THE URGENCY OF PROTECTING COMMUNAL INTELLECTUAL PROPERTY OF KAMASAN KLUNGKUNG WAYANG PAINTINGS THROUGH GEOGRAPHICAL INDICATIONS TO IMPROVE COMMUNITY WELFARE

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ABSTRACT

Background: Geographical Indication is a sign that indicates the area of origin of goods and/or products which, due to geographical environmental factors including natural factors, human factors or a combination of these two factors, gives a certain reputation, quality and characteristics to the goods and/or products produced. Meanwhile, traditional cultural expression is the result of intellectual creativity of a group of indigenous peoples which has potential commercial value. Intellectual creativity of a group of indigenous peoples which has (potential) commercial value and its natural wealth has enormous potential to increase its value through the protection of communal intellectual property which can further improve the welfare of the Balinese people. This potential, if managed well, will be of benefit to the region as a characteristic of a region and can be used as a trade asset which is ultimately expected to improve the economy of the region where the product originates. One of them is the potential geographical indication of Kamasan wayang paintings which only exist in Kamasan Village, Klungkung Regency, Bali Province.

Methods: This legal study analyses uses normative legal research methods, as a characteristic of legal science is its normative nature. The nature of this research uses analytical descriptive, and To obtain research results that reach the target, analysis of legal materials is carried out qualitatively.

Result: Good management of intellectual property is a necessity and the key to success in developing and protecting superior regional products with the ultimate aim of increasing local revenue. These steps can take the form of identifying all existing regional potential, implementing a priority scale in developing superior products, providing a conducive business climate, supporting strategic and realistic policies, providing adequate facilities and infrastructure, and guaranteeing security and legal certainty.

Conclusions: Following up on the letter from the Directorate of Brands and Geographical Indications Number HKI.4-KI.07.01.01-380, as well as in order to encourage the growth of One Village One Brand (OVOB) Brand registration and inventory of Geographical Indication (IG) products in the Klungkung district area. The potential for advancing the welfare of the Balinese people through Geographical Indications able to carry out an inventory of the potential for Geographical Indications which is aspect of Intellectual Property in Klungkung Regency by cultural diversity of the Wayang Kamasan Klungkung Paintings tradition.

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A URGENCY OF PROTECTING COMMUNAL INTELLECTUAL PROPERTY OF KAMASAN KLUNGKUNG WAYANG PAINTINGS THROUGH GEOGRAPHICAL INDICATIONS TO IMPROVE COMMUNITY WELFARE

RESUMO

Antecedentes: A Indicação Geográfica é um sinal que indica a área de origem de mercadorias e/ou produtos que, devido a fatores geográficos ambientais, incluindo fatores naturais, fatores humanos ou uma combinação destes dois fatores, confere uma certa reputação, qualidade e características às mercadorias e/ou produtos produzidos. Enquanto isso, a expressão cultural tradicional é o resultado da criatividade intelectual de um grupo de povos indígenas que tem potencial valor comercial. A criatividade intelectual de um grupo de povos indígenas que tem (potencial) valor comercial e a sua riqueza natural tem um enorme potencial para aumentar o seu valor através da proteção da propriedade intelectual comunitária, que pode melhorar ainda mais o bem-estar do povo balinês. Este potencial, se bem gerido, será benéfico para a região enquanto característica de uma região e pode ser utilizado como um ativo comercial que, em última análise, se espera que melhore a economia da região onde o produto é originário. Um deles é a indicação geográfica potencial de pinturas Kamasan wayang que só existem na Vila Kamasan, Regência Klungkung, Província de Bali.

Métodos: Esta análise de estudo jurídico utiliza métodos normativos de pesquisa jurídica, como uma característica da ciência jurídica é a sua natureza normativa. A natureza desta pesquisa utiliza descritivo analítico, e Para obter resultados de pesquisa que atinjam o alvo, a análise de materiais legais é realizada qualitativamente.

Resultado: uma boa gestão da propriedade intelectual é uma necessidade e a chave para o sucesso no desenvolvimento e proteção de produtos regionais superiores com o objetivo final de aumentar a receita local. Estas medidas podem assumir a forma de identificação de todo o potencial regional existente, implementação de uma escala prioritária no desenvolvimento de produtos de qualidade superior, criação de um clima empresarial propício, apoio a políticas estratégicas e realistas, disponibilização de instalações e infraestruturas adequadas e garantia de segurança e segurança jurídica.

