



Geographical Indication of Kahayya Coffee as an Opportunity to Increase Regional Investment

Andi Baso Ilmar M¹, Budi Agus Riswandi²

¹ Alumni of Master of Law, Faculty of Law, Universitas Islam Indonesia, D.I. Yogyakarta

² Professor of Faculty of Law, Universitas Islam Indonesia Yogyakarta

ABSTRACT

Published Online: January 20, 2023

Geographical Indication which is a mark used for objects or things that have geographical and specific authenticity and have the quality or reputation of their place of origin. This geographical indication has an appeal that explains a type of product that shows the area where the product comes from. Bulukumba Regency has a coffee product called Kahayya Coffee. Kahayya Coffee is found in Kahayya village, located on the edge of the forest, precisely on the plateau, which is positioned at the foot of Mount Lompobattang at an altitude of around 1200-1400 meters above sea level. The potential produced by Kahayya village in the form of Kahayya coffee is an investment opportunity for the region, especially in Bulukumba district. The type of research used is empirical research, namely research using field data as the main data source. The result of this research is Kahayya coffee products have not obtained legal protection of geographical indications due to several factors such as human resource constraints, capital, marketing, the friction of personal interests, and lack of synergy between local governments, farmers, producers, and communities. Then the Bulukumba Regency government made several efforts such as human resource education for farmers and producers by the Regent, assistance in coffee plant cultivation by the Food Crops and Horticulture Office, and education and marketing by the Bulukumba Regency Industry and Trade Office.

KEYWORDS:

Geographical Indications, Investment Opportunities, Local Government Efforts

A. INTRODUCTION

TRIPs (*Trade Related Aspects Intellectual Property Rights*), is the most comprehensive international agreement in the field of IPR. The Trip's *Agreement* is a unique blend of the basic principles of the *General Agreement on Tariffs and Trade* (GATT).¹ TRIP's is one of the results of the Uruguay Round agreement which aims to reduce interference and obstacles to international trade, increase more effective protection of intellectual property rights and then ensure that the procedures and stages of enforcement of intellectual

property rights themselves do not become an obstacle to the validity of trade.

International legal protection of geographical indications is found in the *Paris Convention for the Protection of Industrial Property* in 1883 and the *Madrid Agreement* in 1891. The two agreements mention "Indication of Source as an indication referring to a country or place in that country, as being the country or place of origin of a product".²

The protection of Geographical Indications, in general, is regulated in Article 22, Article 23, and Article 24

Corresponding Author: Budi Agus Riswandi

*Cite this Article: Andi Baso Ilmar M, Budi Agus Riswandi (2023). *Geographical Indication of Kahayya Coffee as an Opportunity to Increase Regional Investment. International Journal of Social Science and Education Research Studies*, 3(1), 142-151

¹ Mulyani, Sri. Development of Intellectual Property Rights as Collateral, to obtain Banking Credit in Indonesia, *Journal of Legal Dynamics*, (2012), p. 569.

² Achmad Zen and Umar Purba, *International Regulation on Geographical Indications, Genetic Resources and Traditional Knowledge, Workshop on the Developing Countries Interest in Geographical Indications, Genetic and Traditional Knowledge, PIH FHUI and Dit.Gen of IPR's*, Dept. of Law and Human Rights, (RI, Jakarta, April 6, 2005) p 37.

Andi Baso Ilmar M et al, Geographical Indication of Kahayya Coffee as an Opportunity to Increase Regional Investment

of the TRIPs *Agreement* which previously had also been regulated in the provisions of Article 10 of the Paris Convention which contains confirmation of the prohibition to trade goods that use Geographical Indications as an object of intellectual property rights that are not in accordance with the origin of the geographical area. TRIPs Agreement Article 22 also regulates Geographical Indications which states that:

"Geographical indications are for the purposes of this agreement, indications which identify a good as originating in the territory of a member, or a region or locality in that territory, where a given quality, reputation or other characteristics of the good is essentially attributable to its geographical origin."

The definition of Geographical Indication according to TRIPs is as a sign that identifies a member state region, or region and or area within the region as the origin of goods, where geographical factors largely determine the reputation, quality and characteristics of the goods concerned. Thus, the origin of a particular good attached to the reputation or characteristics and quality of a good associated with a particular region is juridically protected.³

Indonesia signed the TRIPs agreement on January 1, 1995, and then Indonesia adjusted and developed the national legal structure as a consequence of joining Indonesia as part of the membership. In the TRIPs agreement, the geographical indication is regulated as one of the intellectual property rights regimes that are independent from other intellectual property rights such as Trademark, Patent, Copyright, Industrial Design, Integrated Circuit Layout Design, and Trade Secret.⁴ The provisions of Geographical Indications in Indonesia are then regulated in the Trademark and Geographical Indications Law previously this Law was Trademark Law Number 15 of 2001 which has been updated to Trademark and Geographical Indications Law Number 20 of 2016. In the old Act, the provisions on Geographical Indications were only listed in a few articles and included in the Trademark Act as a whole.⁵ Geographical Indications in Indonesia, especially Geographical Indications of coffee that have been registered with the Directorate General of IPR, namely Kintamani Coffee from Kintamani on the island of Bali, Toraja Coffee from South Sulawesi, Gayo Coffee from Aceh, precisely Central Aceh, and many more Nusantara

coffees that have been registered and have received Geographical Indication protection.

