

LEGAL PROTECTION OF GEOGRAPHICAL INDICATIONS OF TRADITIONAL CRAFTS FOR STRENGTHENING REGIONAL ECONOMIC

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ABSTRACT

This study aims to determine (1) Difficulty of craftsmen Gringsing weaving in performing the maintenance of geographical indications to Gringsing weaving products that is produced. (2) How to determine that the Tenganan village categorized as geographically protected areas of traditional Gringsing weaving craft in relation to strengthening the economic region's. This research is a qualitative descriptive study with normative juridical approach. The location of this research is in the village of Tenganan Pagringsingan, Manggis District of Karangasem regency. The subjects of this research are (1) Head of Industry and Trade in Karangasem (2) Perbekel Tenganan, (3) Kelian of indigenous Villages in Tenganan Pagringsingan, (4) Kelian Banjar of indigenous village and (5) handicraft weaving craftsmen were determined purposively. Data collection techniques used were: observation, interview and record-keeping. The results of this study indicate that: (1) Difficulty of Gringsing craftsmen weaving in performing the maintenance of geographical indications against woven products generated because of weak legal awareness craftsmen, ie there is no agreement to appoint one to serve as holders of Copyright or seek legal alternatives in making an application for registration legal protection of geographical indications. (2) Tenganan categorized as an area of Gringsing weaving geographical indications because of the existence of the village of Tenganan is an indication of the place of origin of the goods, which because of the geographical environment, including natural factors, human factors, or a combination of both these factors, provide specific characteristics and quality at goods produced. In order to obtain legal protection of geographical indications, the Tenganan Gringsing craftsmen weaving should submit applications for registration of geographical indications.

Keywords: Copyrights, Geographical Indications, Law, Craft.

1. Introduction

Bali as a destination for eco-tourism has a variety of traditions that grow and develop in the lives of indigenous peoples. One role of the Regional Government of Bali is to provide protection to the integrity of indigenous peoples including all local wisdom contained there. In a society, whether complex or simple, there are a number of cultural values with each other interrelated to become a system, and the system as a guide to the concepts of cultural ideal in giving a strong incentive to the direction of the life of their peoples, Judges; Mubarak, (2006: 28). According Koentjaraningrat (2011: 3) that any form of work is essentially a part of universal culture that it contains the three states of culture. One of the island condensed culture is the island of Bali. Culture as a result of the creativity, initiative and a sense of human beings according to Alisyahbana; is a complex whole that occur from elements as diverse as knowledge, belief, art, law, morals, customs, and all skill acquired by man as a member of society (Agus, 2002: 15). Thus, each artwork will contain a form of cultural systems, social systems, and physical culture. Based on this, then every artwork produced is always closely associated with values, not just aesthetic value, but also the economic and social value. The existence of a work of art as a part of the culture of course the substance of culture as a pattern of thought and behavior patterns are attached to it. Because mindset will affect the person's behavior patterns, in developing his art in this case decanted through crafts.

In this regard, the work of art would be able to inspire people especially the Balinese art connoisseur. Because these values can not only be a reference to the attitude of society in general. For example aesthetic value is the value of the beauty that can be enjoyed through the exhibition, expo, and others. In which the aesthetic value of a reference as an artist in craftsmen behavior to create works of art including weaving the typical grimage Tenganan. Other value components contained in each work of art is an economic one. The economic value of handicraft weaving typical Gringsing Tenganan viewable their efforts to develop a work ethic. The work ethic here is related to how the craft of weaving typical Gringsing Tenganan can raise morale for craftsmen weaving as well as employment opportunities for offenders art. Besides this, the social value also can not be ignored simply because of the social value is closely related to the level of public acceptance in receiving artwork one of them a result of the Gringsing woven products, especially in the works of Balinese art. The social value will also provide guidelines for the behavior of the arts association and members of the public so that the activity of art remains, as well as provide for public awareness about

the importance of togetherness and deficiencies in every social unity. In addition to the values already mentioned above, other values embodied in the art that values ethics, ethical values is the value as a form of moral attitude of the faithful and sturdy uphold the values of national culture. Meanwhile, related to the Balinese art became famous because of the arrival of domestic tourists and foreign countries.

The development raises the value of art is not uncommon manifestation in the form of various art products physically (physical objects) included in textile products. In line with the development of science and technology, currently many emerging textile products made of a textile factory using advanced equipment so that their products are more quality and more affordable. The textile products produced in the form of fabrics, such as clothing fabrics, sapat fabrics, pants cloth, bags fabric, batik cloth and others. The production process with a processing time span is relatively short and more of their products than the traditional woven cloth production. Besides this, a media campaign was also greatly affect the enforceability of traditional craft products in the community.