Conclusões: Na sequência da carta da Direção das Marcas e Indicações Geográficas n.º HKI.4-KI.07.01.01-380, bem como para incentivar o crescimento do registro da marca One Village One Brand (OVOB) e o inventário dos produtos de Indicação Geográfica (IG) na zona do distrito de Klungkung. O potencial para promover o bem-estar do povo balinês através de Indicações Geográficas capazes de realizar um inventário do potencial para Indicações Geográficas que é um aspecto da Propriedade Intelectual na Regência de Klungkung pela diversidade cultural da tradição de Pinturas Wayang Kamasan Klungkung.

Palavras-chave: propriedade intelectual comunal, pinturas wayang kamasan klungkung, indicações geográficas, bem-estar comunitário.
LA URGENCIA DE PROTEGER LA PROPIEDAD INTELECTUAL COMUNITARIA DE LAS PINTURAS DE KAMASAN KLUNGKUNG WAYANG A TRAVÉS DE INDICACIONES GEOGRÁFICAS PARA MEJORAR EL BIENESTAR DE LA COMUNIDAD

RESUMEN

Antecedentes: La indicación geográfica es un signo que indica la zona de origen de los bienes y/o productos que, debido a factores ambientales geográficos, incluidos los factores naturales, los factores humanos o una combinación de estos dos factores, confiere una cierta reputación, calidad y características a los bienes y/o productos producidos. Mientras tanto, la expresión cultural tradicional es el resultado de la creatividad intelectual de un grupo de pueblos indígenas que tiene un potencial valor comercial. La creatividad intelectual de un grupo de pueblos indígenas que tiene un valor comercial (potencial) y su riqueza natural tiene un enorme potencial para aumentar su valor a través de la protección de la propiedad intelectual comunitaria que puede mejorar aún más el bienestar del pueblo balinés. Este potencial, si se gestiona bien, será beneficioso para la región como característica de una región y puede utilizarse como un activo comercial que, en última instancia, se espera que mejore la economía de la región donde se origina el producto. Una de ellas es la posible indicación geográfica de las pinturas wayang de Kamasan que solo existen en la aldea de Kamasan, regencia de Klungkung, provincia de Bali.

Métodos: Este estudio jurídico analiza los usos de los métodos normativos de investigación jurídica, ya que una característica de la ciencia jurídica es su naturaleza normativa. La naturaleza de esta investigación se basa en el análisis descriptivo, y para obtener resultados de investigación que alcancen el objetivo, se realiza un análisis cualitativo de los materiales legales.

Resultado: La buena gestión de la propiedad intelectual es una necesidad y la clave del éxito en el desarrollo y protección de productos regionales superiores con el objetivo final de aumentar los ingresos locales. Estas medidas pueden consistir en identificar todo el potencial regional existente, aplicar una escala prioritaria para desarrollar productos de calidad superior, proporcionar un clima empresarial propicio, apoyar políticas estratégicas y realistas, proporcionar instalaciones e infraestructuras adecuadas y garantizar la seguridad y la seguridad jurídica.

Conclusiones: Seguimiento de la carta de la Dirección de Marcas e Indicaciones Geográficas con el número HKI.4-KI.07.01.01-380, así como para fomentar el crecimiento del registro de marcas One Village One Brand (OVOB) y el inventario de productos de Indicación Geográfica (IG) en la zona del distrito de Klungkung. El potencial para avanzar en el bienestar del pueblo balinés a través de Indicaciones Geográficas capaz de llevar a cabo un inventario del potencial de las Indicaciones Geográficas, que es un aspecto de la Propiedad Intelectual en la Regencia Klungkung por la diversidad cultural de la tradición de pinturas Wayang Kamasan Klungkung.

Palabras clave: propiedad intelectual comunitaria, pinturas de wayang kamasan klungkung, indicaciones geográficas, bienestar comunitario.

1 INTRODUCTION

Indonesia is a rich country that has abundant natural resources. This wealth of natural resources gives rise to many unique varieties, both biological and vegetable, thus
providing various kinds of extraordinary natural gift potential so that from this potential, it gives rise to vegetable and biological cultivation results that characterize the geography where the potential is located. In fact, Indonesia's natural wealth was also the reason why Europeans came to Indonesia to colonize Indonesia. It can be said that spices were the origin of the arrival of Europeans to Indonesia. This arrival was to hunt and control spices and also colonize the archipelago. Indonesia has these spices in almost all of its territory. At that time, spices were believed to have health benefits. In the concept of People, Planet and Profit (Saputra, et al., 2022: 175-182) giving space to indigenous peoples and culture, namely as part of the sustainability program due to natural conditions in social-ecological processes (Saputra et al., 2021: 45-51).

