruitment and training of successors, the transmission and improvement of traditional techniques, the maintenance and improvement of quality, the securing of raw materials, the development of demand, and the provision of appropriate information to consumers. The Japanese Ministry of Economy, Trade and Industry also provides institutional support for successor training and market development based on authorized promotion plans. This framework is relevant to Tapis Lampung because the continuity of the product depends not only on protecting its name, but also on sustaining artisans, production knowledge, quality, raw materials, and market demand.

Japan's Geographical Indication system provides an additional lesson concerning producer-group governance and production-process control. Article 2 paragraph (5) of the *Act on Protection of the Names of Specific Agricultural, Forestry and Fishery Products and Foodstuffs*, Act No. 84 of 2014, recognizes a producer group as the institutional actor responsible for applying for and managing a registered Geographical Indication. Article 13 paragraph (1), item (ii)(c) and (d), requires the applicant group to possess an adequate financial basis and an institutional system capable of ensuring the fair and proper implementation of production-process management. The Ministry of Agriculture, Forestry and Fisheries' *Explanation Note for GI Application Process* further requires applicants to submit a product specification and Production Process Management Rules.

Article 4 of the Japanese GI Act provides for the use of the official GI mark. The Ministry of Agriculture, Forestry and Fisheries explains that the mark identifies a genuine registered product whose established characteristics are essentially attributable to its producing area. Its *Guidelines for the Use of Geographical Indications* further require producers using the registered indication and GI mark to comply with the Production Process Management Rules

and, where required by those rules, retain documentation concerning the use and distribution of the registered product. These mechanisms connect labeling with producer membership, compliance, documentary control, and verification rather than treating the label merely as a promotional symbol.

Although Japan's GI Act primarily protects agricultural, forestry, fishery, and food products, its institutional mechanisms remain functionally relevant to Tapis Lampung. In particular, producer-group supervision, production-process management, documentary control, labeling, and the preservation of traditional craftsmanship offer useful references for ensuring that the name "Tapis Lampung" is used only for products that comply with agreed standards and remain connected to the authorized producing community.

The comparative findings therefore support an adaptive rather than transplantative approach. The Indian system provides the principal legal reference for the registration of traditional handicrafts and textiles, the articulation of geographical linkage, producer representation, product specifications, and inspection mechanisms. The Korean system demonstrates the necessity of integrating intellectual property protection with artisan capacity building, quality improvement, distribution, financing, and market expansion. The Japanese experience contributes institutional lessons concerning the continuity of traditional techniques, regional production, producer-group governance, production-process control, labeling, and successor development. These foreign elements should not be transplanted mechanically, but selectively adapted to Indonesian law and the social, cultural, and economic structure of the Tapis Lampung producer community.

Based on these comparative findings, the protection of Tapis Lampung should be constructed as an integrated legal model consisting of substantive qualification, a product specification, collective producer governance, quality control, enforcement, and creative economy development. Article 1 point 6 of Law Number 20 of 2016 on Trademarks and Geographical Indications defines a Geographical Indication as a sign indicating the origin of goods or products whose reputation, quality, and characteristics result from geographical environmental factors, including natural factors, human factors, or a combination of both. Article 53 paragraph (3)(a)(2) further confirms that an institution representing a community within a particular geographical area may apply for the protection of handicraft goods. Accordingly, Indonesian law expressly accommodates Tapis Lampung as a handicraft product whose geographical linkage predominantly derives from human factors, including traditional knowledge, embroidery techniques, symbolic motifs, customary rules concerning its use, and the intergenerational transmission of craftsmanship.

The normative foundation of this protection model must be the *Dokumen Deskripsi Indikasi Geografis*, which constitutes the Indonesian legal equivalent of a product specification. Article 1 point 11 of Law Number 20 of 2016 defines this document as containing information concerning the reputation, quality, and characteristics of the relevant goods or products in relation to their geographical factors. More specifically, Article 3 paragraph (6)(d) to (j) of Minister of Law and Human Rights Regulation Number 12 of 2019 on Geographical Indications, as amended by Ministerial Regulation Number 10 of 2022, requires the document to contain: the distinguishing characteristics and quality of the product; the geographical environment and relevant natural and human factors; the territorial boundaries or map; the history, traditions, and community recognition associated with the product; the production and processing methods; the method used to test product quality; and the label bearing the Geographical Indication.

For Tapis Lampung, the *Dokumen Deskripsi Indikasi Geografis* should therefore contain the protected name; the definition and classification of the product; historical evidence of origin; geographical boundaries; distinguishing motifs and their relevant cultural associations; production stages; raw materials and tools; traditional embroidery techniques; quality and

authenticity standards; the relationship between the product and its geographical origin; testing methods; labeling requirements; and mechanisms for control and monitoring. The document must not merely narrate the cultural significance of Tapis Lampung, but translate its cultural and technical attributes into standards that are sufficiently clear, verifiable, and enforceable.