Geographical Indication as a type of intellectual property right is a mark used for objects or things that have geographical and specific authenticity and have the quality or reputation of their place of origin. This geographical indication has an appeal that explains a type of product that shows the area where the product originated. For example, agricultural products have a quality based on where they are produced, which is then influenced by specific local factors such as weather, climate, and soil. A geographical indication is a mark indicating the region of origin of a good which is associated with the quality, reputation and or characteristics appropriate to the geographical location of the good.⁶ Geographical indications are different from other aspects of intellectual property law such as trademarks, patents, copyrights and industrial designs because what distinguishes them from other aspects of intellectual property law is that where geographical indications, institutions as applicants represent the community in the area that produces the goods. Local government agencies are authorized at both provincial and district levels.

Bulukumba Regency has a coffee product called Kahayya Coffee. Kahayya coffee is found in Kahayya village which is located on the edge of the forest, precisely on a plateau positioned at the foot of Mount Lompobattang at an altitude of around 1200-1400 meters above sea level. The village is approximately 34 kilometers from the city center of Bulukumba district, approximately 204 kilometers from the city of Makassar. The village is divided into 3 hamlets namely Gamaccaya Hamlet, Kahayya Hamlet, and Tabbuakkang Hamlet. Kahayya village itself is located in Kindang sub-district, Bulukumba district, South Sulawesi province.⁷ Most of the people in Kahayya Village are local farmers who have managed forests and plantations for generations. Almost all people in Kahayya Village work as coffee farmers. Kahayya Village is a coffee-producing village in Bulukumba district which, according to history, the name Kahayya comes from the Konjo language (one of the local languages in Bulukumba district) namely 'kaha' which means coffee, then the addition of the word 'yya' at the back which means confirmation of the previous word that the land in the area has a dominant coffee plantation.⁸

³ OK. Saidin, *Legal Aspects of Intellectual Property Rights*, (Jakarta: Raja Grafindo Persada, 2015) p. 44.

⁴ Muhammad Ali Ridla, Geographical Indication Protection of Unregistered Coffee According to the First-To-Use-System, *Bonum Commune Journal of Business Law*, vol. 2, No. 2, August (2019), p. 122.

⁵ Laura Hardjaloka, *Geographical Indication Protection of Domestic Products in Indonesia and Comparison with Other Countries*, Faculty of Law, University of Indonesia, p. 2.

⁶ Lindsey, Tim, et. al. *Intellectual Property Rights, An Introduction*, PT Alumni, (Bandung; 2006).

⁷ Andi Khairil A. Samsu et al., The Role of Social Capital in the Development of Agroforestry Systems in Bulukumba Regency, *Journal of Forests and Society*, Vol 11(1), July (2019): 74

⁸ <https://makassar.terkini.id/desa-dibalik-awan-kahayya-desinasi-wisata-baru-bulukumba/> "New Tourism Destination Bulukumba" accessed on September 9, 2020.

Andi Baso Ilmar M et al, Geographical Indication of Kahayya Coffee as an Opportunity to Increase Regional Investment

The potential produced by Kahayya village in the form of Kahayya coffee is an investment opportunity for the region, especially in Bulukumba district. These investment activities if carried out continuously and then receive attention from the local government will increase economic activity, employment opportunities, increase national income and the level of community prosperity.⁹ Therefore, if a product has a distinctive reputation, quality and characteristics that refer to Geographical Indications to obtain legal protection, then Geographical Indications must be registered by submitting an application to the Minister of Law and Human Rights based on Article 56 through Article 60 of Law Number 20 of 2016 concerning Trademarks and Geographical Indications which explains that Geographical Indications will be protected as long as the reputation, quality and characteristics that are the basis for granting Geographical Indication protection to an item are maintained.¹⁰ Then after that Geographical Indications can be protected after being registered by the Minister, according to Article 2 of Ministerial Regulation Number 12 of 2019 concerning Geographical Indications. By registering the protection of Geographical Indications, a law enforcement effort is also created as in the principle of legal certainty, the law is tasked with creating legal certainty with the aim of order in society and is a guarantee that the law must be carried out in a good way. Despite the current reality, Kahayya Coffee has not received serious attention from the government regarding the issue of legal protection of Geographical Indications of Kahayya Coffee products which until now Kahayya Coffee products have not been registered to obtain legal protection in the form of Geographical Indication protection. Then, the lack of awareness and knowledge about products that can be protected by Geographical Indications from Associations, local community organizations and local entrepreneurs who produce Kahayya Coffee. This is one of the causes of the lack of synergy between the local government, related agencies, and associations, or local community organizations and local entrepreneurs so that the legal protection of Geographical Indications for Kahayya Coffee products has not been realized. In fact, Kahayya Coffee has a reputation that has been going on for years and still maintains the quality and characteristics of Kahayya Coffee. So that what is often the center of attention of the government and parties related to the production of Kahayya Coffee is only on product marketing for micro, small and medium enterprises (MSMEs) only, not focusing on the purpose of Kahayya Coffee can be a great investment opportunity for the Bulukumba area if

Kahayya Coffee products have obtained legal protection in the form of geographical indications that can increase investor interest in developing the Kahayya Coffee product market. Kahayya Coffee will also get legal protection if one day it is claimed by another party.

B. RESEARCH METHODS

The type of research used in this research is *empirical research*, namely research using field data as the main data source,¹¹ such as the results of interviews and observations. Primary data was obtained from field research through interviews with research locations in Bulukumba Regency. While secondary data is obtained from library research, literature studies, laws, and regulations. Legal journals and also internet media. Data analysis in this study uses a qualitative descriptive analysis method.