Indonesia is the country with the richest cultural diversity in the world. Each region in Indonesia has its own characteristics and cultural heritage because Indonesian society has a variety of ethnic patterns, races, tribes, religions, beliefs, and so on (Wara Sabon Dominikus et al., 2024:6). In relation to natural wealth, legal protection is needed regarding Intellectual Property Rights, namely rights that arise from the results of brain thinking that produces a product or process that is useful for humans. In essence, Intellectual Property Rights is the right to economically enjoy the results of intellectual creativity. One type of Intellectual Property Rights that has the attraction of explaining a type of product indicating the area where the product originates is Geographical Indication.

Geographical Indication is a sign that indicates the area of origin of goods and/or products which, due to geographical environmental factors including natural factors, human factors or a combination of these two factors, gives a certain reputation, quality and characteristics to the goods and/or products produced. The right to Geographical Indications is an exclusive right granted by the state to the holder of registered Geographical Indication rights, as long as the reputation, quality and characteristics on which the protection of the Geographical Indication is given still exists.

Kamasan Balinese paintings are an intangible cultural heritage that developed in Kamasan Village, Klungkung District, Klungkung Regency. This art of painting is not limited to just canvas but also uses other media, such as jars, bags, hats and clothing. The unique feature of this wayang Kamasan painting is that the painting displays pieces of stories taken from the Sutasoma book, such as the Mahabharata, Ramayana, Tantri stories, and others. This condition is one of the reasons for researchers to conduct an in-
depth study in the form of scientific research. This research is intended to explore and examine the original values of Klungkung culture through a holistic approach in order to be able to express the meaning of empirical reality in society.

The history of the emergence of the Balinese Kamasan Painting begins with the reign of King Dalem Waturenggong (1386-1460) when the center of his government was moved from Samprangan to Gelgel. At that time, Raja Dalem Waturenggong was very interested in art and culture, so a special royal center was built which took care of art, culture, education and religion in the north of Gelgel, namely in Kamasan Village. All the artists were finally united there and gradually Kamasan Village became the center of Balinese culture at that time.

2 RESEARCH METHOD

In writing using normative legal research, this means that the problems raised, discussed and described in this research are focused on applying the rules or norms in positive law. This type of normative juridical research is carried out by examining various kinds of formal legal rules such as laws, literature that is theoretical concepts which are then connected to the problem that is the subject of discussion. Normative legal research does not always have the connotation of juridical norm research.

3 RESULT AND DISCUSSION

3.1 LEGAL BASIS FOR LEGAL PROTECTION OF COMMUNAL INTELLECTUAL PROPERTY IN INDONESIA

Geographical Indication is a trade name that is associated, used, or attached to the packaging of a product and functions to indicate the place of origin of the product. The place of origin tells the public that the quality of the product is greatly influenced by the place of origin, so that the product has its own value in the minds of the public, especially consumers, who know that the place of origin has special advantages in producing a product (Isnani, et. al, 2019: 39). Until now, the meaning of Geographical Indication itself is actually very varied, both in terms of definition and scope of protection. One reason is because Geographical Indications are one of the Intellectual Property Rights regimes that
are most influenced by the values of local communities or the culture of community
groups or nations in a country (Miranda, 2006: 1).

Geographical Indications are part of intellectual property rights which are
currently part of an issue initiated by the central government. This policy is directed at
regional governments to map and provide protection for products that have the potential
to receive Geographical Indication protection. Regional Governments have the authority
to manage their own government as a manifestation of the principle of regional autonomy
by paying attention to the principles of democracy, equality and justice which are directed
at accelerating the realization of community welfare through improving services,
empowering community participation and increasing regional competitiveness (Nizar
Apriansyah, 2018: 525). This is in line with the provisions of Article 14 Paragraph 2 of
Law Number 32 of 2004 concerning Regional Government that "Elective district/city
government affairs include government affairs that actually exist and have the potential
to improve community welfare in accordance with the conditions, characteristics and
conditions of sources human resources and superior potential of the region concerned".