Industries that are emerging in the district of Karangasem, mostly in the category of Small and Medium Enterprises. Based on Law No. 9 of 1995 concerning Small Business, the criteria of small businesses are as follows: wealth (assets) net of Rp. 200,000,000 (two hundred million rupiah) not including land and buildings, places of business; have annual sales revenue (turnover) at most Rp. 1 billion; owned Indonesian citizens; independent, not subsidiaries or branches of companies owned, controlled or affiliated directly or indirectly by a large or medium-sized business enterprises, form of business and individual, business entity not a legal entity, or legal business, including cooperatives.

Thus, efforts to grow in the district of Karangasem engaged in the traditional craft industry is small and medium businesses because it has the characteristics of business as set out in the legislation mentioned above. Formally, small and medium enterprises are basically under the auspices of the Karangasem Ministry of Trade Industry and Cooperation. The data-Karangasem Merchandise Exports in 2013, the kind that has entered the list of inventory amounted to 46 types of goods with the types of handicraft products reached 40 types. Including the craft of weaving. Based on export data in 2013, each of these products contribute a sizable foreign exchange with the details of weaving craft US \$ 150,039.91 (2%). Craft mentioned above are still produced in the traditional way or still using human power capability without the benefit of modern engine technology. It was very interesting listening for a product which is actually done by hand and is rooted in the traditional culture is able to answer the challenge of the global market (Muliani, 2007: 13).

Recent developments indicate that the traditional weaving craft industry that is threatened with similar products produced by the countries of China (silk) and India (cider). Chinese state managed to create synthetic silk weaving craft products much cheaper with the help of modern technology even though in the country do not have the varieties of silkworms as those in Indonesia. Furthermore, in China there is no traditional culture to cultivate livestock silk into cloth gloves, bag or the results of other craft. While in India found many handicraft products of the sari which have similarities to designs and shapes that exist in Indonesia, but the selling price is much cheaper than that produced in Indonesia. Together with China, India also did not have a history of traditional knowledge that is owned or controlled and used by generations and continues to develop in accordance with the development environment. These events can not be underestimated because it could threaten the sustainability of the craft industry in Indonesia based on the traditional knowledge of Indonesian society. Do not let similar problems occur in the development of tenun ikat Tenganan Pagringsingan Indonesia as the original product, this trend is feared likely to occur considering possible with the advent of attitudes undervalue the sublime cultural values.

Traditional Gringsing woven cloth produced by Pagringsingan Tenganan community has been able to compete with traditional woven cloth in other areas such as Lombok, Kalimantan, Jambi and others and has penetrated the national territory and even international market. However, the problem is when other regions are trying to combine the motifs in the area and gave birth to a new motif. It should really be considered by the craftsmen of traditional weaving in the village of Tenganan Pagringsingan. Concerns arise that if the result of the combination that would make the original motif of weaving lose value authenticity or attenting and gradually the original motif pattern of Tenganan will not be known by someone or other areas, even those or other area that combines the famous.

Geographical circumstances causing Indonesia has a diversity of art and culture is very rich and is an advantage and the Indonesian national identity to distinguish with other countries. Therefore a lot of products of geographical indication contained in Indonesia, one of them is a typical craft of weaving Geringsing Tenganan. However handicraft weaving Geringsing has not registered as a Geographical Indication product. This course is very vulnerable to unfair competition and public deception to the craft of weaving typical Geringsing Tenganan remember this handicraft has penetrated the international market. Geographical Indication Registration is an appropriate way to ensure legal certainty for Geographical Indications products in Indonesia, given the geographical indication adheres first to file system, registration is a prerequisite to protection.

Based on the above background, there are some problems that were examined in this study, among others, that:

- a. What are the difficulties for craftsmen weaving Gringsing in performing the maintenance of geographical indications to produced woven Gringsing products?
- b. How do I determine that the village Tenganan categorized as protected areas geographically traditional weaving craft Gringsing in relation to strengthening the economic region's?

The people of Bali has a very dynamic cultural space, but still based on the ideology of Tri Hita Karana to realize the welfare of physically and mentally, so the rational development of the traditional craft of weaving typical Gringsing Tenganan align with the intellectual and cultural advancement of adaptive. But in reality, the opposite occurs, namely cases duplicating motifs woven

handicrafts Gringsing by craftsmen irresponsible affect the craft of weaving Gringsing quoted on the market so threatening the existence of a typical weaving Gringsing as typical local wisdom Tenganan Bali in particular and in general.

GI protection has many benefits, both for producers and for consumers. For manufacturers, the existence of the GI benefits in terms of economic, among others: (1) Preventing the transfer of ownership rights to use the product distinctiveness of the local community to another party. (2) Maximize the value-added products for the local community. (3) Provide protection from counterfeiting. (4) Improving the marketing of typical products. (5) Increase the provision of jobs. (6) Support the development of agro-tourism. (7) To ensure the sustainability of the business. (8) Strengthen the region's economy. (9) To accelerate the development of the region. (10) To improve the welfare of society.

