

Enhancing legal protection for geographical indication products: Strengthening the traditional *ikat* weaving industry as a local commodity in Gelgel Village, Klungkung District, Klungkung Regency

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Abstract

This study delves into the geographical indication regulations for Klungkung *Endek* and *Songket* craft products to ensure legal protection for weaving craftsmen. It is a type of normative legal research employing statutory and conceptual approaches, supported by primary, secondary, and tertiary legal materials. Data collection techniques include document study, observation, and interviews, and research analysis involves legal interpretation, which is then described qualitatively. The research findings indicate that Geographical Indication products can enhance regional economic capacity and, as such, must be safeguarded from irresponsible producers' claims practices. The challenges faced by craftsmen are primarily associated with the procedures for registering geographical indication products. Urgent efforts are underway to anticipate issues related to several claims concerning *Endek* and *Songket* motifs. The Regional Government of Klungkung Regency, through the Cooperatives and MSMEs Service, is actively providing education to *Endek* and *Songket* craftsmen regarding the significance of registering regional products as Geographical Indication Rights with the Director General of Intellectual Property Rights of the Republic of Indonesia. This education encompasses workshops, training sessions, and one-on-one consultations to assist craftsmen throughout the registration process.

Keywords: *Endek* and *Songket* weaving; geographical indications; Klungkung; legal protection

Introduction

Weaving in Indonesia is an ancient heritage that is still meticulously preserved today. Practiced throughout the archipelago, weaving is believed to have originated in Java as early as



the 10th century. Throughout history, various patterns and motifs have been woven using different techniques. Indonesia's woven fabrics encompass simple weaves, warp ties, weft ties, multiple ties, and *Songket*. Each region produces distinct woven fabrics with unique characteristics, such as decorative motifs, materials, manufacturing techniques, and coloring. Notable weaving regions include Sumba, Toraja, Flores, Sintang, Timor, Jepara, Bali, and Lombok.

Bali is home to several types of woven fabrics, including *Songket* fabrics, weft ties woven fabrics, double tie woven fabrics, rang-rang fabrics, and baseball fabrics. The weaving tradition has been passed down through generations in Bali (Martini, et al., 2021). Weaving activities are widespread across the island, with each region showcasing its distinct characteristics regarding decorative motifs, materials, and techniques. Additionally, each region's decorative motifs reflect the local community's customs, beliefs, culture, and habits (Nugraha & Nursyamsu, 2021). One of the weaving styles gaining prominence in Bali is *Ikat* weaving.

Tenun Ikat is woven, and its motifs are obtained by tying threads in certain places (Prayitno, 2019). The technique for making woven fabrics is divided into three, namely weft ties, warp ties, and double ties (Suliyanthini, 2016). Various decorative woven fabrics use natural elements, including plant, animal, geometric, abstract, and human motifs (Kartika, 2017). The existing motifs developed into various types of decoration. According to Nugraha & Nursyamsu (2020), decoration is a work of art, arrangement of lines, shapes, colors and figures. The ornaments that are created contain the value of beauty. There are techniques for making decorative motifs for woven fabrics with the techniques of tie, *Jumputan*, *Songket* and *Prada* (Pradinda, et al., 2018).

Weaving activities are also scattered in several areas in Klungkung Regency. One of them is in Jerokapal Banjar, Gelgel Village, which is in Klungkung Regency. The residents of Gelgel Village have known weaving since their ancestors. For the people of Banjar Jerokapal, Gelgel Village, weaving is also a sacred activity. Craftsmen in Jerokapal Hamlet, Gelgel Village have made *Endek* and *Songket* weaving as one of the identities of the people of Jerokapal Hamlet, Gelgel Village. Weaving, produced by craftsmen in Banjar Jerokapal, Gelgel Village, includes Ikat weaving. The typical weaving of Jerokapal Hamlet, Gelgel Village, namely *Endek* and *Songket* weaving, uses silk as a base without mixing other ingredients using woven fabric techniques. So the *Endek Mastuli* fabric is lighter than other fabrics that use a mixture of cotton or polyester. Meanwhile, songket weaving also uses gold thread specially imported from Jembrana as its raw material. In general, small industrial owners in Jerokapal Banjar, Gelgel Village, still use traditional equipment to carry out their production processes.

