

The Urgency of Using *al-Milk an-Naqiṣ* in Geographical Indications: An Ideal Preservation for Intellectual Property in Indonesia

Triyono Adi Saputro^{1*}, Ismail Rumadan², Pujiyono Suwadi¹, Emmy Latifah¹, Muhammad Syaiful³

¹Universitas Sebelas Maret Surakarta, Indonesia

²Pusat Riset Hukum, Badan Riset dan Inovasi Nasional, Indonesia

³Al-Mustafa Internasional University, Qom, Moallem, Iran

*Corresponding Author: 3ada.as@gmail.com

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Abstract: This study aimed at explaining the ideal preservation of intellectual property inventions so that geographical indications (GI) products can increase and be highly competitive in the global market. The existence of GI play a vital role in supporting business competition at the national and international trade levels. GI not only provide protection for intellectual property inventions, but also provide legal guarantees of official legality from the government. This study used a conceptual and comparative approach supported by primary legal materials consisting of GI laws combined with texts and fiqh. The research results shows that *al-milk an-naqiṣ*'s efforts with the *al-ibabah* type will be an ideal model for preserving GI for intellectual property inventions in Indonesia in the future. This is because *al-milk an-naqiṣ*, which is varied and implemented in the community, is able to strengthen GI inventions, can last longer, and without any contracts. In addition, there are advantages to be gained by using *al-milk an-naqiṣ*, such as having different ownership models, no time limit for transferring ownership, and the ability to increase the welfare of the community. For this reason, it is necessary to spread the importance of preserving the *al-milk an-naqiṣ* model in order to form a legal culture and provide legal protection for intellectual property inventions based on GI so that they will last longer in the market in the future. In addition, this is useful to support the increase of regional per capita income and help reduce unemployment through the implementation of *al-milk an-naqiṣ* GI products as an ideal solution for the long-term preservation of intellectual property inventions.

Keywords: *Al-Milk an-Naqiṣ*; *Al-Ibabah*; Preservation; Geographical Indications; Intellectual Property.

Introduction

Indonesia's abundant and rich natural potential is a source of geographical indication (GI). A GI is a legally protected certification used for certain products that correspond to a specific geographical location or origin. GI in Indonesia refer to a system of protecting the rights to the names of products that originate from specific areas and have special qualities or reputations associated with those areas. The development of GI in Indonesia since its first presence in 2008 has increased quite significantly every year (Directorate General of Intellectual Property (DGIP), 2023). Every year, the number of GI product registrations is increasing. Based on the database contained in the DGIP as of 2020, there had been 138 registered indications spread across several regions in Indonesia as follows:

Table 1. Geographical Indication in Indonesia

No	Year	Increase per year	The number of registered geographical indications
1.	2020	5	106

2.	2021	7	113
3.	2022	13	120
4.	2023	17	137
5.	2024	1	138

Source: (Directorate General of Intellectual Property (DGIP), 2024)

The increasing number of GI registrants shows that there is a need for legal protection of GI inventions in business competition in Indonesia. Since the number of registered GI is not as large as other intellectual property systems, it is necessary to strengthen and maintain the potential of existing GI so that they continue to exist and do not become extinct in the short term (Blakeney, 2019). Considering the provisional nature of GI, a solution is needed to protect and maintain the existence of registered GI products. It is not easy to obtain legal protection for GI inventions because of their strong connection to local geography and attachment to local image.

One of the efforts that can be made to strengthen the existence of GI in Indonesia is through an approach with the *al-milk an-naqis* concept. This approach model is an interesting new study considering that the concepts offered in *al-milk an-naqis* are very diverse so that they can support the preservation of GI products in Indonesia (Vitria & Syafriani, 2023). *Al-milk an-naqis* is a concept of property ownership in Islam. This concept has other advantages, one of which is that ownership can be taken in terms of material and benefits of an achievement. This concept has interesting differences to be studied in terms of ownership of material rights in intellectual property (Musa, 2018).