C. RESEARCH RESULTS AND DISCUSSION

1. Overview of Kahayya Coffee

a. History of Kahayya Village Name

Bonto used to be the name of the area before the name Kahayya stuck. Kahayya Village used to be a wilderness located on the slopes of the Lompo Battang mountains and the Bawakaraeng mountains, this village is approximately 34 kilometers from the city center of Bulukumba district, approximately 204 kilometers from the city of Makassar. The village is divided into 3 hamlets namely Gamaccaya Hamlet, Kahayya Hamlet, and Tabbuakkang Hamlet. Kahayya village itself is located in Kindang sub-district, Bulukumba district, South Sulawesi province. Bonto Village, which was once a wilderness, was then opened and became a place for people to settle as well as being utilized as agricultural land by *Nuju Dg Eja (Kr Eja)* together with *Guru Puteh* and *Baco Lumpakan*. Nuju Dg Eja was the son of Rangkasan *Daeng Palihang*, he was the *Sullehatang* (Vice King) of King Kindang *Parappa Dg. Mallira* was better known as *Parappa Dg Marewa (Karaeng Cammoa)*. *Nuju Dg Eja* married a daughter of *Patappa Dg Pahallang* named *Puang Hajare*. After they were married he was ordered by his parents to expand the settlement and farmland to *Siriya* and *Gamaccaya* villages.

b. How the Kahayya Coffee Plant Was Discovered

Kahayya Village or what used to be called Bonto after it became a settlement, came a scholar (*Tu Panritayya*) named *Botoa* from *Lempangan (Ri Lempangan)*. It is said that at that time the *Boto* traveled around the Bonto area and found a coffee plant whose name and use was unknown to the people of Bonto, so the *Boto* was asked by the people about the plant.

⁹ Chairul Nizar, Abubakar Hamzah, Sofyan Syahnur, The Effect of Investment and Labor on Economic Growth and Its Relationship to Poverty Levels in Indonesia.... *Syah Kuala Postgraduate Economics Journal*, Vol. 1, No. 2, May (2013), p. 3.

¹⁰ Indonesia. Law Number 20 Year 2016 on Trademarks and Geographical Indications.

¹¹ Bambang Sunggono, *Legal Research Methods* (Jakarta: PT Raja Grafindo Persada, 2003), p. 43.

Andi Baso Ilmar M et al, Geographical Indication of Kahayya Coffee as an Opportunity to Increase Regional Investment

The Boto gave an answer by telling the people that the plant was named *KAHA* which means *COFFEE*, so from then on the Bonto area slowly changed its name to *KAHAYYA* until now whose origin is from *KAHA*.¹²

c. Condition and Geographical Location of Kahayya Village

The area of Kahayya Village, Kindang Sub-district, Bulukumba Regency is ± 3,220 hectares, most of which is a dry land with hilly soil conditions and structures and is located on the slopes of the Bawakaraeng and Lompobattang mountains. Geographical location with boundaries namely:

North side : Bonto Tangnga Village, Sinjai Regency

East side: Batu Belerang Village, Sinjai Regency

South side : Kindang Village

West : Gowa Regency

The topographic condition of Kahayya Village is that the altitude is between 0-1,400 meters above sea level, has an area of 3,220 hectares with a hilly area with a slope level between 15° and 45° which is the largest slope level. In terms of climatology, Kahayya Village has a tropical climate with two seasons: dry season between July and December, and rainy season between January and June.

2. Kahayya Coffee Has Not Gained Legal Protection Through Geographical Indications Despite Its Reputation and Distinctive Characteristics

a. Potential and Characteristics of Kahayya Coffee

The Kahayya Coffee plant began to exist in the 17th century or since the time of the Gowa kingdom. At that time, it was not called kopi but Kaha. Villagers at that time had begun to suspect that the plant was a coffee plant. After the villagers processed and tried the coffee, the community finally believed that it was coffee, and since then it began to be called *kaha* in Konjo language which is also an absorption from Arabic, namely *alkaha* which means coffee. It is said that the coffee was discovered by someone named *Tongang Deng Mangassa*. Then he brought the coffee plant to be shown to one of the scholars named Boto to be seen and it was Boto who confirmed that the plant was *Kaha* or coffee.

However, in the story of its discovery, there are two different versions, namely that some found only the seeds, there is also another version that someone found the coffee tree.¹³

Around the 1950s the coffee began to be produced and then marketed around Kahayya village until in the 1990s Kahayya coffee was sold outside the area at this time Kahayya coffee entered various provinces and islands in Indonesia such as Java, Sumatra and Papua. Kahayya coffee has also been exported to several countries such as Vietnam, Japan, Pakistan, Spain, Norway, and to neighboring Malaysia.¹⁴ Kahayya coffee products have also often been included in various exhibition events and have also collaborated with several large hotels in Makassar city.¹⁵ In 2016, producers have paid attention to attractive packaging for Kahayya coffee products under the guidance of the Department of Food Crops Horticulture and Plantations as well as the Department of Industry and Trade.¹⁶

The types of coffee grown and cultivated in Kahayya village are Robusta and Arabica. The flavor that makes the coffee distinctive is influenced by several factors such as geographical factors. Different climates affect the soil composition. The soil in Kahayya village tends to be loose and sandy, making Kahayya coffee have a distinctive and different taste.¹⁷ The dominant coffee in Kahayya village is arabica, in general the flavor of arabica coffee has a sour taste and sharp aroma. Geographical factors such as weather and the location of coffee plantations that are higher will affect the aroma and taste.¹⁸ In terms of aroma, Kahayya coffee has a thick aroma than a bitter taste that is more dominant but not sharp. Some of the flavors that have been developed are caramel, boiled corn, cinnamon, palm sugar, passion fruit, and jackfruit.¹⁹ Kahayya coffee plants also do not use fertilizers so their growth is more natural it also affects the uniqueness of Kahayya coffee.²⁰ Therefore, it can be said that Kahayya Coffee is one of the highest quality coffees in Indonesia and is in demand by many investors so it has the potential to be developed.²¹

¹² Kahayya Village, desakahayya.id/p/by-history-which-develops-region.html, accessed on Wednesday, September 1, 2021, at 12.31 WITA.