In terms of ecology, GI benefits, among others: (1) Maintain and preserve nature. (2) Increase the region's reputation. (3) Maintaining the preservation of germplasm. In terms of socio-cultural, benefits GI among others: (1) Strengthen relationships between planters. (2) Increase the dynamics of the region, and (3) Preserving customs, knowledge and local wisdom from a legal standpoint, the benefits of GI is to provide protection and legal certainty for manufacturers. For consumers, the benefits of GI protection, among others: (1) Providing quality assurance under the laws for consumer expectations against GI products. (2) Provide a legal guarantee for the consumer if the product does not comply with the standards expected.

Process Protection of Geographical Indications (GI) and apply internationally recognized. To obtain GI protection required several steps: (1) Recognize kinds of commodities and distinctiveness owned. (2) Knowing the market needs for these unique products. (3) Identifying the causes of distinctiveness as well as how to test it. (4) Recognize boundaries can produce the typical products, and; (5) Apply to the Department of Justice to get GI protection. Registration is accompanied by attaching commodity specification book and the book area. Commodity specification book contains information about the type of product, the peculiarities of the product, the process of getting the peculiarities and distinctiveness test process. Books region contains the boundaries of a typical product producer.

All this has been a lot of research and studies on the culture of the legal protection of geographical indications against a product that is necessary to do the maintenance with the aim of avoiding or forgery claims against parties who are not responsible. In order to realize a climate of healthy competition. Here the role of the State legal protection against intellectual property rights such as copyrights, patents, trademarks, and other plays a very important and strategic and requires a regulatory system that is more adequate.

Junianto (2011) suggests a deeper study and comprehensively, study, characterize the quality and processing of paste Cirebon in order to obtain the protection of geographical indications. The survey method used in this study. Data collected through observation, interviews, and literature: All data obtained both primary data and secondary data were analyzed descriptively in the form of narrative and tables. The results showed that the raw material consists of Cirebon paste, salt, and sugar. The procedures for making shrimp paste Cirebon shall be composed of drying, mixing, molding and fermentation. Terasi Cirebon Quality fulfill Indonesia National Standard for paste. Rationalization performed on the stages of pre-drying, drying, mixing ratio of the material and fermentation.

According Ellyanti, Karim, Basri (2012) results showed that the area of Geographical Indications (GI) Coffee Arabica Gayo in accordance with the DTG altitude above sea level is 160,856.70 ha. Coffee Arabica Gayo IG region corresponding to the area which has been designated as cultivation area in the Spatial Plan (RTRW), Aceh Tengah and Gayo Lues is an area of 151,151.60 ha. The percentage deviation of IG Arabica Gayo in DTG based RTRW each district amounted to 9705.10 ha (6.03%).

Doddy Kridasaksana, et al (2012) according to geographical indication is a new thing, the one with the brand arrangements. Geographical indications have a symbol which the goods originated or other characteristics correspond to geographic goods originate. The purpose of this study is Inspef how the protection of the law for the geographical indication in Indonesia. Geographical indications protection of the law after it is registered to a request submitted by the institution that represents the community.

Studying the dynamics of the outbreak claiming weaving motifs typical Gringsing Tenganan is happening in the market to stimulate the craftsmen to do the maintenance of legal protection against the resulting product, according to investigators, (2015), the protection of geographical indications to products woven Gringsing meaning is very strategic for effort development and fostering awareness Bali manufacturers to register products. This is where the reconstruction process of law oriented to ensuring the rights of producers and consumers to be very strategic, while relying on the philosophy, values, tridisi, and customs of the Hindu community in Bali. Formulation and reconciliation-oriented model of legal protection of geographical indications is believed to be a constructive solution for the development of Bali.

Based on the above rationale, this study seems to have novelty value and strategic value that is fundamental in connection with the efforts to seek and formulate indigo-values, norms, traditions, culture and social customs related to the Balinese Hindu weaving craft products typical Gringsing Tenganan. This is because some of this research will be directed at efforts to make legal protection of geographical indications against traditional weaving craft Tenganan. On the other hand, this research will make a significant contribution in the development of the pattern of community development in the field of art craft traditional ikat typical Geringsing Tenganan. In addition, this study will also provide a value fundamental merit in relation to the development of customs and coaching behavior of indigenous villagers who bersendikan on religious values are condensed in accordance with the concept of the harmonious relationship between man-and man, man and nature, and humans to the Creator (teachings of Tri Hita Karana).

Laws created to regulate and protect the interests of the so-called legal protection. Legal protection is a protection afforded to subjects of law in the form of legal instruments, both preventive and repressive, both written and unwritten. Legal protection has always been associated with the concept of *rechtstaat* or concept of the Rule of Law for the birth of these concepts can not be separated from the desire to give recognition and protection of human rights.

