

# PROTECTION OF BASE GENEP: COMMUNAL INTELLECTUAL PROPERTY FROM BALI

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## ABSTRACT

*The purposes of this research are to review the implementation of Article 3 paragraph (2) PP 56/2022 regarding the obligation to inventory Communal IP in Bali and analyze the base genep inventory process from Bali as Communal IP in supporting tourism activities. This research is socio-legal research, namely multi-disciplinary and interdisciplinary research that uses several approaches, namely: statutory approach; fact approach and analytical approach. Based on the above explanation, it can be concluded that the Implementation of Article 3 paragraph (2) of PP 56/2022 has been implemented but still needs to be improved. This is because not all types of Communal IP in Bali have been successfully inventoried. Therefore, synergistic cooperation is needed between stakeholders to carry out the mandate of Article 3 paragraph (2) of PP 56/2022. The Base Genep inventory process as one of the Communal IP in supporting tourism activities in Bali begins with conducting normative research by reviewing several provisions of laws and regulations regarding the protection of Communal IP. Starting from the State's obligation to inventory, maintain and preserve Communal IP. The inventory process is continued by looking for sources that explain the history or origin of the recognition of base genep as a spice in Bali. The source that explains the composition of base genep is the Lontar Dharma Caruban. Base genep can be classified as Communal IP considering that its existence has been passed down from generation to generation as traditional knowledge regarding the processing of Balinese specialties.*

**Key Words:** *Protection; Base Genep; Communal Intellectual Property; Bali*

## 1. Introduction

### 1.1. Research Background

Bali has been known as one of the most popular tourist destinations in Indonesia. Bali tourism is a tourist destination for foreign and domestic tourists.<sup>1</sup> TripAdvisor's annual award, namely the Travelers' Choice Award for Destinations, even crowned Bali as the second most popular destination in the world in 2023, above world tourism

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<sup>1</sup> Putra, Made Satria Pramanda, Dwi Yustiani, and I. Nengah Dasi Astawa. "Wisatawan nusantara sebagai pengungkit ekonomi bali di era pandemi covid-19." *Jurnal Ilmiah Hospitality Management* 12, no. 1 (2021): 59-73.

cities such as London, Rome and Paris.<sup>2</sup> Bali is one of the popular destinations both in Indonesia and the world because it has many advantages, including natural beauty, unique art and culture. Apart from its beautiful nature, Bali tourism offers culture-based arts tourism which is important for tourists to know and enjoy.

Tourist activities in Bali are also famous for their culinary tourism. Citing an article from Wonderful Indonesia, there are at least 10 types of unique culinary delights that are worth trying when visiting Bali, such as *ayam betutu*, *sate lilit*, *lawar*, etc.<sup>3</sup> The delicacy of *ayam betutu*, one of Bali's culinary delights, is apparently able to attract the attention of tourists to taste it and even become addicted to this culinary preparation. The enjoyment of betutu chicken is influenced by the seasoning called *base genep* with savory and spicy characteristics whose level of spiciness can be adjusted to the taste of the connoisseur. This dish is suitable to be enjoyed with warm rice or used as a souvenir from Bali.

Apart from *ayam betutu*, there are still many culinary delights from Bali that use *base genep* as a basic spice, such as *lawar* and *sate lilit*. According to A.A Bagus Wirawan, a history professor at Udayana University, it is estimated that *base genep* has existed since the time of Ancient Bali.<sup>4</sup> In *lontar*, *base genep* is recorded with the term *usabe* which is used to season *bebek betutu* and *sate lilit*. *Bebek betutu* itself is a mandatory dish in the ceremonies of Balinese kings.

As time goes by, the existence of *base genep* continues to be used by people for cooking in everyday life. Currently, *base genep* is not only sold in the form of ready-made dishes such as betutu but is also sold as a ready-made seasoning by the public. With these commercialization activities, it is important to protect the existence of the *base genep* from Bali. In the framework of this protection, it is necessary to identify *base genep* as a form of Communal Intellectual Property (hereinafter Communal IP) from Bali.