Weaving in Banjar Jerokapal, Klungkung can illustrate the shift in community activities in Klungkung. Weaving activities, initially a side activity, then developed or shifted to become one of the main activities (livelihoods). The shift in the activity function results from the shift in the function of *Endek* and *Songket* fabrics which were previously artefacts to become commodities (Sadyasmara & Gunam, 2017).

The rapid development of science and technology and the unstoppable flow of modernization have resulted in various changes in attitudes and behavior in human life. Changes that lead to the development of the times based on technological sophistication have an impact on the use of woven fabrics for clothing, household accessories and complements to building interiors and even as decorations that prioritize aesthetic value. Woven cloth motifs have developed in terms of motifs (Widiartini & Angendari, 2022).

Ikat Mastuli weaving in Jerokapal Hamlet, Gelgel Village is currently experiencing relatively rapid development. Based on observations, research data collection, and interviews with woven craftsmen, the development of woven fabric in Jerokapal Banjar, Gelgel Village, is currently quite rapid in terms of motifs, materials, and colors. The Klungkung Regency government widely supports this to improve the quality and diversity of motifs, fabric colors,

and fabric materials produced by sending craftsmen to attend training. From this training, craftsman partners can develop or pass it on to other craftsmen. The Klungkung Regency government also actively preserved woven ikat by requiring civil servants to wear uniforms made of *Endek* material. *Endek* and *Songket* festivals are also held at the *Gema Santhi* Festival, which aims to increase the creativity of artisans and fashion designers and advance Klungkung's traditional *Ikat* weaving.

Until now, *Endek* and *Songket* woven craftsmen in Jerokapal Banjar, Gelgel Village, have always made innovations. Innovation in developing motifs, coloring, materials, tools, and weaving techniques. The development of weaving is not only used at certain times but has penetrated the fashion world, which continues to experience development following human needs. The main function of *Mastuli* weaving was initially as a clothing material to protect from weather and animal disturbances, then developed into jewellery following the development of society. The use of woven fabrics continues to grow, so woven fabrics are not only clothing materials but are also used as products that suit people's needs and tastes. The development of Ikat weaving can be seen in several aspects, namely management development, production development, motif development, and technological development (Kurniawan, 2018). Based on the explanation above, the researcher is interested in studying the legal protection of geographical indication products through the internal strengthening of the traditional woven industry as a local commodity in Gelgel Village, Klungkung District, Klungkung Regency.

Method

This article uses a normative legal research typology (Adnyani et al., 2021). A process to find the rule of law, legal principles, and legal doctrines to answer the legal issues faced to achieve legal goals that reflect the values of justice (Sunggono, 2009). Analyze the legal norms set by the authorized official (Salim & Nurbani, 2014). The normative legal research method is needed to present a legal argument. As legal research and in Dutch it is called *rechtsonderzoek*. Legal research is research conducted to find solutions to legal problems that arise and to provide a description of what should be the issues raised. This legal research was conducted to answer legal issues regarding the legal protection of geographical indications, which are signs used on products that have a specific geographical origin and possess qualities or a reputation that are due to that origin through internal strengthening of the traditional woven industry as a local commodity in Gelgel Village, Klungkung District, Klungkung Regency.

This study employs normative legal methods through the approach of statutory regulations and comparative studies. The statutory regulatory approach is meticulously carried out to examine the legal protection of geographical indications through the internal strengthening of the traditional woven industry as a local commodity in Gelgel Village, Klungkung District, Klungkung Regency. The study uses a comprehensive range of secondary data, including primary, secondary, and tertiary legal materials. The secondary legal materials used are laws and regulations, jurisprudence, agreements, and legal materials originating from the several countries studied. Secondary legal materials such as books, scientific journals, and previous expert research. And tertiary legal materials, such as legal dictionaries, online media that have credibility, and others (Marzuki, 2001).

To get the correct conclusions, content analysis techniques are used from secondary data that have been obtained through literature study techniques. To answer these legal problems, this legal research uses legal arguments [Susanti, Ochtolina & Efendi, 2013]. Research using legal arguments is research whose main characteristic is examining the application of the rule of law accompanied by legal arguments/considerations made by law enforcers and the interpretations underlying the enforcement. Thus, this legal research will describe the ratio of geographical indication legal protection to products through internal strengthening of the traditional woven industry as a local commodity in Gelgel Village, Klungkung District, Klungkung Regency [Abrianto et al., 2020]. Through this research, it is also hoped to become an *ius constituendum* for the protection of intellectual property rights in Indonesia.