In addition, while the normative judicial review which led to the legal protection it is important for businesses, especially the Balinese traditional handicraft industry "weaving" is based on the provisions of Article 6 and 7 of Law No. 8 of 1999 on consumer protection, in the second part of the rights and obligations of businesses mentioned that there are some rights and obligations to be met by businesses even more towards the traditional handicraft industry "weaving" Balinese, namely:

1. Right Business Actor
 - a) The right to receive payment in accordance with an agreement on the conditions and the exchange rate or the goods and services traded
 - b) The right to obtain legal protection of consumer action that bad faith
 - c) The right to self-defense is fitting in the legal settlement of consumer disputes
 - d) The right to rehabilitation of legally if it is proved that the consumer loss is not caused by the goods or services being traded
 - e) The rights set out in the provisions of other legislation
2. Liability businesses
 - a) Acting in good faith in conducting business activities
 - b) Doing the right information, clear and honest about the condition and guarantee of goods and or services as well as to explain the use, repair, and maintenance.
 - c) Treat or serve customers properly and honestly and not discriminatory; businesses are prohibited from discriminating consumers in the delivery of services: business operators are prohibited from discriminating quality of service to consumers.
 - d) To ensure the quality of goods or services produced and traded under the provisions of the standard or quality of goods and or services that apply.
 - e) Provide opportunities for consumers to test or try certain goods or services as well as guarantee and or warranty on goods produced or traded.
 - f) Provide compensation, compensation or reimbursement of losses due to the use, consumption and utilization of goods and or services traded.
 - g) Providing compensation for damages and or replacement if the goods or services received or used not in accordance with the agreement.

Balinese handicraft weaving industry, especially in an Tenganan Pagringsingan craft industry of weaving that uses a technique of complicated weaving cloth *Gringsing* and take a long time it was only found in three locations in the world. In addition to Tenganan, Karangasem, Bali, this technique is only available in Japan and India. *Gringsing* cloth is also expensive because of the color substance made from natural ingredients and through a process of many years to get good quality. In addition to requiring a long time to make this fabric with natural colors from plants, how to weave it any different with how to weave the fabric in general. Woven fabric only use three colors of yellow (basic colors), red and blue. Yellow yarn obtained by soaking with hazelnut oil for approximately a month seven days, the red color of the roots of noni, blue (the color combination red and yellow) are made from plants *tao*. Woven fabric dark *Gringsing* naturally used by local communities for religious or traditional rituals believed to have magical powers. *Cain* is a tool that can cure diseases and counteract the bad effects. The existence of woven fabric is well known among researchers world culture not only in terms of myth, but also in terms of weaving technique. Given the special of the woven fabric contained in the Pagringsingan Tenganan village, so it must be protected and receive a preferential treatment from the government through the Department of Karangasem regency of Industry and Trade to bridge the craftsmen in the management of the copyright to the design woven products generated.

PP No. 51 in 2007: "Geographical Indication is a sign which indicates the origin of goods, which is due to the geographical environment, including natural factors, human factors, or a combination of both these factors provide specific characteristics and quality of the goods produced." In general, geographical indications consists of the product name followed by the name of region or place of origin of the product. Example: Purwaceng Dieng, Carica Dieng, Dieng Tobacco, Sugar Palm Kulonprogro, PONDOK Sleman, Coffee Arabica Bajawa Flores, Sumbawa Wild Horse Milk and others. Geographical indications provide protection against indications which identify a region or area of the origin of goods, where the reputation, quality and characteristics of the goods is determined by geographical factors concerned. Geographical Indications essentially contains four basic elements, namely:

1. Determination of the product-producing region
2. Specifications of the methods of production
3. Specification of product quality
4. Name and certain reputation that differentiates it from other similar products.

Legal basis:

- a) Act No. 15 of 2001 on Marks
- b) PP 51 of 2007 on Geographical Indications

The Rights Applicant of Geographical Indications, unlike other proprietary intellectual property rights (patents, trademarks, copyrights) of an individual nature, the ownership rights of Geographical Indications is collective. Each person who is in the

producing area of products and / or those who have a license for it, it is possible to jointly own the rights to use the name and geographical indications in the production along the terms that have been determined together in a book requirements.

Article 56 paragraph (2) PP 51 of 2007 specify that the right to apply are: a) An institution that represents the community in the region that produces the goods, consisting of; b) Institutions are given authority to do so, or c) group of consumers of the goods. Protection of Geographical Indications (GI) aims to protect the distinctiveness of counterfeiting or use that is not supposed to provide more opportunities and protection to the typical product-producing regions to gain maximum benefit from these unique products. In addition, the GI protection is also beneficial for consumers because it gives the product quality assurance (Gayo, 2010).