¹³ Results of Interview with Marsan (Producer and Farmer of Kahayya Coffee, Kahayya Village, Kindang District, Bulukumba Regency) in Kahayya village on August 1, 2021.

¹⁴ Results of Interview with Abdul Rahman (Head of Kahayya Village, Kindang District, Bulukumba Regency) in Kahayya village on August 1, 2021.

¹⁵ Results of Interview with Andi Akhmad Syukri S.P., M.M., (Head of the Industry Section of the Bulukumba Regency Trade Office) in Bulukumba City on July 29, 2021.

¹⁶ Results of Interview with Emil Yusri S.P., M.P., (Head of the Food Crops Horticulture and Plantation Office of Bulukumba Regency) in Bulukumba City on July 30, 2021.

¹⁷ Results of Interview with Marsan (Producer and Farmer of Kahayya Coffee, Kahayya Village, Kindang District, Bulukumba Regency) in Kahayya village on August 1, 2021.

¹⁸ Results of Interview with Emil Yusri S.P., M.P., (Head of the Food Crops Horticulture and Plantation Office of Bulukumba Regency) in Bulukumba City on July 30, 2021.

¹⁹ Results of Interview with Marsan (Producer and Farmer of Kahayya Coffee, Kahayya Village, Kindang District, Bulukumba Regency) in Kahayya village on August 1, 2021.

²⁰ Results of Interview with Abdul Rahman (Head of Kahayya Village, Kindang District, Bulukumba Regency) in Kahayya village on August 1, 2021.

²¹ Interview with Andi Muchtar Ali Yusuf (Regent of Bulukumba Regency) in Bulukumba City on July 1, 2021.

Andi Baso Ilmar M et al, Geographical Indication of Kahayya Coffee as an Opportunity to Increase Regional Investment

b. Requirements that must be met to obtain protection through registration of Geographical Indications

Coffee products that have a reputation can obtain legal protection through Geographical Indication protection if the community understands and understands the importance of Geographical Indication protection, then, of course, it must also be supported by maximum government attention. Products that have the potential to obtain legal protection in the scope of intellectual property in the form of geographical indication protection have certain criteria in order to obtain such legal protection. Article 1 point (6) of Law Number 20 of 2016 concerning Trademarks and Geographical Indications explains that if a work or product wants to obtain intellectual property protection in the field of Geographical Indications, it must be attached to an item or a "product" which is the result of a particular geographical area that has characteristics and distinctiveness that are different from other geographical areas.²²

The special aspects of the name of origin of the goods apart from the sign which is a differentiator must also have economic value, namely the name of origin is not only a differentiator but also the place of origin must have a great influence so that it can affect the improvement of the quality of the goods which ultimately can increase the selling price of the product. Products can be said to have the potential as a Geographical Indication product, it is necessary to fulfill 2 conditions, namely subjective and objective requirements. The requirements used as a benchmark for a product can be said to be successful or not are subjective requirements determined by the Directorate General of Intellectual Property (DJKI) listed in the Indonesian Geographical Indications book. A good and effective management system, then the product produced has excellent and consistent quality that is maintained, has a strong promotion, is able to meet market needs in sufficient quantities continuously and sustainably, and is able to enforce legal provisions regarding Geographical Indications are conditions that must be owned by the subject or owner of Geographical Indications. Based on the description of the aspects of Geographical Indications above, it is very helpful as an indicator used to assist in research and encourage why efforts are needed to provide adequate protection for a product that has the potential to obtain Geographical Indication protection. There are two kinds of ownership characteristics in Geographical Indications, namely communal and collective ownership. The legal protection of Geographical Indications has two

requirements, namely objective requirements and subjective requirements. Objective conditions are elements that will signify the quality, reputation, and characteristics that must be shown by a product that has the potential to be protected by Geographical Indications. While subjective requirements are requirements that explain the party entitled to register the legal protection of Geographical Indications so that a product is not claimed by another party. Then based on this subjective requirement, the party or subject who is entitled to Geographical Indications of a product must register the legal protection of Geographical Indications by submitting an application to the Minister in accordance with Article 53 of the Trademark and Geographical Indications Law. Parties representing the public are institutions that can apply for the protection of Geographical Indications in certain geographical areas, namely those who have cultivated products or goods from nature or natural resources such as agricultural products, handicraft goods and industrial products or traders who sell these products or goods. Then the authorized institution is also a group of consumers of certain goods as well as the Provincial or Regency City Government.²³

c. Farmer/producer constraints in the production to marketing process

In the process of cultivating and developing Kahayya Coffee, starting from, planting, harvesting, and coffee production to marketing, both farmers, producers and the government as facilitators who provide guidance often encounter obstacles ranging from small to serious problems. According to the information of Mr. Marsan as a farmer as well as a producer, there are some of the most basic obstacles, namely the lack of human resources (HR) so that the process of cultivating coffee plants has not been maximized because community education, especially in the agricultural sector, is still very minimal. In addition, the constraints felt are also in the aspect of capital to transportation and shipping access and shipping costs which tend to be still expensive.²⁴ The same thing was also conveyed by the Head of Kahayya Village, Abdul Rahman, that there is a human resourceis as a result of which the level of community awareness is still very lacking so that even to recruit coffee pickers must be selective. other obstacles also exist in marketing.²⁵ Assistance activities from the Food Crops and Horticulture Office of Bulukumba Regency are most active in providing programs and assisting facilities as well as helping with counseling and training for

²² Miranda Risang Ayu, *Discussing Geographical Indication Intellectual Property Rights*, Alumni Bandung, (2006) p 42.