Simply, Communal IP is understood as a form of wealth owned by the community in a certain area.<sup>5</sup> The existence of Communal IP is starting to attract attention because it is used by the community to produce creative and innovative economic products.<sup>6</sup> The use of Communal IP in production has high economic value and turns out to be an important point in attracting tourist interest.<sup>7</sup> In normative juridical terms, Communal IP regulations have been specifically regulated in Government Regulation Number 56 of 2022 concerning Communal Intellectual Property (hereinafter PP 56/2022) and Minister of Law and Human Rights

<sup>2</sup> Kemenparekraf/Baparekraf RI, 2023, "Siaran Pers: Bali Masuk 10 Destinasi Terpopuler Dunia Versi TripAdvisor Ungguli London dan Paris", URL: <https://www.kemenparekraf.go.id/hasil-pencarian/siaran-pers-bali-masuk-10-destinasi-terpopuler-dunia-versi-tripadvisor-ungguli-london-dan-paris>, diakses pada 9 Desember 2023.

<sup>3</sup> Wonderful Indonesia, tanpa tahun, URL: <https://www.indonesia.travel/id/id/ide-liburan/10-kuliner-unik-yang-harus-sobat-pesona-coba-ketika-berkunjung-ke-bali>, diakses pada 9 Desember 2023.

<sup>4</sup> The Asian Parent, Tanpa Tahun, "Sejarah dan Nilai Filosofis Base Genep, Bumbu Khas Bali. Bagaimana Cara Membuatnya?" URL: <https://id.theasianparent.com/base-genep>, diakses pada 9 Desember 2023.

<sup>5</sup> Susanti, Diah Imaningrum. "Eksplorasi Perlindungan Kekayaan Intelektual Komunal Berbasis Hak Asasi Manusia." *Media Iuris* 5, no. 3 (2022).

<sup>6</sup> Rongiyati, Sulasi. "Pelindungan Hukum Hak Kekayaan Intelektual Pada Produk Ekonomi Kre-atif Protection Of The Intellectual Property Rights On Creative Economic Products." *Negara Hukum* 9, no. 1 (2018).

<sup>7</sup> Esti Cemporaningsih, Destha Titi Raharjana, Janianton Damanik, "Ekonomi Kreatif Sebagai Poros Pengembangan Pariwisata di Kecamatan Kledung dan Bansari, Kabupaten Temanggung", dalam *Jurnal Nasional Pariwisata*, vol.12 No.2, September 2020, 107-125, h. 108

Regulation Number 13 of 2017 concerning Communal Intellectual Property Data (hereinafter Permenkumham 13/ 2017). Referring to PP 56/2022, there are several types of Communal IP, including: Traditional Knowledge (hereinafter TK); Traditional Cultural Expressions (hereinafter TCE); Genetic Resources (hereinafter GR); Indication of Origin and Potential Geographical Indication (hereinafter Potential GI). Furthermore, WIPO stated that the term TCE is used as cultural works that have traditional characteristics in a traditional society which are Intellectual Property (hereinafter IP) of traditional culture belonging to traditional community groups.<sup>8</sup>

In the context of protecting Communal IP, Article 3 paragraph (2) PP 56/2022 essentially regulates that the State has an obligation to carry out an inventory of Communal IP, where the Minister of Law and Human Rights is obliged to carry out an inventory and can collaborate with ministries/institutions and/or Regional Governments. Inventory activities are carried out by means of: field/feasibility studies; administrative completeness; proposing determination of inventory results; and/or data exchange. However, in its implementation in Bali Province, the implementation of these provisions has not run optimally. Until now, no records have been found of *base genep* as one of the Communal IPs from Bali. So, it is important to carry out a research concerning "Protection of *Base Genep*: Communal Intellectual Property from Bali".

Previous research was conducted by Ni Nyoman Nitrayani Sukadana Putri and I Nyoman Budiana in 2022 who studied "*Implementasi Pasal 38 ayat (2) Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta Terkait Inventarisasi Ekspresi Budaya Tradisional Kain Tenun Cepuk di Desa Tenglad Kabupaten Klungkung*".<sup>9</sup> This research focuses on the inventory of Cepuk Woven cloth in Klungkung with an TCE perspective from Copyright Law only. A similar study was conducted by Ida Ayu Sukihana and I Gede Agus Kurniawan regarding "*Karya Cipta Budaya Tradisional: Studi Empiris Perlindungan Tari Tradisional Bali di Kabupaten Bangli*".<sup>10</sup> The focus of this research is only to examine the inventory of Traditional Dances in Bangli Regency from the perspective of Copyright Law in Indonesia.