II. Research Methods

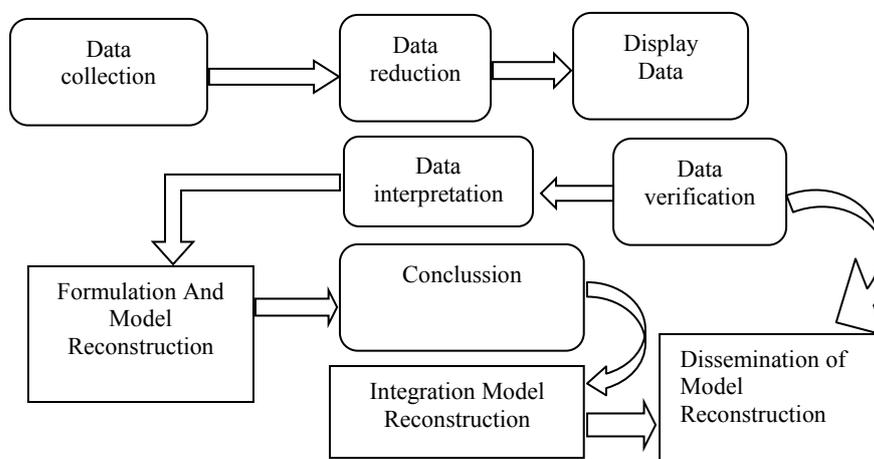
This research is descriptive qualitative. This type of research is an ethnographic study of the community Tenganan Pagringsingan. Determining the subjects in this study using purposive sampling technique, and which is the subject of research, namely: 1. Bendesa of Tenganan Pegringsingan Traditional Village, 2. prajuru Tenganan Pegringsingan Village, 3. Community and the craftsmen weaving Gringsing in the village of Tenganan Pagringsingan. In the execution of researchers will also use some of the instruments and techniques of data collection, namely: interviews, observation and documentation methods. In connection with these results, the use of a particular method or technique that is often called a qualitative descriptive method, which is a way of data processing is done by arranging systematically.

Methodologically, this study is a research development in public policy (development research in public policy paradigm) (Borg & Gall, 1989), so the emphasis is not on the measurement, but the mapping effort, sinkritasi, engineering and actual, factual, and holistic, EMIC, and ethics of the form and meaning of behavior displayed by indigenous villagers in the context of the protection of geographical hukumindikasi typical weaving Gringsing Tenganan for construction and improving the integrity of the local weaving craft symbolism local wisdom of Bali.

Efforts excavation, analysis, and mapping focal point of research conducted with reference to a cross-site analysis models, as is commonly done in studies of social and cultural, Carspecken (1998). Cross-site analysis model will facilitate researchers in uncovering and mapping the problem, a problem linked with other problems, and problems linked to natural background research studies as an external factor in the analysis of research data Choliddan, Achmadi (2005: 72). Based on the pattern of this analysis, will be formulated and verified at the same time building information, methods, and new models in the approach similar problems with the level of higher scientific truth.

This research adheres to the principle of "human instrument", the researcher is a digger / primary means of data collection. This is important given the focus of the research problem really requires constancy and risking the personal capabilities of researchers, so as to reveal trending aspects related to the focus of the problem and the need for research data. In doing so, researchers use several tools data collection, namely: (1) in-depth interviews, (2) participant observation, (3) the recording of documents, (4) The questionnaire is open and closed, (5) focus groups discussion, (Data collected in this study a qualitative data and quantitative data. Overall these data were analyzed using descriptive analysis techniques and statistics in accordance with the characteristics of the data required to parse each research problems Burhan (2006), suggests that activity in the qualitative data analysis performed interactively and lasted continuously until complete, so that the data is already saturated. in diagrammatic, process data analysis to be performed can be described as follows:

Picture 1. Data Analysis Process



III. Results and Discussion

Ownership Status of Traditional Crafts Weaving In Tenganan Pagringsingan, District of Karangasem

The ownership status of the traditional craft of weaving in Tenganan Pagringsingan is purely owned by the residents of the village of Tenganan Pagringsingan. It is caused due to several reasons: first, because of the historical point of view, that the growth and development of industrial craft of weaving was first grown and developed in the village is evident from weaving craft Gringsing in the village grew and evolved since ancient times until now still continue preserved by the village community. Where the mode of inheritance of the craft of weaving gringsing about the manner of manufacture, motives and so passed on through oral language absence of a written document. Secondly, in terms of motives varied variants that are not owned by other regions. And the third is from the manufacture of woven fabrics is quite complicated and requires a long time, as well as the materials used still come from traditional materials in order to produce good quality woven fabric and quality. It is strengthened by the results of interviews with the Kelian of indigenous village in Tenganan Pagringsingan, I Wayan Yasa (50 years old) as follows:

" traditional craft Industry of weaving in the village, a lot of uniqueness and distinctiveness, which is not shared by other regions. So I can say that the industry is the traditional craft of weaving in the village, is a legacy from our ancestors earlier, so we are maintaining the sustainability of the industry weaving craft gringsing this, because the craft of weaving gringsing is indeed ours, without an impersonation or plagiarism of other regions "(Interview on November 12, 2014).