²³ Tomi Suryo Utomo, *Intellectual Property Rights (IPR) in the Global Era A Contemporary Study*, Graha Ilmu, Yogyakarta, p. 2.

²⁴ Results of Interview with Marsan (Producer and Farmer of Kahayya Coffee, Kahayya Village, Kindang District, Bulukumba Regency) in Kahayya village on August 1, 2021.

²⁵ Results of Interview with Abdul Rahman (Head of Kahayya Village, Kindang District, Bulukumba Regency) in Kahayya village on August 1, 2021.

Andi Baso Ilmar M et al, Geographical Indication of Kahayya Coffee as an Opportunity to Increase Regional Investment

coffee farmers, while the participation of other related agencies is still lacking.²⁶

d. Obstacles faced by the government in an effort to obtain Legal Protection of Geographical Indications

The geographical term in Geographical Indication is due to the relationship between the product produced and the character and distinctive properties of the product caused by natural or human factors. Factors caused by nature are in the form of land and climate, while those caused by human factors can be in the form of hereditary skills due to culture.²⁷ Geographical Indication is a form of legal protection for products that have characteristics or characterize certain qualities that have a close relationship with the region or geographical area.²⁸ Geographical Indication is a sign that shows the area of origin that is closely related to the quality of the goods, then has a certain reputation or characteristics that are in accordance with the geographical origin of the goods. To obtain protection, Geographical Indications must first be registered with the Ministry of Law and Human Rights of the Republic of Indonesia in order to obtain protection from the Law.²⁹ According to the Regent of Bulukumba, Kahayya Coffee has met the requirements to obtain legal protection for Geographical Indications.³⁰ Currently, Kahayya Coffee has been marketed to various regions and provinces in Indonesia and has even been marketed abroad in the form of raw materials.³¹ However, the *branding* of Kahayya Coffee is still not popular. This problem is the main concern of the Bulukumba Regency Industry and Trade Office, as well as the Bulukumba Regent and the Bulukumba Regency Food Crops and Horticulture Office.

Based on information from Emil Yusri S.P, M.P, to register the legal protection of Geographical Indications so as to obtain protection for Kahayya Coffee products, there needs to be synergy from several parties including other institutions that take part including coffee observers, communities, and of course, there must be a collaboration between related agencies such as the Department of Industry and Trade. Then the role of the regional head in this case the Regent of Bulukumba. Another problem that is being faced in the effort to register the Geographical Indication of Kahayya Coffee is the absence of encouragement from the community itself in the sense of the lack of human resources that affect the level of public awareness to cultivate coffee plants. The lack of

community skills and skilled people, plus the conflict of personal interests between communities. This problem then becomes one of the important factors affecting the development and innovation of Kahayya Coffee products and results in a lack of synergy and harmony between communities in Kahayya village. Efforts to register Geographical Indication protection require synergy and collaboration between all parties because the Geographical Indication protection that will be obtained is protection with communal ownership rights status.³² According to the researchers, in addition to the problems described above, the problems that have been faced in the effort to process the protection of Geographical Indications are the management system that is not good and not effective. Then what is also a big problem is the subjective requirements in the effort to register Geographical Indications, namely the parties authorized to take care of the protection of Geographical Indications that still lack synergy. This is an obstacle in the effort to obtain Geographical Indication protection for Kahayya Coffee products in Bulukumba Regency.

3. Local Government Efforts to Encourage Geographical Indication Protection of Kahayya Coffee Products in Bulukumba Regency to Increase Regional Investment Opportunities

a. Human Resources Development Efforts by the Regent of Bulukumba

Excellent products contained in a region have a considerable impact on the economy of a region, especially for the improvement of the welfare of local communities. Therefore, the existence of superior products that have specific characteristics and uniqueness that show the location needs special attention and strives for its preservation. From here the protection of Geographical Indications can be said that it is very important to be pursued by the local government, related agencies along with the community, and several institutions or organizations that have a role to encourage the protection of Geographical Indications of superior products of the region such as one of the superior products of Bulukumba Regency, namely Kahayya Coffee.

Government efforts, especially local governments, have been regulated in Law Number 20 of 2016 concerning Trademarks and Geographical Indications, one of which is by providing guidance according to their authority. The

²⁶ Results of the Interview with Marsan (Producer and Farmer of Kahayya Coffee, Kahayya Village, Kindang District, Bulukumba Regency) in Kahayya village on August 1, 2021.

²⁷ Ridwan Khairandy, *Principles of Indonesian Trade Law*, (Yogyakarta: UII Press, 2014), p. 449. 449.

²⁸ Miranda Risang, *Discussing Geographical Indication Intellectual Property Rights*, (Bandung: Alumni Publishers, 2006) pp. 2.

²⁹ Lindsey, et al. Ed., *Intellectual Property Rights, An Introduction*, (Bandung: PT Alumni, 2013) pp. 139.

³⁰ Interview with Andi Muchtar Ali Yusuf (Regent of Bulukumba Regency) in Bulukumba City on July 1, 2021.