When compared with previous research, it is known that this research has similarities, namely that they both study Communal IP, but have a different study focus. This research focuses on the review and action of inventory activities in the context of strengthening Communal IP protection of *base genep* from Bali which was followed up by the inventory process at the Directorate General of Intellectual Property (hereinafter DJKI).

## 1.2. Research Problems

Based on the above-mentioned, the research problems as followed:

1. How is Article 3 paragraph (2) PP 56/2022 implemented regarding the obligation to inventory of Communal IP in Bali?

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<sup>8</sup> Dharmawan, Ni Ketut Supasti, *et.al.* 2018. *Harmonisasi Hukum Kekayaan Intelektual Indonesia*. Denpasar: Swasta Nulus. h. 31

<sup>9</sup> Ni Nyoman Nitrayani Sukadana Putri dan I Nyoman Budiana. 2022. Implementasi Pasal 38 Ayat (2) Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta Terkait Inventarisasi Ekspresi Budaya Tradisional Kain Tenun Cepuk di Desa Tenglad Kabupaten Klungkung. *Jurnal Pendidikan Tambusai*. Vol. 6 No. 2, 13494-13501

<sup>10</sup> Ida Ayu Sukihana dan I Gede Agus Kurniawan. 2018. Karya Cipta Budaya Tradisional: Studi Empiris Perlindungan Tari Tradisional Bali di Kabupaten Bangli. *Jurnal Magister Hukum Udayana*. Vol. 7 No. 1, 51-62

2. What is the process of inventorying the *base genep* from Bali as Communal IP in supporting tourism activities?

### 1.3. Research Objectives

Based on these problems, the objectives to be achieved in this research are:

1. To review the implementation of Article 3 paragraph (2) PP 56/2022 regarding the obligation to inventory Communal IP in Bali;
2. To analyze the *base genep* inventory process from Bali as Communal IP in supporting tourism activities.

## 2. Research Method

This research is socio-legal research, namely multi-disciplinary and interdisciplinary research. In its development, it is important for IP research to be carried out using comprehensive interdisciplinary methods and approaches with the main pillars being law and economics. This research also borrows methods from other sciences, such as humanities, social sciences, computer science with its digital developments, to cultural creativity and creative economic approaches. The hermeneutic approach plays an important role in socio-legal research. In essence, socio-legal research is the study of law, a study that examines law more comprehensively with the help of interdisciplinary science. This research uses several approaches, namely: statutory approach; fact approach and analytical approach.

## 3. Research and Discussion

### 3.1 Implementation of Article 3 paragraph (2) PP 56/2022 concerning Inventory Obligations of Communal IP in Bali

In general, Intellectual Property (hereinafter IP) is the right given to a person over the creation of his mind <sup>11</sup>, which are used for the purpose of fulfilling their needs and welfare. IP was born as a form of appreciation to the creator for his creation, therefore the creator is given exclusive rights to use his creation for a certain period of time.<sup>12</sup>

According to Insan Budi Maulana, IP can be divided into 2 (two) areas, namely: 1) Copyright and 2). Industrial rights.<sup>13</sup> Initially, IP appeared as a personal intellectual asset, but currently the focus on IP protection recognizes the existence of collective community rights in the form of Communal IP.<sup>14</sup>

In Indonesia, protection of Communal IP was initially regulated through Article 38 of Law No. 28 of 2014 concerning Copyrights (hereinafter Copyright Law), namely TCE. According to Copyright Law in Indonesia, every creation that is communal and contains traditional values must be protected in the form of TCE. This protection is confirmed in Article 38 paragraph (1) of the Copyright Law. The Elucidation of Article 38 paragraph (1) confirms that TCE means one or a combination of the following expressions:

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<sup>11</sup> World Trade Organization, "What Are Intellectual Property Rights?," accessed August 18, 2023, [https://www.wto.org/english/tratop\\_e/trips\\_e/intell\\_e.htm](https://www.wto.org/english/tratop_e/trips_e/intell_e.htm).

<sup>12</sup> "What Are Intellectual Property Rights?"

<sup>13</sup> Maulana, Insan Budi, and LL M. SH. *Sukses Bisnis Melalui Merek, Paten dan Hak Cipta*. Citra Aditya Bakti, 2020.