In addition to this, it was also confirmed by the statement of a weaving craftsmen in the village of Tenganan Pagringsingan, Kadek Wiwin Wianjani (21 years old), he said the following:

"... That the ownership of the craft of gringsing weaving that are here are genuine property of Tenganan Pagringsingan, it is evident from the variant motif owned by gringsing woven fabric that is here has its own peculiarities, it is evident from the emblem or motif gringsing fabric woven has significance that symbolizes the balance of nature in all directions of the compass "(Interview on November 12, 2014).

From the presentation above, reinforces that the variant motif which is owned by the industrial handicraft weaving in Tenganan Pagringsingan the support that the ownership status of the industry the traditional craft of weaving gringsing is genuine owned by the Village of the absence of an imitation or plagiarism of industrial weaving craft of the region other. Some of the things that have been described previously, the officials and residents of the village of Tenganan should make documents in writing in order to maintain and preserve the craft of weaving gringsing contained in the village, both in terms of its historical, variants of the motive, as well as the manufacturing process. So hopefully with this, the ownership status of traditional handicraft weaving industry in the village of Tenganan Pagringsingan can be maintained, without any claiming by elements who are not responsible. Moreover, the legal binding one also needed to support the constancy of the weaving traditional craft industry.

Gringsing weaving craftsmen difficulty in doing the maintenance of geographical indications to produced woven Gringsing products

A holder of copyright is the author himself, has an intellectual property that is private and give him as the creator to exploit the economic rights and a creature belonging to the fields of art, literature and science. However, it is inversely proportional to the findings uncovered by researchers in the field, found cases of imitation motive to motive weaving craft in Tenganan Pagringsingan still a lot going on, it is similar to that expressed by one of the craftsmen weaving, Nyoman Rukmin (48 years old) as follows :

"Over the years, many cases of impersonation of gringsing weaving motifs that are here by the outside community. There used to be called Mrs. Gea from Jakarta who came to Tenganan, first he just photographs of typical products kerajinan gringsing weaving village of Tenganan. But our surprise, it turned motif derived from here packed into silk products with woven motif gringsing. That we knew when he came back collectively by wearing a patterned silk fabric woven gringsing "(Interview on November 11, 2014)

In addition, researchers also interviewed Kadek Arca Sudana (50 Years old) as the secretary of the village of Tenganan which revealed the following:

"Unheard of imitation of weaving craft motifs typical gringsing Tenganan, which I know is that the case relates to the use of motifs gringsing weaving craft that exists as a brand or emblem of one drink. We regret it at all, because it can harm us as arguably the originator or the owner of the gringsing weaving craft motif "(Interview on November 12, 2014)

Based on the previous description, it can be said that many cases of impersonation of gringsing motif weaving craft in the village of Tenganan Pagringsingan. Departing from these problems, the regulations on Copyright absolutely necessary in order to protect gringsing motif weaving craft in the village Tenganan. So the motif of weaving craft that are in there have the legal power to strengthen its existence motif woven handicrafts typical of Tenganan Pagringsingan. Because of all this, residents and officials Tenganan Pagringsingan can not perform an act in the handling of cases of impersonation of an existing motif weaving craft. Some of the factors that cause not to do the maintenance of the Copyright motif weaving craft in the village of Tenganan, namely:

First, in terms of historical or historical motifs woven handicrafts typical Tenganan terms of both time and its creator is not known with certainty. Because according to article 37 paragraph 1 of Law No. 19 of 2002 on Copyright contains provisions concerning: registration of a work in the General Register shall be conducted on an application filed by the creator or by the Copyright Holder or Power of Attorney. In addition, for applications for the registration of works submitted to the Directorate General of Intellectual Property Rights Ministry of Law and Human Rights of the Republic of Indonesia should attach some specified thing. The above provision contains a tendency that there should be a subject that capacity as creator, with the consequence as the holder of the Copyright. Creator of his creation are eligible to apply to the relevant authorities, under the terms of legislation, namely Law Number 19 Year 2002 concerning copyright or must fulfill procedures and the requirement to file a copyright. As for the craft of weaving motifs typical of Tenganan Pagringsingan, subject or holder of Copyrighted unclear. So this is a limiting factor in process Copyright against motif woven handicrafts typical of Tenganan Pagringsingan.

Secondly, the efforts of the community merely wait and tend to be passive, so far people are only waiting for the efforts of the government to socialize in order to provide legal protection against motif woven handicrafts typical of Tenganan Pagringsingan. Whereas, in order to obtain legal protection, especially in obtaining copyright on something works, the Creator and the Copyright Holder must have the initiative to register their works, because later Registration Cards Works can be used as a tool initial evidence in court if a dispute arises in the future for the creation.