In this legal research, a comprehensive approach is used, including the statutory, conceptual, and conceptual approaches [Adnyani, 2021]. The statutory regulation approach examines all laws and regulations and other regulations related to the legal issues being handled. This thorough examination ensures that the research can provide a comprehensive understanding of the legislature, the ontological basis and the philosophical basis of the related arrangements [Suprpto, 2020]. In this legal research, laws and regulations related to the legal protection of geographical indications are meticulously examined through the internal strengthening of the traditional ikat weaving industry as a local commodity in Gelgel Village, Klungkung District, Klungkung Regency.

The conceptual approach is an approach that departs from the views and doctrines that have developed in the science of law to analyze legal problems [Mulyadi, 2012]. In this study, a conceptual approach was used to examine the legal protection of geographical indications, which are signs used on products that have a specific geographical origin and possess qualities or a reputation that are due to that origin, through internal strengthening of the traditional ikat weaving industry as a local commodity in Gelgel Village, Klungkung District, Klungkung Regency [Marzuki, 2017]. The research's practical benefit is to provide knowledge to ikat weaving craftsmen in Klungkung Regency about the importance of registering geographical indications for ikat *Endek* and *Songket* products. This knowledge will enable them to guarantee compliance with product licensing standards and protect their products from being claimed by other craftsmen without permission. The novelty of this research is its potential to increase legal awareness at the artisan community level with the support of the Regional Government through the Cooperatives and UMKM Service. This support will help preserve the local wisdom of *Endek* and *Songket Ikat* products, which have local, national, regional, and international market shares.

Result and Discussion

Arrangement of Geographical Indications of Klungkung Endek and Songket Handicraft Products

A geographical indication is a name as a sign indicating a place or a particular geographical area that is given to goods/products such as handicrafts or products from agriculture and plantations due to geographical environmental factors, including natural factors, human factors, or a combination of these two factors which give the value of reputation, quality, and specific characteristics of certain goods/products as a differentiator from goods/products from other regions. Being in the middle between two continents and two oceans makes Indonesia rich in geographical indications. This is evidenced by the records of the Directorate General of Intellectual Property (DJKI), which show that there are 63 registered geographical indications. This regional specialty product has an excellent regional potential to be developed because this product cannot be obtained in areas other than the product is location. The government is expected to play a role in managing these products so as to obtain economic value from these products. Local governments can encourage regional-specific products to be registered as Geographical Indications because Geographical Indications can be used to protect various natural products, food, crafts, and various products produced from original knowledge that contain the uniqueness of an area (Sumiati, 2018).

From this amount, it can be explained how much natural wealth Indonesia owns. Not to mention the Potential Geographical Indications it has. This means that potential is a geographical indication that has not been officially registered with the Directorate General of Intellectual Property. Geographical Indication Protection has a very extraordinary advantage. Among them are avoiding clashes of recognition from other regions that have similar products, providing separate branding or branding for the products produced, and what is most visible is the economic value obtained by the people who participate in managing or processing these geographic indication products. What is clear is that geographical indications provide high economic value for the government in general and specifically for local communities.

With regard to Geographical Indications or Potential Geographical Indications, basically, the two things are almost the same or similar. The difference is whether or not it has been recognized by the Directorate General of Intellectual Property as an institution that has authority over the recognition of Geographical Indications. However, for the economic benefits for the local community, both are the same. Both provide welfare for the local community. Klungkung *Endek* and *Songket* weaving have been recognized as a superior product from Klungkung Regency. From the two examples above, geographical indications have characteristics that highlight regionalism. Besides highlighting regionalism, the products or goods that are made must have distinctive characteristics according to the region.

Broadly speaking, geographical indications explain a sign that indicates an area where plants can grow and become a superior product in a particular area due to geographical and human factors and has characteristics that distinguish it from other regional products. Geographical indications receive protection after being registered on the basis of an application submitted by an agency representing the community in the area that produces the goods in question, or an agency authorized to do so, and the local government (Hidayah, 2017). Geographical indications also function as a product differentiator in the market, by enabling consumers to differentiate products with geographic-based characteristics and others without these characteristics (Sulistianingsih, 2017).