The geographical boundary must be formulated through an assessment of the actual distribution of Tapis-producing communities rather than by automatically treating the entire administrative territory of Lampung as a single undifferentiated production area. Article 3 paragraph (6)(f) of Minister of Law and Human Rights Regulation Number 12 of 2019 expressly requires a description of the territorial boundaries and/or a map of the area covered by the Geographical Indication. This requirement should be applied by examining where the relevant production knowledge, recognized techniques, producer communities, motifs, and reputational traditions are genuinely maintained.

Different Tapis traditions have developed within particular customary communities and regions, each possessing distinctive motifs, production practices, and social functions. The specification must therefore determine whether protection should be registered under "Tapis Lampung" as an umbrella indication with clearly defined internal categories, or through more specific indications reflecting particular geographical and customary production areas. This determination is necessary to prevent the protected indication from becoming excessively broad, weakening legal certainty, and failing to distinguish authentic products from textiles that merely reproduce Lampung-inspired visual elements.

The determination of the geographical scope and product categories must be followed by a distinction between core characteristics and permissible variations within the *Dokumen Deskripsi Indikasi Geografis*. Core characteristics are elements that establish the identity, authenticity, and geographical reputation of Tapis Lampung. These include traditional embroidery knowledge, recognized motif structures, production techniques inherited within Lampung communities, the relationship between the product and Lampung customary values, and production by authorized artisans within the defined geographical area. By contrast, peripheral elements, including color combinations, contemporary fashion applications, product forms, and certain design adaptations, may develop without eliminating the authenticity of the product.

This distinction enables the Geographical Indication system to provide legal certainty regarding the identity of Tapis Lampung without transforming it into a static cultural object. The *Dokumen Deskripsi Indikasi Geografis* should therefore preserve the elements that constitute the product's geographical reputation while allowing controlled innovation that responds to creative and commercial developments. Such innovation remains permissible provided that it does not sever the essential relationship between the product, the geographical area, the production knowledge, and the originating community (Belletti & Marescotti, 2011).

The translation of these substantive standards into effective protection requires a representative producer institution. The collective character of Geographical Indication rights means that the protected name cannot be governed exclusively by an individual artisan, business actor, or government authority. The representative institution should include traditional artisans, small-scale producers, designers, business actors, customary representatives, and relevant regional stakeholders. Its structure must ensure that parties directly preserving and producing Tapis Lampung possess a meaningful role in institutional decision-making.

The institution should be responsible for preparing and updating the *Dokumen Deskripsi Indikasi Geografis*, determining producer eligibility, maintaining a register of authorized producers, providing technical assistance, monitoring compliance, managing the collective indication and label, and representing the community's interests in administrative and judicial proceedings. It must not be dominated by large businesses or governmental actors because the

legitimacy of Geographical Indication governance depends upon its ability to represent the community whose collective knowledge and production practices generate the product's reputation (Drahos & Braithwaite, 2002).

The institutional structure must be supported by an accountable system of verification, supervision, and labeling. Internal supervision may be undertaken by the representative producer institution through production records, periodic inspections, documentation of materials and techniques, and corrective measures for non-compliance. External supervision should involve the Directorate General of Intellectual Property, the Regional Government of Lampung, and relevant technical institutions. The label should indicate that the product originates from an authorized producer within the defined geographical area and complies with the registered *Dokumen Deskripsi Indikasi Geografis*. This arrangement would reduce information asymmetry, enable consumers to distinguish authentic Tapis Lampung from imitative textiles, and strengthen confidence in the protected indication.

The supervision system must be accompanied by preventive and repressive enforcement mechanisms. Preventive measures should include registration of the Geographical Indication, documentation of authorized producers, controlled use of the label, market monitoring, public education, and contractual arrangements governing authorized production and distribution. Repressive measures should address unauthorized use of the name "Tapis Lampung," misleading indications of origin, imitation labels, and commercial practices that exploit its collective reputation without complying with the registered standards. Legal recognition without an operational system of supervision and enforcement would produce merely nominal protection and would remain incapable of preventing free-riding, consumer deception, and reputation erosion.

The governance model must also guarantee meaningful and equitable participation by small-scale artisans. Participation, verification, and compliance costs should not create barriers that exclude traditional producers from the Geographical Indication system. The representative producer institution and the Regional Government should provide assistance concerning producer registration, preparation of production records, compliance with quality standards, capacity building, financing, collective marketing, and access to legal assistance.