The policies and political will of different regional governments in each region
have an influence on the existence of local products. Regional governments, in this case
namely governors, regents, mayors and regional officials as elements of regional
government administration, have a big role in popularizing potential Geographical
Indication commodity products. Problems arise when commodities or products that have
the potential to be protected as Geographical Indication have not received adequate
attention from the government, especially regional governments as mandated in the
Trademark and Geographical Indications Law Articles 70 and 71 where guidance and
supervision is carried out by the central government and/or regional governments. . Lack
of understanding of Geographical Indications among stakeholders (DJKI, 2016: 10) and
lack of attention from Regional Governments to the potential of GI are the causes of the
minimal number of products from regions that have been registered as Geographical
Indication products with the Directorate General of Intellectual Property.

One aspect of special rights in intellectual property is Economic Rights, namely
the right to obtain economic benefits from intellectual property. The fact that there is
economic value above shows that intellectual property is one of the objects of trade. In
the Geographical Indication system, based on Article 16 of the Trademark and
Geographical Indication Law, it is stipulated that there is a guarantee of maintaining the
quality of an item. Geographical indications provide legal protection for every commodity or product, as well as a marketing strategy for geographically indicated products in trade transactions, both within and outside the country (Junus, 2004: 6-7). This protection also provides added value to geographical indication products to boost regional economic capabilities. Good cooperation between the Directorate General of Intellectual Property (DJKI), Regional Offices (Kanwil) and Regional Governments is expected to speed up the registration process for potential geographical indication products in Indonesia from an economic perspective.

The problem faced by the public is not understanding or not knowing the urgency of geographical indications and indications of origin. That geographical indications and indications of origin can be assets for the community in an effort to improve the welfare of the community itself. Good management of these assets will have a positive impact on community development.

Legal Basis for Communal Intellectual Property:

1. Law of the Republic of Indonesia Number 20 of 2016 concerning Marks and Geographical Indications;
2. Republic of Indonesia Government Regulation Number 56 of 2022 concerning Communal Intellectual Property;

Based on Article 1 number 1 of the Republic of Indonesia Government Regulation Number 56 of 2022 concerning Communal Intellectual Property, Communal Intellectual Property, hereinafter abbreviated as KIK, is intellectual property whose ownership is communal and has economic value while still upholding the nation's moral, social and cultural values.

Furthermore, in Article 4, it is stated that communal intellectual property consists of:

1. Traditional Cultural Expression;
2. Traditional Knowledge;
3. Genetic Resources;
4. Indication of Origin;
5. Potential Geographical Indications.
The definition of part of communal intellectual property as mentioned above is regulated in Article 1 number 2 to number 6. Traditional Cultural Expressions are all forms of expression of creative works, whether in the form of objects or intangibles, or a combination of both which shows the existence of a traditional culture that is held communally and across generations. Genetic Resources are genetic material originating from plants, animals or microorganisms that contain units that function as carriers of hereditary traits that have real or potential value. Indication of Origin is a characteristic of the origin of goods and/or services that is not directly related to natural factors which is protected as a sign that shows the true origin of a good and/or service and is used in trade. Potential Geographical Indications are goods and/or products which, due to geographical environmental factors including natural factors, human factors, or a combination of both factors, give a certain reputation to the goods and/or products produced, which have the potential to be protected by geographical indications and not yet registered as a geographical indication.

Based on Minister of Law and Human Rights Regulation Number 13 of 2017 concerning Communal Intellectual Property Data, Communal Intellectual Property is defined as Intellectual Property in the form of Traditional Knowledge, Traditional Cultural Expressions, Genetic Resources and Potential Geographical Indications. In general, Communal Intellectual Property is Intellectual Property whose ownership is group, different from other types of Intellectual Property whose ownership is exclusive and individual. Communal intellectual property is traditional cultural heritage that needs to be preserved, this is because culture is the identity of a group or society.

A Geographical Indication Certificate is recognition of a product (agricultural product, food ingredient, handicraft or other product), which has specific characteristics and quality due to its region of origin. Products that are related to their geographical area, relationships based on natural factors, human factors or a combination of both factors. “The uniqueness of a product is due to natural and human factors or a combination of these two factors. And it has been developing for quite a long time and provides quite significant benefits for the people in the area where the product originates. In efforts to develop intellectual property data, one of the obstacles faced so far is the lack of coordination between the regional government and the Regional Office of the Ministry of Law and Human Rights as the leading sector which is given responsibility by statutory regulations to inventory potential Communal Intellectual Property.
3.2 POTENTIAL FOR PROTECTION OF COMMUNAL INTELLECTUAL PROPERTY OF WAYANG KAMASAN KLUNGKUNG THROUGH GEOGRAPHICAL INDICATIONS

Law Number 20 of 2016 concerning Trademarks and Geographical Indications determines that geographical indications will be protected after registration. Geographical indications provide protection for those who identify the rights of a country or region as the source of goods, where the reputation, quality and characteristics of the goods are determined by the geographical factors in question. The characteristics and quality of goods that are stored and can be maintained for a certain period of time will give rise to the reputation of the goods, which in turn allows the goods to have high economic value.