Like the theory put forward by Nico Kansil contained in Kholis Roisah's book (Roisah, 2015), the purpose of registering Geographical Indications is to give awards to the community, both those with direct interest and the general public. The theory of protection of intellectual property rights put forward by Nico Kansil is actually interrelated with each of his theories. Basically the protection that will be obtained will be used to improve people's welfare. Starting from being recognized and given protection in the form of geographical indications, a sense of pride over the success of obtaining recognition for the protection of geographical indications to bonuses in the form of material value as an increase in the welfare of the geographical indications owned. The use of signs as geographical indications can be in the form of tags or labels placed on the goods produced. The sign can be the name of the area, the area of the picture, and letters and a combination of these. The protection of geographic indications includes natural, agricultural, handicraft or industrial products (Yusrah, 2010).

Basically geographic indications have a very complex urgency. When a natural product or human handicraft must have different characteristics and characteristics between each region which is influenced by geographical factors and of course human factors. When a product is registered and has been recognized as registered as a geographical indication, this is able to avoid fraud committed by other parties. For example, claimed or recognized by other regions as their products or geographical indications from their regions. In addition, geographical indications are better able to convince consumers of the quality of the products where the products originate, maintain competitive advantages that have been obtained for the long term, and the most obvious thing that will be seen is the increase in people's welfare which directly intersects with geographical indication products. Where having the recognition of geographic indications provides an opportunity to be able to obtain economic benefits which will improve people's welfare.

Geographical indications as part of intellectual property need legal protection (Sulistianingsih, 2017). For an item to be protected as a geographical indication, apart from meeting elements such as reputation, quality and unique characteristics, it must also be registered with the Directorate General of Intellectual Property, Ministry of Law and Human Rights of the Republic of Indonesia. This is in accordance with the provisions of Article 53 paragraph (2) of the Law on Marks and Geographical Indications which stipulates that in order to obtain protection, an applicant for a geographical indication must submit an application to the minister.

Legal Protection for Klungkung Endek and Songket Woven Fabrics

Legal protection becomes a legal goal for citizens for legal certainty, such as Indonesia with the Civil Law system to create legal certainty. This indication relates to both social and economic certainty that will be carried out by the community so as to be able to provide a belief that the plan will be carried out. The economy becomes a pillar of development, where business actors can make a positive contribution to the income of a country, especially the state. Indonesia has diversity that can be expressed both through art, action, and intellectual works. Speaking of regional results in the form of diversity, besides producing an art that will create economic value for a region. Klungkung *Endek* and *Songket* woven fabrics have different characteristics both based on characteristics, quality, characteristics that come from natural factors or human factors. Legal protection for Klungkung *Endek* and *Songket* woven fabrics has not been fully registered as trademark rights and geographical indications. Like *Songket* Woven Cloth from Silungkang, Sawahlunto since 2019 has been registered with the Director General of Intellectual Property Rights of the Republic of Indonesia for Number G002019000001 (Mastur & Khotimah, 2019).

The sense of concern for regional products based on regional or geographical origin by the local government continues to carry out outreach to the fulfilment of legal certainty for the legal protection of the local community. After the author visited the website of the Director General of Intellectual Property Rights of the Republic of Indonesia, that the *Songket* woven fabrics that had just been registered as Geographical Indication Rights were *Songket* woven fabrics from Silungkang, West Sumatra, and other woven fabrics from East Nusa Tenggara. The regional name Alor used on woven fabrics is a sign to indicate the area of origin of the goods and/or products (Andalusia, 2022).