This institutional obligation is consistent with Article 10 of Law Number 24 of 2019 on the Creative Economy, which provides that the development of the Creative Economy Ecosystem encompasses research, education, funding and financing, infrastructure, marketing systems, incentives, intellectual property facilitation, and the protection of creative outputs. Article 16 requires the Government to facilitate intellectual-property-based financing, while Article 21 concerns the development of marketing systems for intellectual-property-based creative economy products. Articles 23 and 24 further require the Government and Regional Governments to facilitate intellectual property registration and utilization and to protect creative outputs embodied in intellectual property.

These statutory measures are operationalized by Government Regulation Number 24 of 2022 on the Implementation of Law Number 24 of 2019 on the Creative Economy. Article 19 of the Regulation permits the Government and Regional Governments to provide technical guidance, access to financing, business consultation, promotional assistance, marketing access, collective digital management systems, intellectual property valuation assistance, and legal assistance. Articles 20 to 29 further elaborate these forms of facilitation, including intellectual property management, quality improvement, registration assistance, promotion, market access, and legal support. The Regulation also permits cooperation with educational institutions, businesses, industries, community networks, and media in developing the creative economy.

The economic function of the protection model must remain connected to its cultural foundation. A recognized Geographical Indication can strengthen market differentiation, promote fair competition, and generate added value. Nevertheless, those economic benefits

must contribute to the continuity of production knowledge and to the welfare of the originating community. Market expansion, product promotion, and tourism development should therefore be linked with artisan regeneration, transmission of traditional skills, documentation of knowledge, availability of raw materials, and institutional support for small-scale producers. In this respect, Geographical Indication protection functions both as a defensive mechanism against misuse and as a proactive instrument of territorial and creative economy development (Bowen, 2010).

Accordingly, the proposed legal protection model for Tapis Lampung consists of four interconnected pillars: a legally precise *Dokumen Deskripsi Indikasi Geografis*; an inclusive and representative producer institution; an accountable system of verification, supervision, labeling, and enforcement; and integration with creative economy and regional development policies**.** Through these pillars, the cultural and technical characteristics of Tapis Lampung are translated into enforceable legal standards without being detached from their social and customary foundations. The model thereby bridges cultural preservation and constitutive legal protection by ensuring that the name, reputation, production knowledge, and economic value of Tapis Lampung remain collectively governed by its originating community.

CONCLUSION

Main Findings. This study finds that Tapis Lampung demonstrates a strong normative basis for protection under the Geographical Indications regime. Its geographical linkage is predominantly derived from human factors, including inherited embroidery techniques, recognized motif structures, customary meanings, collective production knowledge, and the intergenerational continuity of craftsmanship within Lampung communities. These elements establish distinctive characteristics and a collective reputation that distinguish Tapis Lampung from textiles that merely reproduce Lampung-inspired visual elements. Nevertheless, formal protection requires these characteristics to be translated into verifiable quality standards, geographical boundaries, production methods, and supervision mechanisms. Its transformation into a creative economy product also creates legal risks involving unauthorized use of the name, free-riding, misleading indications of origin, and reputation erosion that cannot be adequately addressed through cultural preservation mechanisms alone.

Theoretical Contribution. This study contributes to intellectual property law by demonstrating how the cultural and technical attributes of a traditional textile can be translated into legally verifiable elements of Geographical Indication protection. The comparative findings show that India provides the principal legal reference for the registration of traditional handicrafts and textiles, while the Republic of Korea and Japan provide complementary institutional lessons concerning artisan capacity building, quality improvement, producer-group governance, production-process control, labeling, market development, and the continuity of traditional craftsmanship. These findings support an adaptive legal model that selectively incorporates relevant comparative practices rather than mechanically transplanting foreign legal systems into Indonesian law.

Policy Recommendation. The legal protection of Tapis Lampung should be constructed through four interconnected pillars: a legally precise *Dokumen Deskripsi Indikasi Geografis*; an inclusive and representative producer institution; an accountable system of verification, supervision, labeling, and enforcement; and integration with creative economy and regional development policies. The *Dokumen Deskripsi Indikasi Geografis* should define the protected name, geographical boundaries, product classifications, historical origin, production methods, core characteristics, permissible variations, quality standards, testing mechanisms, and the relationship between the product and its geographical environment. The Regional Government of Lampung, the Directorate General of Intellectual Property, producer communities, customary representatives, and creative economy institutions should coordinate registration,

producer assistance, market supervision, financing, promotion, skill transmission, and protection against unauthorized commercial use.

Future Research. Further research is required to determine the most appropriate geographical scope of protection, particularly whether Tapis Lampung should be registered as an umbrella indication with clearly defined internal categories or through more specific indications based on particular customary and production areas. Future studies should also examine producer readiness, institutional representation, consumer recognition, economic contribution, benefit distribution among artisans, and the practical design of internal and external control mechanisms. These inquiries are necessary to ensure that Geographical Indication protection does not merely formalize the name "Tapis Lampung," but effectively preserves its collective reputation, strengthens the originating community, and supports its development within the creative economy.

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