Legal protection for Geographical Indication products can be obtained when they have been registered, this is as intended in Article 53 of Law Number 20 of 2016 concerning brands and Geographical Indications. In Geographical Indications, there is a period of protection and deletion of Geographical Indications as stated in Article 61 of the Law -Law Number 20 of 2016 concerning Marks and Geographical Indications. Specifically, regulations regarding the registration of Geographical Indications are regulated in CHAPTER III Requirements and Procedures for Applications for Government Regulation Number 51 of 2007 concerning Geographical Indications. Based on this, the protection of Geographical Indications in Indonesia is a constitutive system which requires registration to obtain protection from the State.

In customary guidance, authentic life goals can be achieved if the proper facilities and infrastructure are prepared. If the goal to be achieved is transparent, namely a safe, peaceful, prosperous society that is full of blessings, that true happiness is created. What conditions should be created (Hastuti et al., 2015; Mardatillah, 2020; Nurmufida et al., 2017). Prior to the promulgation of Law Number 20 of 2016 concerning Marks and Geographical Indications, regulations regarding Geographical Indications were regulated in Law Number 15 of 2001 concerning Marks and Government Regulation Number 51 of 2007 concerning Geographical Indications. Based on this, the protection of Geographical Indications in Indonesia is a constitutive system which requires registration to obtain protection from the State.
be used as an implementing guideline for the implementation of Geographical Indication registration. Several articles have been passed to regulate the systematic registration of Geographical Indications in Indonesia so that there is an orderly and directed economic system in Indonesia.

In Article 1 number 1 of Indonesia Government Regulation Number 51 of 2007 it is explained:

"Geographical indication is a sign that indicates the area of origin of an item, which, due to geographical environmental factors including natural factors, human factors, or a combination of these two factors, gives certain characteristics and qualities to the goods produced."

Based on this explanation, it can be said that brands and Geographical Indications are different things. In Article 1 number 1 of the Trademark Law Number 15 of 2001, it is explained that a brand is a sign in the form of an image, name, word, letters, numbers, color arrangement or combination of these elements which has distinguishing power and is used in trading activities, goods or services. It can be said that from the meaning of these two things, two things can be drawn, namely that brands are more about symbolizing a combination of image elements, names, words, letters, numbers, color arrangements without paying attention to the quality of natural resources in the products being marketed. Meanwhile, Geographical Indications emphasize natural products produced as a result of geographic environmental factors which include natural factors, human factors or a combination of these two factors.

There are characteristics that are highlighted in these two meanings. Brands that emphasize symbols and Geographical Indications that emphasize the natural products produced by an area. Geographical Indications are used in relation to goods products (Sudaryat, 2010: 178):

1. Place and area of origin;
2. Product quality and characteristics;
3. The relationship between the quality or characteristics of the product and geographical conditions and characteristics of the blood community/place of origin of the goods.

So it can be said that Geographical Indications emphasize products produced by geographic environmental factors which are a combination of natural and human factors.
In the era of global trade, in line with international conventions that have been ratified by Indonesia, the role of Brands and Geographical Indications is very important, especially in maintaining healthy, fair business competition, protecting consumers, as well as protecting Micro, Small and Medium Enterprises and domestic industry.

In order to further improve services and provide legal certainty for the world of industry, trade and investment in facing local, national, regional and international economic developments as well as developments in information and communication technology, it is necessary to be supported by legislation in the field of Marks and Geographical Indications which is more adequate. Law Number 15 of 2001 concerning Trademarks still has shortcomings and cannot accommodate the development of community needs in the field of Trademarks and Geographical Indications and is not sufficient to guarantee the protection of local and national economic potential so it needs to be replaced. For these reasons, Law Number 20 of 2016 concerning Trademarks and Geographical Indications was promulgated.