Many studies have been conducted on GI, especially in terms of legal protection and the role of the government (Fang et al., 2017; Kudiya & Atik, 2020; Luthviati, 2020; Marie-Vivien & Biénabe, 2017; Mazurenko, 2021; Sitepu, 2018). Several studies also highlight the problems of geographical indications in legal studies (Anggraeni et al., 2024; Enggriyeni & Sagita, 2024). The implementation of GI has also been widely studied, such as in agrotourism areas (Seruni et al., 2024) and coffee (Mustaidah & Waspiyah, 2024). Studies have also been conducted on the impact of GI (Török et al., 2020) and on the role of ethnocentrism in GI (Czine et al., 2024). To date, no study has specifically examined the ideal preservation of intellectual property inventions for GI products based on texts and fiqh, particularly the concept of *al-milk an-naqis*. This study complements previous studies by examining the urgency of preserving geographical indication intellectual property and highlighting the advantages of preserving GI for intellectual property in Indonesia through *al-milk an-naqis*. Apart from that, this study also examines whether the implementation of *al-milk an-naqis* as an ideal GI for intellectual property holder for Indonesia can support the long-term preservation of GI. This condition is due to the fact that the period of protection for GI is tentatively unlimited in time.

Literature Review

High and fierce competition in both national and international markets has led to the active provision of alternatives. This is in view of the need for considerable efforts to be sustained in the market. The best that entrepreneurs can do is to provide legal protection through intellectual property. The presence of intellectual property became an important one to preserve the existence of findings and protect the work of people. One form of intellectual property protection is through Geographical Indication (Crescenzi et al., 2022).

GI is one of the most unique and fascinating systems of intellectual property. This is because GI is related to the place or region where the product or finding is produced. The strong correlation of areas becomes a characteristic of GI for intellectual property (Zhong & Wang, 2021). The growth of GI in the increasingly growing region means a great deal in protecting the find, helping to preserve, and promoting the product of GI. The protection of intellectual property plays an important role in the future, thus legal awareness must be needed to preserve the existence of each of these products and one of them is GI (World Intellectual Property Organization (WIPO), 2021).

The protection of intellectual property rights has had a major impact on the various types of businesses in the region and needs to be both enforced and regulated to achieve long-term and greater growth of the global market (Disemadi et al., 2024; Gorda et al., 2022). In addition to the protection of the law, efforts have been made to assist by granting rights to GI in various ways, such as Georgia and Cambodia. In Georgia, one of the efforts is to divert some of the products to be developed and marketed to key locations in areas such as tourist areas, entertainment areas and markets. It is done for a GI product to still exist on the market. Thus, the concept of GI protection in Georgia is to combine GI with tourism. This model is commonly referred to as the intellectual property of tourism concept (Department for Environment Food & Rural Affairs, 2023). In addition, Cambodia has adopted the concept of preserving a region's GI by turning its farmland into a tourist attraction. Thus, in addition to being dotted with the GI product offered, tourists can directly garden by seeing, processing, and planting the GI product in one place. Thus, the concept of the country was to evoke the intellectual property of tourism by (temporarily) transferring imperfect rights to benefit from these GI (Abacus IP Cambodia, 2020).

Based on the example above, it shows that efforts to preserve the product is vital for the future. To illustrate, Rupiah was expected to strengthen further to 9,100 rupiah per dollar in the Jakarta interbank spot market on Tuesday. This will require efforts to preserve and maintain the geographical geography. New concepts are needed as well as in both Georgia and Cambodia that adopt intellectually based wealth models. Given the urgency of these conservation efforts, the Indonesians need to offer another idea that can help preserve the geographical indications in Indonesia so that they can continue to exist and withstand the concept of Islamic law. This is because the majority of Indonesian Muslims need another study with the Islamic ideal. It is possible to implement and benefit the sustainability of businesses, communities around and increase per capita income in the region (Taqiyuddin et al., 2023).

Method

This study is a normative study using supporting data obtained from primary legal sources concerning the protection of geographical indication intellectual property from Islamic and legal perspectives. Comparative and conceptual approaches were used to conduct this study. The materials used in this research were Law Number 20 of 2016 on Trademarks and Geographical indication, texts (Al-Quran and Hadith), and *fiqh*. The results of the data were then processed descriptively using an interactive analysis model such as using, grouping, and selecting the research data and then linking them with theories, hadith, and legal rules obtained from literature studies (Efendi & Ibrahim, 2020).