<sup>14</sup> Enninya S. Nwauche, "The Emerging Right to Communal Intellectual Property," *Marquette Intellectual Property Law Review* 19, no. 2 (2015): 220–44.

- a. "textual verbal, both oral and in writing, in the form of prose or poetry, in various themes and content of the message, which may be a literary work or an informative narrative;
- b. music, including, among others, vocal, instrumental, or any combination thereof;
- c. motion, including, among others, dance;
- d. theater, including, among others, puppet shows and folk plays;
- e. fine art, either in two-dimensional or three-dimensional form made of various kinds materials such as leather, wood, bamboo, metal, stone, ceramics, paper, textile, et cetera or a combination thereof; and
- f. traditional ceremonies."

According to Article 32 paragraph (2) of Copyright Law, it is stated that the State is obligated to take inventory, preserve and maintain TCE. Protection for EBT is provided in the copyright regime solely because it is closely related to creativity originating from human intellect in the fields of knowledge, art and literary works which are transformed as works of expression, so that they can be seen, read, heard, etc.<sup>15</sup>

TCE has been recognized as having traditional values, noble norms, and a strong culture that grows, lives, develops, and is believed by customary law communities as its bearers.<sup>16</sup> Therefore, TCE is considered a communal right and is protected as Communal IP. However, many TCEs are passed down from generation to generation without adequate information regarding the creator, so there is no certainty of the authenticity or ownership of the work.<sup>17</sup> Thus, the inventory process is very essential in identifying TCE.

One of the regulations regarding the protection of Communal IP in Indonesia is PP 56/2022. The formation of this government regulation is based on Indonesia's cultural diversity and natural wealth in the form of TCE, TK, genetic resources, natural indications and potential geographical indications which are forms of Communal IP as basic capital for national development. Referring to the provisions in Article 1 number 1 PP No. 56/2022 determined that:

"Communal Intellectual Property, hereinafter abbreviated as Communal IP, is intellectual property whose ownership is communal and has economic value while still upholding the nation's moral, social and cultural values."

Referring to the provisions in Article 3 PP No. 56/2022 reaffirms that the rights to Communal are held by the State. It is in accordance with the provision of Article 38 paragraph (1) of Copyright Law. Furthermore, the obligation to inventory KIK is one of the mandates in Article 3 paragraph (2) PP 56/2022. This obligation is carried out by the Minister (in this case the Minister who carries out government affairs in the field of Law), the Minister/head of a non-ministerial government institution, and/or the Regional Government. The types of Communal IP that are protected are determined in the provisions of Article 4 PP No. 56/2022.

Furthermore, in the provisions of Article 5 paragraph (1) PP no. 56/2022 stipulates that the right to Communal in the form of TCE, TK, Genetic Resources and Indication of Origin is an inclusive moral right, which is guaranteed and/or carried out

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<sup>15</sup> Kasih et al.

<sup>16</sup> Prasetyo Hadi Purwandoko, Adi Sulistiyono, and M Hawin, "The Implementation of the Traditional Cultural Expression (TCE) Protection Indonesia Based on Article 38 Law Number 28 of 2014 Regarding Copyright," *Indonesian J. Int'l L.* 18 (2020): 543.

<sup>17</sup> Purwandoko, Sulistiyono, and Hawin.

by the Community of Origin which has economic benefits and is valid indefinitely.<sup>18</sup> Article 5 paragraph (2) PP No. 56/2022 understands that the Potential for Geographical Indications as one of the KIKs is an inclusive moral right, which is guaranteed and/or carried out by the Community of Origin. This inclusive moral right for Potential Geographical Indications receives exclusive protection after being registered as a geographical indication in accordance with the provisions of statutory regulations. Referring to the Explanation of Article 5 PP No. 56/2022, what is meant by "inclusive" means that it can involve parties who are committed to caring for, guarding, sustaining, developing and using.

In implementing the provisions of Article 3 paragraph (2) PP 56/2022, the obligation to inventory a Communal IP is carried out by carrying out a classification process for the type of Communal IP. Based on the provisions in Article 6 PP 56/2022, it is determined that a TCE, which is a type of Communal IP has several characteristics, namely:

- a. "Contains traditional values, perspectives and forms, and is compiled, maintained and developed both within and outside the traditional context;
- b. Administered and carried out communally and collectively by customary law communities and/or local communities as their Community of Origin;
- c. Continuously developed by the Community of Origin as a response to the environment, nature and history;
- d. Maintained, used and passed on across generations; And
- e. Provide a sense of identity, sustainability, and promote respect for cultural diversity and creativity".