Referring to Article 1 point 6 of Law no. 20/2016, "something that indicates the origin of goods and/or products due to geographical environmental factors including natural factors, human factors or a combination of these two factors gives reputation, quality, and characteristics to the goods and/or products produced [6]". The form of legal protection for works originating from individuals, groups, or communities has been regulated in such a way. Indeed, referring to Article 9 paragraph (1) of Law Number 28 of 2014 concerning Copyright (UU No. 28/2014) that: 1. The creator or copyright holder as referred to in Article 8 has economic rights to: a. Publishing of Works; b. Reproduction of Works in all its forms; c. Translation of Works; d. Adaptation, cementing, or transformation of works; e. Distribution of Works and Copies; f. Creation Show; g. Announcement of Creation; h. Creation Communication; and i. Hire of Creation. In relation to the above points, the protection of *Songket* cloth from Payakumbuh to be registered is in accordance with the principles of the announcement of creation and communication of creation to the public. From a legal analysis, every community that creates a work that originates from the results of their thoughts will create an economic right from the state. As with the issue of the importance of works of art from the regions, if the creator registers with the Director General of Intellectual Property Rights of the Republic of Indonesia (Dirjen HKI) as the legal department for the protection of intellectual property rights of the Republic of Indonesia, they will indirectly get exclusive rights and have legal force to file a lawsuit if the other party does not ask permission from the permit holder. Legal protection is given to humans on this earth, especially for people who are weak in condition and situation both in terms of legal and economic knowledge (Sardjono, 2010).

The purpose of registering regional handicrafts as a geographical indication is not only to protect against illegal acts but to encourage regional handicrafts to be unique to consumers in terms of the economic benefits of the local community. It turns out that in Balai Panjang, Payakumbuh will form a cooperative as a business forum for the Payakumbuh community as woven fabric craftsmen. According to legal provisions, copyright holders believe that the existence of a forum such as this cooperative encourages economic activity through the craft of weaving and the reproduction of creations in all its forms. In this way, the Copyright holder for

the *Endek* and *Songket* Klungkung woven crafts can file a claim for compensation as a material loss that has been regulated through Article 69 Paragraph (1) of Law no. 20/2016.

This impact provides convenience in the promotion and is able to introduce Klungkung *Endek* and *Songket* woven fabrics both nationally and internationally in the past few years. At least, Klungkung's *Endek* and *Songket* woven fabrics have initial indications of added guidance through quality improvement and characteristics by adding Non-Machine Weaving Tools (ATBM) disbursed by grants and the local regional budget. In order to foster social responsibility, it is essential to maximize regional potential, empower youth and society, prioritize the concept of independence to cultivate young entrepreneurs, and create sustainable, productive programs that address environmental aspects and social issues faced by village communities (Pratama, 2018). The link between education and legal awareness among artisans is crucial to enhance the national understanding of the younger generation through books with national themes (Bahri, 2018). The synergy of Pentahelix in Klungkung Regency, particularly through the registration of *Endek* and *Songket* woven products as geographical indication products, represents a viable approach to prioritize eco-citizen and civic responsibility, especially at the secondary school level, to prevent future environmental, economic, and cultural crises (Halimah et al., 2020). The application of market orientation can yield a competitive advantage; empirical analyses suggest that it can significantly impact business success (Adiputra et al., 2023). Hence, in alignment with the findings of Efi's research (2023), supporting innovation in *Endek* and *Songket* ikat motifs with legal protection guarantees is imperative craftsmen's products.

Conclusion

Klungkung ikat *endek* and *songket* weaving requires registration by craftsmen as license holders regarding Geographical Indications which indicate the region of origin of a product. Barriers regarding craftsmen's awareness of the product registration mechanism are facilitated by the Pentahelix Cooperative, such as the Regional Government through the Cooperatives and MSMEs Service, providing socialization and technical simulations for geographical indication product registration through structured training and mentoring. The implications of the legal protection policy for *endek* and *songket* ikat products as geographical indication products, have implications for the strength of product licensing which can provide guarantees for the sustainability of the businesses of Klungkung *endek* and *songket* weaving craftsmen. Efforts to minimize the impact of unhealthy business practices such as product motive claims on the market can be prevented in stages. The Regional Government of Klungkung Regency is working on a data collection program for geographical indication products, not only limited to woven and *songket* products but also other local wisdom products which are intellectual property owned by the Klungkung Regency area. It is important for the Department of Cooperatives and MSMEs to provide intensive assistance on a regular basis regarding the development of the initiation of registration of geographical indication products so that it can be monitored until permits are issued which can guarantee the prospect of legal protection and improvement as well as the welfare of craftsmen in Klungkung Regency, Bali.

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