Results and Discussion

The Urgency of Preserving Geographical Indications for Intellectual Property in Indonesia

The beginning of the existence of Geographical Indication (GI) in Indonesia comes from The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) in 1994. In this agreement, there is a clause on Geographical Indication in articles 22-24, which specifically includes Geographical Indication (Sangiovanni, 2019). Since the existence of this agreement, Indonesia ratified the existence of GI for the first time in 1994 through Law Number 7 of 1994 on the Ratification of the Agreement Establishing the World Trade Organization. After several years, changes were made through Law Number 15 of 2001 on Trademarks and followed by Government Regulation Number 51 of 2007 on Geographical Indications. The most recent changes, which are still in force, were made to the regulations on geographical indications contained in Law Number 20 of 2016 on Trademarks and Geographical Indications. This condition shows that the role of GI in Indonesia is very important, hence it is necessary to provide legal regulations that protect intellectual property inventions, especially geographical indications. Although its implementation is still mixed with other intellectual property regulations, the rules for geographical indications are specifically mentioned in articles 53-71 and 101-103 of the Trademark and Geographical Indications Law (Yessiningrum, 2015).

Geographical indications in Article 1(6) of the Trademarks and Geographical Indications Law explain that a sign indicates the area of origin of a good and/or product which, due to geographical environmental factors, including natural factors, human factors or a combination of these two factors, provides the reputation, quality, and certain characteristics of the goods and/or products produced (Law Number 20 of 2016 on Trademarks and Geographical Indications, 2016). Signs used as geographical indication may take the form of labels or stickers attached to the goods produced. The sign may be the name of a place, area or territory, words, images, letters or a combination of these elements. This regulation explains that geographical indication has a strong correlation with the geographical location of an area, so that inventions originating from that area cannot be separated. The power of geographical factors dominates, so that the legal protection of geographical indication inventions is not limited to providing legality, but also enhancing the image of the region itself. The existence of a strong link between the invention produced and the regional geography is a unique attraction and characteristic of geographical indications compared to other intellectual property systems.

The development of GI in Indonesia has been quite significant thus far, each year it experiences an increase with the variety of products from different regions, numbering 138 per year 2024 (Ministry of Law and Human Rights of the Republic of Indonesia, 2022). Since its initial presence in 1994, the first GI product to be successfully registered was Kintamani Bali Arabica Coffee in 2008. That year marked the beginning of the emergence of GIs among Indonesians. Although the development is not as fast as other intellectual property systems, the existence of GI is very much needed to protect the potential of regions that have superior products that have a strong relationship with the geography of the region of origin. Every year, the number of GI registrations is increasing, so this condition shows that legal protection for GI inventions is needed in Indonesia. Its role is not limited to providing legal guarantee protection, but can also increase the high economic value of products produced with geographical indications. Apart from that, intellectual property protection of inventions is also an important means to support the success in business competition at national and international levels (Hananto & Prananda, 2019).

The protection of GI for intellectual property inventions based on Article 61 in the Trademark and Geographical Indication Law states that the time is provisional. This means that GIs are protected if reputation, quality, and characteristics of the products are maintained (Law Number 20 of 2016 on Trademarks and Geographical Indications, 2016). Therefore, for the special protection of GIs, the time given is very dependent on the product produced so that its existence in terms of reputation, quality, and characteristics continues to be maintained so that it does not change or fade. This condition is not easy to implement because efforts are needed not only at the beginning of the registration process, but also afterward to maintain and preserve them in the future. One of the alternative efforts to maintain the existence of GI products is to preserve the existence of GI products in the right way (De Filippis et al., 2022). Preservation of GI products is very important to maintain their existence in the future. Effective preservation efforts are needed so that GI products can have longevity because the protection period is unlimited.