The third is public knowledge related legal remedies that can be done to protect the craft of weaving motifs typical of Tenganan Pagringsingan still lacking. It was evident from the people who do not know the procedures and in the management of copyright as a form of lack of legal awareness of the local community. Lack of public awareness of Tenganan village craftsmen can be seen from the passive attitude of those who only follow what is socialized by the government, without a thought of the alternative remedies that can be done to protect the weaving motifs owned. Thus, the lack of public awareness Pagringsingan Tenganan village craftsmen could affect legal safeguard against the typical crafts motif Tenganan Pagringsingan. For example there is no agreement to appoint one to serve as holders of Copyright or seek other legal alternative and propose it to the Department of Industry and Trade Karangasem regency.

How to determine that Tenganan categorized as protected areas geographically traditional weaving craft Gringsing in relation to the Regional Economic Empowerment

Tenganan categorized as a geographical indication weaving Gringsing region caused by the presence of the village of Tenganan is an indication of origin, is a sign that comply with the geographical indication mark that is not registered or merely show the origin of goods or services. A geographical indication is a sign which indicates the origin of goods, which is due to the geographical environment, including natural factors, human factors, or a combination of both these factors, provide specific characteristics and quality of the goods produced. The term of legal protection of geographical indications, namely protected geographical indications for typical characteristics and quality are the basis for the protection of Geographical Indication is still there

In order to obtain legal protection of geographical indications, the craftsmen weaving Gringsing Tenganan should make application for registration of geographical indications, among others include the following steps: (1) An application submitted in writing in Indonesian by the Applicant or through his proxy by filling out a form in three to the Directorate General. (2) The form and contents of application referred to in paragraph 1 shall be determined by the Directorate General. (3) The applicant referred to in paragraph 1 shall consist of: a. institution that represents the community in the region that produces the goods in question, consisting of: 1) those who seek goods resulting from natural or natural resources; 2) producers of agricultural products; 3) The maker of handcrafted items or industrial products; or 4) merchants that sell goods; b. institute that given authority to do so; or c. The consumer goods group. (4) _request referred to in Article 5 shall include the following administrative requirements: a. date, month, and year; b. complete name, nationality and address of the Applicant; and c. Powerful full name and address, if the application is filed by a proxy. (5) The application referred to in paragraph (1) shall be accompanied by: a. special power letter of attorney, if the application is filed by a proxy; b. proof of payment of the fee. (6) The application referred to in paragraph (1) shall be equipped with the Book of Requirements.

The need for legal protection in the form of an Act to regulate the craft of weaving typical Gringsing Tenganan intended to provide legal protection firm, clear, and effective to prevent various types of violations, committed by people who are not responsible, such as impersonation and forgery. In addition, legal protection is intended to guarantee the rights and obligations of the creator. Legal protection is not solely to be given by the government alone, but more than that, legal dualism also needs to promote. Where in this case the role of the Village People should also play an active role through awig awig or village relevant rules in order to protect traditional craft Tenganan Pagringsingan. In this regard, there are several findings that discovered by investigators, after interviewing kelian Banjar Adat Kauh Tenganan Pagringsingan Putu Arsa (45 years old) as follows:

"This long to issue legal protection by the government for the craft of weaving in the villages that we do not exist. The government is only just to socialize just to our village, but until now there has been no follow-up again. So if you find that if we think we have to imitate or plagiarized from weaving craft that we had, we could not do anything. Because we know that there is no legal powers that would give protection weaving craft in the village of Tenganan Pagringsingan "(Interview on November 12, 2014).

In addition, researchers also tried to interview Kelian Banjar Dinas Tenganan Pagringsingan Ketut Sudiastika (45 years old), he expressed as follows:

"... From the Banjar Dinas Pagringsingan Tenganan who takes care of administrative matters in this village, in fact regretted by the cases of plagiarism committed by rogue elements who are not responsible for the craft of weaving typical Tenganan Pagringsingan we had. In fact, plagiarism is not only done by elements from outside Bali, but in the area of Bali, there are tried wearing Gringsing combined motifs woven into the fabric endek, silk and others. Seeing the incident, administratively we have not been able to do more to take action, because in terms of rule of law does not exist. So if we take the case all the way to the realm of the court, of course we will lose "(interview on November 11, 2014).

Based on the description that is expressed by the informant above, it can be seen that during this time, there are many cases of impersonation against Gringsing Weaving crafts in the village of Tenganan Pagringsingan. However, it can not be prevented, it is because they are constrained by the legislation governing the public concerned have not been applied by craftsmen in the village Tenganan Pagingsingan. Indigenous and apparatus so that officials who take care of Banjar Dinas village administratif purposes can not do much about the cases that were found, although the cases were found really is a case of plagiarism against the craft of weaving typical of the Pagringsingan Tenganan. Then, if we look in terms of legal dualism that should be applied to typical woven handicraft industry Pagringsingan Tenganan is also not done well by the village through its awig awig government or private parties who provide legal protection of National nature.