The implementation of Law Number 23 of 2014 concerning Regional Autonomy requires each region to increase regional income from both the tax and non-tax sectors. For this purpose, each region needs to immediately develop superior products and explore all existing regional potential as optimally as possible. Even if this is not done correctly, it will be difficult to achieve considering export activities to foreign countries where regions will be required to comply with current global issues, one of which is Intellectual Property Rights. One of the global issues regarding IPR is related to the development and protection of superior regional products within the framework of increasing locally-generated revenue through good IPR management.

Indonesia is an archipelagic country which administratively consists of 17,504 islands, 34 provinces with a population of almost 270,054,853 (two hundred seventy million fifty-four thousand eight hundred and fifty-three) people. Indonesia is the richest country in biodiversity both on land and sea. Thus, each region has different capital strengths in terms of wealth of natural resources (SDA), human resources (HR) and the industries that utilize them.

These varied capital strengths cause each region to have its own mainstay sector in producing superior products. In general, the mainstay sectors include:

1. Agriculture (food crops, plantations, animal husbandry, forestry, fisheries)
2. Mining and quarrying;
3. Processing industry.

Apart from that, based on the combination of natural resource wealth and human resources, each region has intellectual property called traditional knowledge which is knowledge belonging to the local community of each region which is very beneficial for the community both economically, health and culturally. Traditional knowledge is an important source of inspiration in the development of modern innovation, therefore its existence needs to receive proper recognition and protection in the legal order both locally, regionally and internationally. The development of new innovations based on traditional knowledge is a very important right carried out by the local community owners themselves, the added value obtained can be fully enjoyed by them.

Strategies that can be taken to protect regional intellectual property are as follows:

a) Register every regional innovation with the IPR office. Registration of every innovation has the following objectives:

1. Meet the demands of globalization, especially for export-oriented products
2. Provide legal certainty to potential investors
3. Motivate individuals/groups to produce new innovations

b) Documenting every traditional knowledge owned by the region, with the aim of:

1. Claiming types of traditional knowledge belonging to the region;
2. Prevent registration of traditional knowledge by foreign parties;
3. Spread the benefits of traditional knowledge to the wider community.

Good management of intellectual property is a necessity and the key to success in developing and protecting superior regional products with the ultimate goal of increasing locally-generated revenue. For this reason, each region must immediately realize it to support the implementation of regional autonomy which has already begun implementation. The use of communal intellectual property rights can increase value from the economic side of society. Therefore, a brand is an intangible object (intangible asset) that has value for the asset owner.

Geographical Indication is a sign that indicates the area of origin of goods and/or products which, due to geographical environmental factors including natural factors, human factors or a combination of these two factors, gives a certain reputation, quality and characteristics to the goods and/or products produced. The right to Geographical Indications is an exclusive right granted by the state to the holder of registered
Geographical Indication rights, as long as the reputation, quality and characteristics on which the protection of the Geographical Indication is given still exists.

On the other hand, the era of globalization has brought producers, both at the individual, regional and national levels, into dependent competition. Ability to attract attention, build influence, utilize market share, business and investment as well as creativity in producing creative products. Product creativity can be created from elements related to the product. Examples of these elements are the region of origin, production method, characteristics, and producer of the product. Product creativity is important in relation to creating product identity (branding). In the creation of product branding, geographic identification plays a central role in the conceptual era (Ahmad M Ramli & Miranda Risang Ayu Palar, 2019: 65).

Geographic indication products have great potential to act as a catalyst for city imaging. In addition, geographical indications can trigger. Regional economic growth. As a concept, geographical indication product protection has been practiced on a global scale to prevent misleading information regarding the origin of a product. Geographical indications are also used to protect the rights of product producers who live in the geographically indicated product area through the use of geographical indications or names that indicate the origin of the product (Nicolas Guyot, 2016: 2). The Value of Geographical Indication for Bussiness Fact Sheet, European Intellectual Property Rights Helpdesk, European Union. These are the things that make geographical indications very valuable for a city or region.

As a region that has a diversity of natural and cultural resources, Indonesia in general and Bali in particular have made various preventive and repressive efforts to protect endemic natural and cultural resource products from recognition, theft and piracy carried out by parties. others, even other countries. The government's role must be to maximize efforts in socializing the importance of communal intellectual property owned by the Balinese people. Optimizing the National Data Center for Communal Intellectual Property program which is managed by the Directorate General of Intellectual Property of the Ministry of Law and Human Rights as a forum for inventorlying data on communal intellectual property, in this case especially the Balinese people, so that it can increase the value of communal intellectual property itself to advance the welfare of the Balinese people in particular.
Many people in their old age recognize their identity and character, that is happening now, and I have seen a lot. Because in the past they thought that the studies that were carried out in the surau were studies for people who wanted to die, even though in fact they had to be introduced to themselves from the beginning (Efrizon, Masyhudzulhak Djamil Mz, Sugeng Santoso, Ahmad Badawi Saluy, 2024: 8). World society has experienced a transformation towards the conceptual age, namely an era when creativity becomes an important factor that drives the wheels of the economy. The conceptual era brings the development of the world economy towards a knowledge-based economy, namely when economic activity is dominated by activities to increase added value and product selling value (Daniel Pink, 2005: 4).