Preservation of GI investments is important considering the need for cooperation and relationships that help maintain the existence of GIs in the future. The existence of GI products preservation is not limited to saving existing inventions, but also building and maintaining them so that the resulting image is not damaged or changed. Preservation is important because the long term is needed to support the successful protection of intellectual property inventions that have a strong connection to geography. The benefits of preserving GI for intellectual property inventions in Indonesia include the following: a) Preservation can promote regional development; This means that preserving GI in the regions will automatically realize various efforts to provide protection for GI inventions through various activities, such as technical guidance, product exhibitions, meetings of regional business actors, etc. b) Preservation is able to protect products from misuse or counterfeiting; the preservation of GI products as well as a form of promotion to the outside community, thus the existence of genuine products can be found in the place where the product is produced and not just any place where the GI product can be sold, and c) Preservation can help

consumers get the correct product specifications; One of the advantages of preserving GI products is that it can minimize the possibility of consumers getting a fake product, that is, one that does not match the character and specifications of the product produced by the GI of an area. Thus, the preservation of GI for intellectual property inventions is important not only to ensure product longevity, but also to have other positive effects that support healthy and competitive business in internal and external markets.

Geographical Indications for Intellectual Property Protection by *al-Milk an-Naqis* in Indonesia

The presence of rules in social life serves to integrate and reconcile the often-conflicting interests of community members. Organizations arise by limiting and protecting different interests to create a harmonious life. Rules are also positioned as a mechanism that links economic issues and political order. The protection of individuals in the form of authority to act on behalf of their interests is called law. All human rights are undoubtedly related to obligations to other human beings (Kirana & Hadi, 2019; Sudirman & Disemadi, 2021; Suryahartati et al., 2024).

One type of property right often referred to as *haq al-ayni* (the legal relationship between a person and the goods he owns) is *haq al-milkiyyah* (property right). The word property right in Indonesian is an absorption of the Arabic words *al-haq* and *al-milk*, which mean firmness and certainty, a decision whose existence cannot be denied. Property rights is the relationship between man and property that is determined and recognized by the Sharia. Based on this relationship, he has the right to perform various types of *tasharruf* using the assets he owns as long as nothing prevents him from doing so (Hamdani, 2020).

In principle, ownership belongs directly to the party who first obtains the results produced by a process. What is obtained can be said to be the struggle undertaken to gain ownership. This effort must be appreciated and recognized. In fact, this condition cannot be separated from the good fortune given by the Almighty to His servants. In fact, the original ownership is from the Creator on this earth. The Islamic perspective declares that everything in the heavens and the earth belongs to Allah the Almighty alone. This is in accordance with the word of Allah the Almighty as stated in the Quran, Chapter of An-Nur Verse 42 and Chapter of Al-Hadid Verse 2.

These verses explain that the ultimate owner of everything is Allah the Almighty alone. Then, Allah, as the ultimate owner, gives power (*istikhlaf*) to people to manage this property of Allah according to His laws. Moreover, Imam Al-Qurthubi said, "This verse is a proof that the origin of property (*ashlul milk*) belongs to Allah the Almighty, and that man has no rights except to use it (*tasharruf*) in a manner approved by Allah. Thus, Islam has declared that land ownership consists of two points: First, the true owner of the land is Allah. Second, Allah, as the ultimate owner, has given man the power to manage it according to Allah's law. Therefore, this philosophy contains the implication that no law can be used to regulate any issue except Allah's laws alone (Islamic Sharia).

Referring to the previous description, which provides an understanding that ownership of something can sometimes include the thing (substance) and its benefits together, and sometimes only the benefits. A person who owns a rice field, a house, or a vehicle, owns the goods and the benefits at the same time. Thus, he can use all these items or what is known as *al-milk at-tamm*. Meanwhile, for people who rent a house or a rice field, they only own the benefits and not the goods, because the goods belong to someone else, or it is called *al-milk an-naqis*. This can also be applied to the ownership of intellectual property inventions, where an inventor may own the goods and benefits of the invention, but on the other hand, other people may also receive the benefits of the invention through a temporary or incomplete transfer of ownership of the invention. This effort usually has a time limit for the transfer of ownership as a conservation effort to strengthen and promote the intellectual property inventions produced to external markets to increase income and improve the welfare of society.

This is as stated in the Quran, Chapter of Al-Maidah, Verse 120 which shows the basis of ownership in Islam that Allah is the sole owner and of what is in the heavens and the earth and there is no partner for Him. Then God gives the control of the earth to man so that man could manage it to be prosper. Hence, the true ownership is completely with Allah. Humans are only given a mandate to manage and take care of property so that it can be put to good use for the welfare of the community.