³¹ Results of Interview with Emil Yusri S.P., M.P., (Head of the Food Crops Horticulture and Plantation Office of Bulukumba Regency) in Bulukumba City on July 30, 2021.

³² Interviews with Andi Muchtar Ali Yusuf (Regent of Bulukumba Regency) in Bulukumba City on July 1, 2021.

Andi Baso Ilmar M et al, Geographical Indication of Kahayya Coffee as an Opportunity to Increase Regional Investment

guidance is in the form of procedures ranging from preparation for fulfilling the requirements for Geographical Indication applications, applications for Geographical Indication registration, utilization and commercialization of Geographical Indications, to conducting socialization and understanding of the protection of a Geographical Indication product.³³

The government, in this case, the Regent of Bulukumba, will pay special attention to the development and progress of Kahayya Coffee specialty products by striving for sustainable cultivation so as to produce quality seeds. Coffee plants that grow in the plains of Kahayya village, Kindang sub-district have a distinctive character due to the good soil structure at an altitude of approximately 800-1,400 meters above sea level. The first step that will be taken by the local government, in this case, the Regent of Bulukumba, is to provide education through socialization to the community so that the *mindset of the* people in Kahayya village can change to be much better and not like the facts that occur today.

As a result of limited human resources and lack of awareness of the community in Kahayya village, the impact on farmers and local producers of Kahayya Coffee is alarming, resulting in adverse impacts such as the high level of egoism among the community that results in the emergence of various conflicts of interest. The lack of education and knowledge of the community regarding the protection of Geographical Indications so that people do not really understand that the ownership status of Geographical Indication protection rights is communal. In the end, it makes the community not united and then creates a variety of new brands just because of their egoism. As a result, people compete with each other and are not united. Therefore, if the problem persists, Kahayya Coffee products will be difficult to develop like other coffee products such as Toraja Coffee, Gayo Coffee, Kintamani Coffee, and other coffee products that have obtained Geographical Indication protection.³⁴

b. Coffee Farmer Assistance Efforts by the Food Plantation and Horticulture Agency

The efforts made by the Food Crops and Horticulture Service of Bulukumba Regency, namely the first step is to focus on developing human resources in the hope that public awareness will increase for the better. The steps that will be taken by the Food Crops and Horticulture Service of Bulukumba Regency as the party that provides assistance are providing training to coffee farmers, providing knowledge,

and assisting farmers in the process of cultivating coffee plants, processing the marketing process. The steps and efforts taken are expected to make the community more active in developing its coffee potential. Another hope is that there are other institutions outside of the government that take part in assisting the Kahayya village community, especially the farmers and producers of Kahayya Coffee products.³⁵ Kahayya Coffee is a coffee plant that has been cultivated for generations by the ancestors of the Kahayya villagers until today. In 2015, the Food Crops and Horticulture Office provided assistance and then in 2016 Kahayya Coffee products already had packaged and had been introduced so that many people already knew that there was a specialty coffee product from Kahayya village in Kindang District, Bulukumba Regency, namely Kahayya Coffee. There are several ways to introduce it, one of which is through exhibitions, then the producers or entrepreneurs of Kahayya Coffee also actively market their own products to various places and also at various events.³⁶

c. Marketing Efforts of Kahayya Coffee Products by the Industry and Trade Office

The process of realizing attractive packaging ideas to the marketing process has also been carried out by the Bulukumba Regency Industry and Trade Office by providing education and training to people who work as coffee farmers and of course to Kahayya Coffee producers. For registration of Geographical Indication protection and also registration of halal certification, the Industry and Trade Office recognizes that there are many complicated requirements that must be met. Then education and training must be improved again and of course for entrepreneurs, all must have business legality. Marketing activities that are routinely carried out by the Office of Industry and Trade of Bulukumba Regency are participating in exhibitions both at the regional, national, and international levels by bringing along the typical product of Kahayya Coffee as one of the regional specialty products to be introduced more widely.³⁷

d. Regional Investment Opportunities in Kahayya Coffee Products

The birth of superior products that illustrate the image of a region has a very important role in the progress of a region of origin, especially in the economic sector for the improvement of people's welfare. Geographical Indications are part of one of the intellectual property derived from the potential of local natural resources of a region that contains

³³ Law Number 20 Year 2016 on Trademarks and Geographical Indications.

³⁴ Interview with Andi Muchtar Ali Yusuf (Regent of Bulukumba Regency) in Bulukumba City on July 1, 2021.

³⁵ Results of Interview with Emil Yusri S.P., M.P., (Head of the Food Crops Horticulture and Plantation Office of Bulukumba Regency) in Bulukumba City on July 30, 2021.

³⁶ Interview Results with Andi Trismiati A. Mappesonang S.P., M.P., (Head of the Horticulture Division of the Food Crops and Horticulture Office of Bulukumba Regency), in Bulukumba city on July 30, 2021.

³⁷ Results of Interview with Andi Akhmad Syukri S.P., M.M., (Head of the Industry Section of the Bulukumba Regency Trade Office) in Bulukumba City on July 29, 2021.