Based on interviews with several craftsmen weaving craft in Tenganan Pagringsingan said that during this time they can only be silent passage and is waiting for socialization of the government alone, without an initiative of the craftsmen themselves to apply in order to obtain legal protection. Because even though the law provides protection through registration, but the active participation of all people, not just law enforcement officers and the public, but also businesses is very important in order to materialize a business climate conducive to respect the results of intellectual work of a person, including a trademark design motif weaving and weaving products.

IV. Conclusions

Difficulty of craftsmen weaving Gringsing in performing the maintenance of geographical indications to products woven Gringsing generated due to the lack of legal awareness craftsmen village Tenganan. One example there is no agreement to appoint one to serve as holders of Copyright or seek legal alternatives in making an application for registration of legal protection indication geographical against typical weaving Gringsing Tenganan.

Tenganan categorized as an area of geographical indications weaving Gringsing caused by the presence of the village of Tenganan indicate geographical indication which is a sign of the place of origin of the goods, which because of the geographical environment, including natural factors, human factors, or a combination of both these factors, characterize and quality particular on the goods produced. In order to obtain legal protection of geographical indications, the craftsmen weaving Gringsing Tenganan should make application for registration of geographical indications

References

- Atang Abdullah Hakim, Jaih Mubarak. 2006. *Metodologi Studi Islam*. Cetakan ke delapan. Bandung: PT Remaja Rosdakarya.
- Borg and Gall.1989. *Educational Research: An Introduction. Fifth Edition*. New York and London: Longman.
- Bungin, Burhan. 2006. *Metodologi Penelitian Kualitatif*. Jakarta: PT Raja Grafindo Persada
- Bustanudin Agus. 2002. *Islam dan Pembangunan*. Jakarta: PT Raja Grafindo Persada.
- Carspecken, P. 1998. *Critical Etymology in Educational Research: A Theoretical and Practical Guide*. London and New York: Routledge.
- Koentjaraningrat. 2011. *Manusia dan Kebudayaan di Indonesia*. Jakarta : Djambatan.
- Negara Republik Indonesia. Undang-Undang Nomor 8 Tahun 1999 tentang *Perlindungan Konsumen*. Lembaran Negara No: 42 tahun 1999, Tambahan Lembaran Negara Nomor 3821.
- Negara Republik Indonesia. Undang-Undang Nomor 19 Tahun 2002 tentang *Hak Cipta*. Lembaran Negara Nomor: 85 tahun 2002, Tambahan Lembaran Negara Nomor 4220.
- Pemerintahan Desa Tenganan.2010. *Profil Pembangunan Desa Tenganan Kecamatan Manggis Kabupaten Karangasem*.
- Sabela Gayo. 2010. *Perlindungan Indikasi Geografis Bagi Kopi Gayo*. Diunggah pada tanggal 25 Januari 2010, pukul 03.00 Wita.
- Tim Klinik Konsultasi HKI-IKM.2013. *Buku Panduan Klinik Konsultasi HKI-IKM Tahun 2013*. Jakarta: Direktorat Jenderal Industri Kecil dan Menengah Kementerian Perindustrian.
- W. J. S Poerwadaminta. 2003. *Kamus Umum Bahasa Indonesia*. Jakarta: Balai Pustaka.
- http://eprints.unlam.ac.id/296/1/jurnal%20legitimitas_zakiah-shmh.pdf. Diakses hari Kamis tanggal 12 Agustus 2015, pukul 12.00 Wita.
- <http://ejournal.unisba.ac.id/index.php/mimbar/article/view/294#.VciJ3IEeaZR>. Diakses hari Kamis tanggal 12 Agustus 2015, pukul 12.30 Wita.
- <http://jurnal.unsyiah.ac.id/agrista/article/view/230>. Diakses hari Kamis tanggal 12 Agustus 2015, pukul 13.00 Wita.
- <http://www.law.ui.ac.id/jhp/terbitan/2012/juli/110-penyuluhan-tentang-perlindungan-hukum-indikasi-geografis-beras-pandanwangi-cianjur-jawa-barat-sebagai-wujud-sumbangsih-perguruan-tinggi-dalam-meningkatkan-indeks-pembangunan-manusia-ipm>. Diakses hari Kamis tanggal 12 Agustus 2015, pukul 13.20 Wita.

<https://ubicilembu.wordpress.com/tag/indikasi-geografis/diakses> hari Kamis tanggal 12 Agustus 2015,pukul14.00 Wita.
<http://jurnal.unpad.ac.id/akuatika/article/view/501>. Diakses hari Kamis tanggal 12 Agustus 2015,pukul14.30 Wita.