Thus, the ownership of an achievement can be perfect in principle (*al-milk at-tamm*) or imperfect (*al-milk an-naqis*). The meaning of perfect is that there is a full right that gives the owner the opportunity and authority to perform various types of *tasharruf* that are permitted by the Sharia. Meanwhile, it is not perfect, that is, one can have one of them, either the object alone without the benefit, or the benefit without the object (limited). This is in accordance with the views of Wahbah Zuhaili and Muhammad Yusuf Musa, who defined Milk Naqish as having only the object or only its benefits.

Al-milk an-naqis is a concept of imperfect ownership, which means that it includes only aspects of management and supervision. *Al-milk an-naqis* is divided into two parts: The first is *al-milk al-'ain*, which is an imperfect ownership. Because this concept of ownership is based only on the ownership of the material, object, or thing, while the benefits of the material or object are not taken by the owner. Secondly, *al-milk al-manfaah* is included in the type of concept of imperfect ownership, which means that the person who manages it only feels the benefits, while the ownership of the material or object is not his (Nasution, 2023). *Al-milk an-naqis* has several characteristics in its implementation which consist of: a) May be limited by place, time, and nature, b) Ownership cannot be inherited, c) People who use it must not be arbitrary and if they violate it, they will be subject to compensation, d) The person who uses the property is obligated to pay maintenance costs for the property, and e) The person who uses the property is obligated to return the property if the owner asks for it (Harahap et al., 2022).

If the *al-milk an-naqis* concept is correlated as an effort to preserve GI for intellectual property inventions in Indonesia, it has several positive sides that can be produced. When referring to the essence, intellectual property is a material right, i.e. the right to an object that is the result of the work of the brain and reason, or the result of the work of rational human reason (Atmadja, 2015). Material rights can be divided into two categories such as material and immaterial. The materiality of intellectual property rights is included in immaterial rights, which means intangible objects, because intellectual property comes from ideas, imagination, and human thoughts (Hidayat, 2014). There are two types of intangible intellectual property such as copyright and industrial property rights. One of them is the grouping of objects into the classification of tangible and intangible objects, this can be seen from Article 499 of the Civil Code regarding the boundaries of objects which reads: "According to the understanding of the law, an object is anything and any right that can be controlled by property rights".

Preservation of GI for intellectual property inventions with the implementation of *al-milk an-naqis* concept means providing an imperfect transfer of ownership, which means ownership of only one element of the property. This can be in the form of ownership of benefits without ownership of the object, or ownership of objects without ownership of benefits. In the application of this concept, *al-milk an-naqis* is divided into 5 such as *al-'ariah*, *al-ijarah*, *al-waqf*, *al-wasiat bi al-manfaat* and *al-ibahah* (Aslami & Sudiarti, 2022). The process of property transfer can be chosen from several types and can be adjusted according to mutual agreement. This concept is more varied and flexible in the implementation in the field, because it can be adapted to the needs of each party. The existence of several models for the implementation of this concept is one of the advantages in the process of preserving GI of intellectual property. Bearing in mind that the legal protection period for geographical indications is provisional and not certain. Therefore, choosing one of the models from *al-milk an-naqis* can help preserve GIs in the future.

Apart from this, another advantage of implementing the *al-milk an-naqis* concept in the process of preserving GI for intellectual property is that there is no time limit in transferring the ownership of the rights to these objects. This condition is very helpful in efforts to preserve GIs during management, maintenance, and promotion in various external regions. This means that the less limited the time of ownership, the greater the potential to be known and gain new market segmentation. This is very helpful in the future preservation process, because as more and more people become familiar with GI inventions, their competitiveness will increase and more economic value will be obtained. Indirectly, this effort has an impact on improving the welfare of the surrounding community through the transfer of ownership using *al-milk an-naqis* model, which is simple and easy to implement (Firdaus, 2022).

The final advantage of implementing the *al-milk an-naqis* model in the process of preserving GI for intellectual property in Indonesia in the long term is that it can increase the welfare and prosperity of the surrounding community. The party who owns GI for intellectual property invention has an indirect impact on the economic income they receive. This is because the holder of the right has the freedom to promote, trade, and maintain the existence of GI products so that they continue to exist on the market in terms of quality and quantity. The parties receiving these rights will enter new markets to increase the segmentation and the number of consumers as users of GI products. This means that the parties have the right to obtain full benefits in the implementation and management of these GI. Automatically, these efforts not only contribute to the preservation of GI inventions, but also provide the rightful recipient with unlimited benefits in the management of the GI products.