Following up on the letter from the Directorate of Trademarks and Geographical Indications Number HKI.4-KI.07.01.01-380, and in order to encourage the growth of One Village One Brand (OVOB) Brand registration and inventory of Geographical Indication products in the Klungkung district, the Regional Office of the Ministry of Law and Human Rights Bali, in this case the Legal and Human Rights Services Division carried out coordination activities and visits to the Bali Kamasan Painting Geographical Indication Protection Society.

The potential for Communal Intellectual Property in Klungkung Regency includes Kamasan Balinese Paintings which are traditional works of art that grow and develop in Kamasan Village, Klungkung Regency, Bali and have a very distinctive and unique identity. The characteristic of Balinese Kamasan Painting is that it depicts the theme of wayang characters. In general, the stories depicted contain philosophical values of Hinduism and Balinese culture. Kamasan Balinese paintings can be said to be old from their historical context. Real evidence of Balinese Kamasan Paintings can be seen in the paintings in Bale Kambang Kertha Gosa which were built during the Klungkung kingdom era. Apart from getting legal protection, products or other intellectual property that have been registered will be better known to the wider public. So that later it can also increase its economic value.

Since Bali was ruled by King Dalem Waturenggong (1386-1460) the center of government was moved from Samprangan to Gelgel. All artists are also united in a village near Gelgel, namely Kamasan village. Gradually Kamasan village became the center of Balinese culture at that time. In a period of three centuries, namely around the 18th century, a sangging (fine arts artist) named Mudara appeared. Wayang images from
Mudara were then imitated by many sanggings spread across Bali, so that the shape and style of Mudara became the identity (identity) of wayang painting in Kamasan Village and in its development this painting art became known as Kamasan Wayang Painting. This painting art is also often called "Traditional Classical Balinese Painting" because these paintings have uger-uger (rules) that cannot be violated (Wayan Sekar Pradnyadari, et.al, 2022: 1953). The initial material used to draw wayang Kamasan was a canvas made by craftsmen. This canvas was made using a white cloth, often called blacu (calico) cloth. To be used as a canvas fabric, the calico is washed, soaked, and dried under the sunlight. After that, the drying cloth is dip-ped in rice flour porridge that has been prepared, and this process is called mubuhin (Balinese). After the mubuhin process finishing, the canvas fabric is stretched and dried in the sun to dry properly. The process of mubuhin aims to glue the threads on the calico cloth. After drying, the canvas cloth was rubbed over the slab repeatedly with shells to obtain a flat and smooth canvas surface (Nirma, 2010: 3).

Kamasan Tjidera's form and depiction of puppets in "Physical Form and Philosophy of Balinese Wayang Painting" groups the forms of puppet depiction into 4 large groups, namely (Nirma, 2010: 2):

a. Wong-wongan

The form of the wong-wongan image is a symbol of the nature of the meaning of Buwana Agung and Buwana Alit, for example the depiction of knights, giants/danawa, gods and depictions of God. The jajaleg (body shape) takes the form of a human body, given a sweet face, giantity and violence. The decoration is adapted to the nature and position and is generally all similar. This figure is usually called wong-wongan (human).

b. Bala-bala

Bala-bala is a depiction of commoners who take human form (wong). The decorations worn by this group are very simple and different from the wongwongan group. In the story of this war, dozens of people were armed with keris, knives, spears and arrows. When making paintings, these bala-bala are sometimes also called wong-wongan (people) to depict the story of Panji, Men Brayut, Atma Prasangsang, dance performances and so on.

c. Animal

Depictions of animals in general reflect the various forms of animals that exist in this world with designs such as wayang. Only the Garuda and Wilmana birds are made
like puppets, that is, they have human bodies and are decorated like most puppet decorations.

d. Natural Environment

Several important types of plants such as rontal trees, kepuh trees, kapok trees and others, are shaped like trees in wayang style. The depiction is also equipped with tendrils entangling the tree. The peak is usually equipped with flowers and birds. Especially for the tree of life (tree of life), it is described as a mountain complete with its contents (stones, water, animals, giants, etc.). This form is called "Kayonan" or "Gunungan". This Kayonan has many uses, for example: it is used as an opening for shadow puppet shows, as a symbol of mountains, water, caves, rain, earthquakes, storms, and so on. Generally, sangging or wayang painters understand how to paint from 'kayonan'.