This government regulation also determines the form of TCE as regulated in Article 7 PP 56/2022. The forms of TCE that are protected in PP No. 56/2022 consists of:

- a. "verbal textual;
- b. music;
- c. motion;
- d. theater;
- e. art;
- f. traditional ceremonies;
- g. architecture;
- h. landscape; and/or
- i. other forms of expression according to development".

Furthermore, PP 56/2022 also regulates the forms of TK in the provisions of Article 8 PP 56/2022. Based on these provisions it can be understood that PT consists of:

- a. "traditional methods or processes
- b. Technical proficiency;
- c. skills;
- d. learning;
- e. agricultural knowledge;
- f. technical knowledge;

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<sup>18</sup> Sawitri, Dewa Ayu Dian. "Perlindungan Kekayaan Intelektual Komunal Bali Perspektif Sustainable Development Goals." *Judge: Jurnal Hukum* 5, no. 02 (2024): 294-305.

- g. ecological knowledge;
- h. knowledge related to Genetic Resources;
- i. knowledge of medicine, traditional medicine, and healing procedures;
- j. social organization system;
- k. knowledge related to behavior regarding nature and the universe; and/or
- l. other forms of knowledge according to development”.

The implementation of the provisions of Article 3 paragraph (2) PP 56/2022 regarding the Obligation to Inventory Communal IP in Bali has been carried out well although it still needs to be improved considering that up to now not all types of Communal IP in Bali have been inventoried. Referring to the provisions in Article 12 PP no. 56/2022 states that Communal IP inventory is carried out through 1) Recordation of Communal IP and 2) data integration of Communal IP. Further regarding recordation, it is regulated in Article 13 which determines that recordation of Communal IP is carried out on Communal IP that has not been recorded. Recordation of Communal IP is carried out by the Minister, ministers/heads of non-ministerial government institutions, and/or Regional Governments in accordance with their authority based on statutory provisions and is carried out electronically through the database of ministries/non-ministerial government institutions and Regional Governments which is integrated with the Indonesian Communal IP information system.<sup>19</sup> This process is carried out based on a request or assessment.

Based on the provisions of Article 14 PP no. 56/2022 it is understood that the Communal IP application was submitted by:

- a. Basic Community to Ministers, ministers/heads of non-ministerial government institutions, or Regional Government; or
- b. Regional Government to the Minister or minister/head of non-ministerial government agency.

Applications for recordation of Communal IP are made by completing administrative requirements. This application is submitted electronically or non-electronically. Referring to the provisions in Article 16 paragraph (1) PP No. 56/2022 stipulates that the administrative requirements for recording TCE include at least:

- a. Recording request form;
- b. Description;
- c. Supporting data; And
- d. Written statement of support for protection, preservation, development and utilization efforts signed by the Regional Government

Furthermore, in the provisions of Article 16 paragraph (2), it is understood that the description of an TCE contains at least several things, namely:

- a. name of TCE;
- b. Community of Origin;
- c. forms of Traditional Cultural Expression;
- d. classification of Traditional Cultural Expressions;
- e. region/location;
- f. the nature of Traditional Cultural Expressions; And
- g. documentation in audio and/or visual form.

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<sup>19</sup> Putra, Made Aditya Pramana. "Batik Tulis Lasem: Perlindungan Berbasis Inventarisasi Kekayaan Intelektual Komunal." *KERTHA WICAKSANA* 18, no. 2 (2024): 1-8.

The administrative requirements for PT registration applications are regulated in the provisions of Article 17 PP No. 56/2022 which determines that the administrative requirements for PT registration applications contain at least:

- a. registration request form;
- b. description;
- c. supporting data; And
- d. written statement of support for protection, preservation, development and utilization efforts signed by the Regional Government.

Description of PT as specified in Article 17 PP No. 56/2022 contains at least:

- a. name of Traditional Knowledge;
- b. Community of Origin;
- c. Forms of Traditional Knowledge;
- d. Region/location;
- e. Types of Traditional Knowledge; And
- f. Documentation in audio and/or visual form.