***Al-Milk an-Naqis* as an Ideal Preservation of Geographical Indications for Intellectual Property in Indonesia**

The *al-milk an-naqis* concept is a model of transferring the ownership of an achievement to another party with aspects of management or supervision. This means that it is based on the ownership of the material or goods only, while the benefits of the material or goods are not taken by the owner. In other words, ownership is only to experience the benefits, while ownership of materials, objects, or things is not his. Thus, there are two types of models that can be chosen for such implementation in society according to the needs of each individual. This transfer of ownership can be chosen based on mutual agreement between one party and another party. There are several types of *al-milk an-naqis* that can be chosen in the process of transferring property rights, and these include *al-'ariah*, *al-ijarah*, *al-waqf*, *al-wasiat bi al-manfaat*, and *al-ibahah*. Each type has different characteristics in its application in the society.

One type of *al-milk an-naqis* that is appropriate to be implemented in efforts to protect intellectual property is *al-ibahah*. This type has added value in that its application is more effective and efficient in efforts to strengthen the preservation of geographical indications in Indonesia in the future. *Al-ibahah* is a permission to use goods. This includes permission to advertise a product, to use a trademark, to drive a vehicle, to use public facilities, etc. In this case, the permission is only for the person to whom it is given, he or she may not delegate the permission to another person to enjoy the existing benefits. This means that the person who is given the authorization for the permit cannot transfer it to another party to also use or enjoy what the first party has received (Sainul, 2020). Thus, this condition is limited and applies only to the first party in the implementation process. It stops with the party that received the earliest permission, thus if another party wants to use or receive permission to manage the same service, they need to get it from the owner of the service.

The term *al-ibahah* comes from the word *baha*, which means birth or appearance or permission, while *al-ibahah* means permission and *mubah* means permitted. Therefore, *al-ibahah* mean something that can be chosen or abandoned. Etymologically, the problem formulation presented by *Ushul Fiqh* scholars is something that, if done or abandoned, does not receive praise (Imam al-Syaukany) (Nizaruddin, 2020). Based on this, the meaning of *al-ibahah* is the ability or permission given by one person to another person to use an object that belongs to him. The form of the fifth *haqq intifa'* is almost the same as that of *al-i'arah* and *al-ijarah*. The difference is that *al-i'arah* and *al-ijarah* have their own contracts, while *al-ibahah* is only an ability, not a contract. *Fiqh* scholars divide *al-ibahah* into two types: a) General permissions. This means giving permission to everyone or to the public and b) Special permissions. Unlike the previous one, this second type only gives permission to certain people. In other words, it does not give a third person the right to use the object. The way to find out *al-ibahah* is through the texts of the Quran, which require in-depth understanding. Legal experts suggest three ways of understanding it as follows (Naufal & Kirana, 2022): a) There are statements by lawmakers about being innocent or having no obstacles, as in the chapter of Al-Baqarah, verse 229. b) There are statements by lawmakers that clearly justify legal action. As in the chapter of Al-Maidah, verse 96. c) There is no text that prohibits it. Therefore, it goes back to the original law. This means that if there is no command from Allah prohibiting it, the law is permissible.

The application of *al-ibahah* in the preservation of GI for intellectual property in Indonesia is the correct alternative solution. This is because the essence of *al-ibahah* is the permission given by one person to another person to use an object that he or she owns specifically or generally without a contract (Ramadani, 2018). An added value of the *al-ibahah* model is that the implementation of the transfer of ownership does not require a contract, thus it provides flexible freedom to the community. This means that in terms of effectiveness and efficiency, it is very helpful in its implementation in the society. The point is that in the *al-ibahah* process there must be a mutual agreement with the permission of the owner for the achievement. Such a model, if correlated with the preservation of the GI of intellectual property, is very helpful for inventors in maintaining the existence of GIs. This is because GIs do not have a time limit for legal protection, thus more effort is needed to maintain the characteristics and features of these findings in the future. This condition is not easy; hence it is necessary for other parties to be involved in the efforts to maintain the existence of GI inventions. One effort that can be made is to preserve GI inventions for other parties who are willing to help maintain, promote, and manage GIs so that they can exist and continue to develop.