Andi Baso Ilmar M et al, Geographical Indication of Kahayya Coffee as an Opportunity to Increase Regional Investment

four things, namely the determination of the product producing region, the specification of production methods, the quality specifications of the product and the name and certain specifications that distinguish it from similar products. Therefore, products protected by Geographical Indications become an important asset for a region and have the potential to become an investment opportunity for both domestic and foreign investors. The existence of legality in the form of Geographical Indication protection for Kahayya Coffee products is able to create attraction to investors to develop Kahayya Coffee because they believe that Kahayya Coffee is a regional superior product because it already has Geographical Indication legal protection which legally Kahayya Coffee gets recognition for the legal protection obtained. However, until now Kahayya Coffee has not obtained Geographical Indication protection. The synergy between several related agencies has not been maximized in the effort to develop Kahayya Coffee products. If Kahayya Coffee has obtained Geographical Indication protection, one of the steps taken by the Regent of Bulukumba in seeing investment opportunities is to seek to invite investors, both domestic and from abroad to invest in the region, process and develop the potential of Kahayya Coffee. Kahayya Coffee has excellent quality and is one of the best coffees in Indonesia because it has a strong and distinctive character influenced by the soil structure at an altitude of \pm 800-1,400 meters above sea level.

Kahayya Coffee raw materials have actually been exported abroad for many years, but in fact, the coffee arrives at its destination country using other labels or brands that are more popular than Kahayya Coffee. So the raw materials in the form of beans or coffee powder are bought by other regions that also produce coffee and then labeled with well-known coffee brands from Indonesia and then exported abroad. Kahayya Coffee producers and farmers or entrepreneurs have not been maximally facilitated by the previous government. During a visit to Italy, the Regent of Bulukumba asked about the origin of the coffee that is popular in the country, they only mentioned Toraja coffee, whereas Kahayya Coffee can also compete and has tremendous potential if developed and facilitated from production to marketing. Kahayya coffee has been exported approximately 2000 tons annually.

The government in the future will try to find a market and be introduced as Kahayya Coffee from Kindang Bulukumba and not only Toraja Coffee and other coffees are known in the world. Of course, the community, especially farmers in the future, must be taught more about how to process, pick and pack better so that they can meet the selling standards abroad and can compete with Gayo coffee from Aceh, Kintamani Coffee from Bali and Toraja Coffee from Tana

Toraja and other popular coffees from Indonesia. Currently, the government has brought in investors from Japan to process and then export from Bulukumba. Currently, the problem that is quite felt by local entrepreneurs of Kahayya Coffee is the problem in the aspect of capital. Investment opportunities are very large and of course, must be further developed because in the Kahayya village area still has a very large area or vacant land to be used so that Kahayya Coffee can be developed again.³⁸ Kahayya Coffee has a distinctive character because it is influenced by the altitude of 800 to 1,400 meters above sea level and soil structure, therefore Kahayya Coffee has met the criteria to be registered for legal protection in the Geographical Indication protection of Intellectual Property Rights. The government must certainly pay special attention to the potential of Kahayya Coffee, facilitating and guaranteeing superior seeds, fostering and providing training through related agencies such as the Department of Industry and Trade, the Department of Food Crops and Horticulture, and other agencies that have a role to develop the potential of Kahayya Coffee products, so a collaboration and togetherness are needed in advancing Kahayya Coffee.³⁹

D. CONCLUSION

Based on the results of the discussion conducted by the author, the conclusions can be drawn as follows:

1. Kahayya coffee is one of the best types of coffee in Indonesia originating from Kahayya Village in Kindang District, Bulukumba Regency which is cultivated for generations from the ancestors of the Kahayya village community which is currently growing. The taste is different from other coffees in Indonesia which are influenced by various factors such as the altitude of the village which is approximately 0-1,400 meters above sea level, climate and weather factors that are different from other sub-districts, loose sandy soil structure, resulting in a distinctive Arabica flavor, slightly acidic and have a sharp aroma.

Based on the objective requirements that include the quality and reputation of Kahayya Coffee that has been built in accordance with Article 1 point (6) of the Trademark and Geographical Indication Law, Kahayya Coffee is eligible to be registered and obtain Geographical Indication protection. But in reality, until now the Geographical Indication of Kahayya Coffee has not been registered because there are several obstacles to the subjective requirements such as the lack of awareness and education of the local community about the potential of Kahayya Coffee, conflicts of personal interests of several parties which result in a lack of synergy and harmony between producers, farmers, and communities in Kahayya village. The management system or management

³⁸ Interview with Andi Muchtar Ali Yusuf (Regent of Bulukumba Regency) in Bulukumba City on July 1, 2021.

³⁹ Interviews with Andi Edy Manaf (Deputy Regent of Bulukumba Regency) in Bulukumba City on July 1, 2021.

Andi Baso Ilmar M et al, Geographical Indication of Kahayya Coffee as an Opportunity to Increase Regional Investment

of Kahayya coffee production is still not good and not effective, Difficult access to transportation, and shipping, lack of synergy between organizations, communities, and local government in this case the regent and related agencies.

2. The local government of Bulukumba Regency has taken several efforts to develop the potential of Kahayya Coffee products, conducting guidance and also supervision in accordance with Articles 70 and 71 of Law Number 20 of 2016 concerning Trademarks and Geographical Indications. The Regent of Bulukumba will pay special attention to the development of Kahayya Coffee by providing education in the form of socialization and changing the mindset of the community to increase awareness that the potential of Kahayya Coffee is very large. The Office of Industry and Trade has carried out the marketing process starting by helping to suggest attractive packaging designs and then being included in various events and exhibitions. Assistance activities in human resource development through training activities for coffee farmers have been focused on by the Food Crops and Horticulture Office. The raw materials of Kahayya Coffee that have been exported for many years abroad are a great investment opportunity, therefore the Regent of Bulukumba seeks to invite investors as an investment opportunity.