The 1945 Constitution was enacted as the state constitution on 18 August 1945, providing new opportunities for state administration to prioritize general welfare (i.e. the welfare of the people) in a practical sense. There are still too many people who are considered poor, even though the 1945 Constitution has made every effort to ensure the welfare of the people. In order to realize general welfare, state officials strategically amended the 1945 Constitution after realizing this situation. In accordance with the fourth paragraph of the preamble and the provisions of Article 34 of the 1945 Constitution, the amendment to Article 1 paragraph (3) of the document further clarifies the understanding of the rule of law which is closely related to the welfare state or the idea of a state of material law. The realization of a welfare state in Indonesia will be supported and accelerated by implementing the principles of the rule of law. To create a welfare state, the supremacy of law must first be supported, which means making the law the highest authority in running the government. Maintaining the democratic values contained in the 1945 Constitution, especially in Article I paragraph 2, "Sovereignty is in the hands of the people and is implemented based on the Constitution" is a very important component of the rule of law (Andri Widiani, Indah Permata Sari, Maulida Qadisyah, Rani Alfiani, Repa Jimmy Siregar, Kha rina Tambunan, 2022: 3756).

The founding fathers of our nation in formulating the ideals of the state through the 1945 Constitution created a welfare state. The preamble to the 1945 Constitution shows the intention to create a welfare state: "The government protects the entire nation and all bloodshed, promotes general welfare and makes the life of the nation intelligent." In Article 27 of the 1945 Constitution which states, "every citizen has the right to work
and a living that is worthy of humanity and Article 31 which guarantees the right of every citizen to receive education. Likewise, Articles 33 and 34 of the 1945 Constitution are the implementing articles of the Preamble to the 1945 Constitution which mandates the management of natural resources for the greatest prosperity of the people and the needy and neglected children to be looked after by the state.

De facto, currently the ideals of togetherness that were proclaimed by the founding fathers of this country are increasingly far away. Their brilliant ideas almost no longer resonate. In fact, if you reflect on it again, those ideas that were not realized, if they were really put into action, would provide support for the development of every citizen in this republic. For example, the idea of a family system for the international economy in Article 33 of the 1945 Constitution reflects the importance of state assets being managed for the public interest, not just for the interests of certain regions and/or groups (AI. Andang L. Billawan, et al., 2004: VIII).

In essence, the use of geographical indications will improve the welfare of local communities, especially if the government participates in developing geographical indications, especially Klungkung Original Kamasan Wayang Paintings. This is in accordance with the Welfare State theory put forward by Friedlaner, namely that social services and institutions aim to help individuals or groups which will later be able to realize social welfare for the individual or group. A Welfare State is a country whose government guarantees the implementation of social welfare. In realizing people's welfare, it must be based on the five pillars of statehood, namely democracy, law enforcement, protection of human rights and social justice, as well as anti-discrimination (Triwibowo, 2006: 15)

4 CONCLUSIONS

Communal intellectual property rights to traditional cultural expressions, traditional knowledge, genetic resources, and indications of origin are inclusive moral rights, which are protected and/or carried out by the Community of Origin, which have economic benefits, and are valid indefinitely. Meanwhile, communal intellectual property with potential geographical indications is an inclusive moral right, which is protected and/or carried out by the Community of Origin, which receives exclusive protection after being registered as a geographical indication in accordance with the provisions of statutory
regulations, as regulated in Law of the Republic of Indonesia Number 20 2016 concerning Brands and Geographical Indications.

Coordination regarding the potential for Intellectual Property and Geographical Indications in Klungkung district has long been carried out by the Bali Regional Office of the Ministry of Law and Human Rights. Potential Collective Brands in Klungkung Regency so that their Intellectual Property can be registered, then to be able to carry out an inventory of the potential for Geographical Indications and Traditional Cultural Expressions and Traditional Knowledge which are aspects of Intellectual Property in Klungkung Regency with the diversity of traditional culture and traditional food that exists, for example There is potential for Geographical Indication of Kamasan Wayang Paintings.
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