Al-ibahah, in this case, plays a very important role in the process of transferring ownership of GI inventions by giving permission to other parties to manage or use the geographical indication. This means that with the direct permission of the owner or inventor, the other party is given the authority to use the geographical indication invention in various ways, such as: promotion, buying and selling, and others. Granting permission without a contract using the *al-ibahah* model makes it easier for the community to implement the process of transferring ownership of an achievement by allowing or permitting. Because of its flexible process and implementation, *al-ibahah* can assist in the preservation of GI for intellectual property inventions in the future. Owners or inventors of achievements can be assisted in the management and preservation of geographical indication inventions through the purchase and sale of products, promotions, exhibitions, etc. This effort also has an indirect impact on the related parties who are granted the right to manage the inventions, such as: earning income from the profits from the purchase and sale of GI products, being able to reduce local unemployment because they are directly involved in the management of GIs, and the most important thing is the implementation preservation of GI inventions so that the existence of GIs can last a long time and continue to develop in the market. This is in accordance with Article 70 (2) of the Law on Trademarks and Geographical Indications regarding the guidance carried out by facilitating the development, processing, and marketing of goods and/or GI products.

Based on the above description, it can be seen that *al-ibahah* as a type of transfer of ownership of *al-milk an-naqis* can be an ideal alternative in efforts to preserve GI inventions in the future. This condition is due to the easy and simple application of *al-ibahah* in the community without a contract, which helps a lot not only in the process of granting use permits, but also in preserving GI products in the region. The existence of *al-milk an-naqis* concept is very helpful in protecting, managing, and maintaining intellectual property inventions of GIs in Indonesia. There are many positive benefits received by the society by implementing *al-milk an-naqis* as a way to strengthen the existence of GIs that can last a long time in the market and be highly competitive in international and national markets. The application of *al-milk an-naqis* is also a form of assistance to other parties in utilizing an achievement to obtain benefits that can be taken by other parties as a glory.

Based on the above description, from the viewpoint of the economic analysis of law, it is closely related to justice in law. The approach and use of this analysis is regulated by economic considerations without excluding justice, so that justice can become an economic standard for the three basic elements of humanity: value, utility, and efficiency (Posner, 2014). In accordance with this concept, the concept developed by Richard Posner is known as the economic concept of justice, which means that laws are created and implemented with the main goal of improving the interests of society as much as possible. When this is linked to conservation efforts, GIs in Indonesia based on *al-milk an-naqis* can add value to these funds. This theory provides legal protection against invasion; thus, it is useful in guaranteeing the

authenticity of the invasion. This effort is very effective in preserving product indications that contribute to increasing the welfare and income of local communities.

Conclusion

Preservation of GI for intellectual property inventions have a vital role for sustainability and development in the future. The period of protection of GIs is provisional, thus it is necessary to provide strengthening as an effort to maintain the existence of GI inventions through preservation with *al-milk an-naqis*. Efforts to preserve GI for intellectual property by implementing a type of *al-milk an-naqis* which is called *al-ibahah*, is a form of strengthening ideal preservation in the future. This is because the application with *al-milk an-naqis* has several advantages including several types of *al-milk an-naqis* ownership transfer models that are diverse, so that it is easy to implement according to the needs of each individual. There is no time limit related to the transfer of ownership of GI inventions so that this becomes an effort that is very supportive in long term preservation and has an impact in providing benefits by being able to prosper the community with the preservation of GI using *al-milk an-naqis* model. It is undeniable that the use of *al-milk an-naqis* in preserving the GI for intellectual property is very helpful and supportive in strengthening the existence of GI inventions that can last long in the market by maintaining the characteristics, as well as the characteristics that were inherent in it and the implementation without a contract. For this reason, in order to strengthen the implementation and form a legal culture in the community, it is necessary to spread the urgency of preserving intellectual property inventions with a new concept through the *al-milk an-naqis* approach. The concept of combining Islamic aspects in intellectual property is a new model that has advantages that not only provide benefits and rewards for others, but also contribute to increasing the legal protection of intellectual property.

Conflict of Interest

The authors declared no conflicts of interest.

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