E. ADVICE

The suggestions that the authors convey are as follows:

1. Kahayya Coffee as a typical product originating from Kindang District, Bulukumba Regency, South Sulawesi Province is one of the best coffee products owned by Indonesia which has enormous potential, especially in investment sector to improve the welfare of the people of Bulukumba Regency, especially the local people of Kahayya village who work as farmers, as well as coffee entrepreneurs. However, until now Kahayya Coffee has not been registered for Geographical Indication protection. Therefore, there needs to be a legal action through an application for Geographical Indication registration by a party or institution representing the community to register the Geographical Indication of Kahayya Coffee.
2. The steps or efforts being taken by the government by providing education, education and training to the people of Kahayya village, especially to people who work as coffee farmers and entrepreneurs in order to improve the quality of human resources are appropriate, but not yet optimal. In the future, it would be better to utilize the potential of young people who have good and qualified human resources and are active in the process of developing Kahayya Coffee.
3. The district government, in this case the Regent and the agencies that play an important role in the process of developing Kahayya Coffee products must increase

synergy and also open space for organizations, communities, coffee observers to collaborate by forming an institution that can pay special attention to the protection of Kahayya Coffee products.

4. The government, in this case the Food Crops and Horticulture Office, the Industry and Trade Office, needs to be more active in providing educational facilities on the importance of awareness of legal protection on Intellectual Property Rights through socialization activities that can be carried out by the Director General of IPR.

REFERENCES

Books

1. Achmad Zen and Umar Purba, *International Regulation on Geographical Indications, Genetic Resources and Traditional Knowledge, Workshop on the Developing Countries Interest in Geographical Indications, Genetic and Traditional Knowledge, PIH FHUI and Dit.Gen of IPR's*, Dept.of Law and Human Rights, (RI, Jakarta, April 6, 2005).
2. Bambang Sunggono, *Legal Research Methods* (Jakarta: PT Raja Grafindo Persada, 2003).
3. Lindsey, et al. Ed., *Intellectual Property Rights, An Introduction*, (Bandung: PT Alumni, 2013).
4. Laura Hardjaloka, *Geographical Indication Protection of Domestic Products in Indonesia and Comparison with Other Countries*, Faculty of Law, University of Indonesia.
5. Miranda Risang, *Discussing Intellectual Property Rights on Geographical Indications*, (Bandung: Alumni Publisher, 2006).
6. Mulyani, Sri. Development of Intellectual Property Rights as Collateral, to obtain Banking Credit in Indonesia, *Journal of Legal Dynamics*, (2012).
7. Laura Hardjaloka, *Geographical Indication Protection of Domestic Products in Indonesia and Comparison with Other Countries*, Faculty of Law, University of Indonesia.
8. OK. Saidin, *Legal Aspects of Intellectual Property Rights*, (Jakarta: Raja Grafindo Persada, 2015).
9. Ridwan Khairandy, *Principles of Indonesian Trade Law*, (Yogyakarta: UII Press, 2014).
10. Tomi Suryo Utomo, *Intellectual Property Rights (IPR) in the Global Era A Contemporary Study*, Graha Ilmu, Yogyakarta.

Journal

1. Andi Khairil A. Samsu et al., The Role of Social Capital in the Development of Agroforestry Systems in Bulukumba Regency, *Journal of Forests and Society*, Vol 11 (1), July (2019).

Andi Baso Ilmar M et al, Geographical Indication of Kahayya Coffee as an Opportunity to Increase Regional Investment

2. Chairul Nizar, Abubakar Hamzah, Sofyan Syahnur, The Effect of Investment and Labor on Economic Growth and Its Relationship to Poverty Levels in Indonesia.... *Syah Kuala Postgraduate Economics Journal*, Vol. 1, No. 2, May (2013).
3. Muhammad Ali Ridla, Geographical Indication Protection of Unregistered Coffee According to the First-To-Use-System, *Bonum Commune Journal of Business Law*, vol. 2, No. 2, August (2019).

Interview Results

1. Results of Interview with Marsan (Producer and Farmer of Kahayya Coffee, Kahayya Village, Kindang District, Bulukumba Regency) in Kahayya village on August 1, 2021.
2. Results of Interview with Abdul Rahman (Head of Kahayya Village, Kindang District, Bulukumba Regency) in Kahayya village on August 1, 2021.
3. Results of Interview with Andi Akhmad Syukri S.P., M.M., (Head of the Industry Section of the Bulukumba Regency Trade Office) in Bulukumba City on July 29, 2021.
4. Results of Interview with Emil Yusri S.P., M.P., (Head of the Food Crops Horticulture and Plantation Office of Bulukumba Regency) in Bulukumba City on July 30, 2021.
5. Interview with Andi Muchtar Ali Yusuf (Regent of Bulukumba Regency) in Bulukumba City on July 1, 2021.
6. Interview Results with Andi Trismiati A. Mappesonang S.P., M.P., (Head of the Horticulture Division of the Food Crops and Horticulture Office of Bulukumba Regency), in Bulukumba city on July 30, 2021.
7. Interview with Andi Edy Manaf (Deputy Regent of Bulukumba Regency) in Bulukumba City on July 1, 2021.

Internet

1. <https://makassar.terkini.id/desa-dibalik-awan-kahayya-desinasi-wisata-baru-bulukumba/> "New Tourism Destination Bulukumba" accessed on September 9, 2020.
2. Kahayya Village, desakahayya.id/p/by-history-which-develops-region.html, accessed on Wednesday, September 1, 2021, at 12.31 WITA.

Regulation

1. Law Number 20 Year 2016 on Trademarks and Geographical Indications.