Based on data published on the Communal IP page of the Ministry of Law and Human Rights, it is known that Bali has recorded several Communal IP. The Communal IPs that have been registered include:<sup>20</sup>

- a. TCE in the amount of 134 Communal IP;
- b. TK in the amount of 43 Communal IP;
- c. Potential GI in the amount of 2 Communal IP;
- d. GR in the amount of 4 Communal IP;
- e. Indication of Origin in the amount of 0 Communal IP.

This shows that the Communal IP inventory obligation in Bali has been implemented but still needs to be improved. This is because not all types of Communal IP in Bali have been successfully inventoried. Therefore, synergistic cooperation between stakeholders is needed to carry out the mandate of Article 3 paragraph (2) PP 56/2022 regarding the State's obligations to inventory, safeguard and maintain Communal IP.

### **3.2 Inventory Process of *Base Genep* from Bali as Communal IP to Support Tourism Activities**

The process of inventorying *Base Genep* as one of the Communal IPs in supporting tourism activities in Bali begins with conducting normative research by reviewing several statutory provisions regarding the protection of IP, especially Communal IP. Moving on from the State's obligation to invest, safeguard and maintain Communal IP as mandated in Article 3 paragraph (2) PP 56/2022, the research continued by examining the Communal IP database on the DJKI website. The results of the inspection showed that *Base Genep* had not been registered as a Communal IP, especially Communal IP from Bali.

The inventory process was continued by looking for sources that explained the history or origins of the introduction of *base genep* as a spice in Bali. The source that explains the composition of *base genep* is *Lontar Dharma Caruban*. This *Lontar* contains various procedures for processing food for ceremonial and consumption purposes which are

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<sup>20</sup> Direktorat Jenderal Kementerian Hukum dan Hak Asasi Manusia, 2024, "Kekayaan Intelektual Komunal Indonesia", URL: <https://kikomunal-indonesia.dgip.go.id/home>, diakses pada 7 September 2024.



used as a benchmark for the Hindu community in Bali when serving a dish.<sup>21</sup> Currently, this *Lontar* is stored in Gedong Krtiya which is located in Buleleng Regency. In the interview process with Mr. Putu Suarsana, S.Pd, who is the *Lontar* Expert Staff as the party who stores the *Lontar*, it was conveyed that the term *base genep* is similar with *base rajang* (the interview was held on Tuesday, July 9 2024).

Further, refer to books "*Pengolahan Makanan Khas Bali*" written by Ni Ketut Suci, et. al in 1986, It is stated that spices or bases are standard recipes for typical Balinese food, as found in *lontar Dharma Caruban*.<sup>22</sup> In this *lontar*, *base* or spices are classified into 4 (four) types, namely *base manis*, *base genep*, *base wangi/jejat*, dan *base gede*.<sup>23</sup> Overall, spices have 6 (six) flavors which are called *sad rasa*, namely:

- a. "Salty taste, which arises from salt;
- b. Spicy taste, caused by shallots, red chilies, black pepper, white pepper and tabia bun;
- c. Sour or sour taste, caused by lime, kaffir lime, and tamarind;
- d. Sweet taste, produced by palm sugar or Balinese sugar;
- e. Bitter taste, caused by ginger, galangal, and lempuyang; And
- f. The taste of bacon or delicious, is produced by a harmonious and solid combination of the five flavors".<sup>24</sup>

*Base Genep* is a basic spice that is widely used in processing typical Balinese food. This seasoning consists of 15 types of herbs and spices with 4 (four) main elements, namely *cekuh* or *kencur* (galangal), *ginger*, *isen* or *laos* or *lengkuas* or *lengkuas* (galingale), and *kunir* (turmeric).<sup>25</sup> These four elements are usually equipped with two other elements such as three additional elements consisting of 2 (two) sea elements and 1 (one) locking element.<sup>26</sup>

The elements in this *base genep* have philosophical values believed by the Balinese people. In Balinese culture, *isen* (galingale) represents the south, which is a symbol of the existence of God Brahma.<sup>27</sup> Turmeric is in the west and represents the god Mahadewa. Ginger represents the north is a representation of the God Visnu and *cekuh* or *kencur* (galangal) represents the east is a representation of God Iswara.<sup>28</sup>

*Base genep* is not merely about spices and taste. This spice originating from Bali is rich in historical and philosophical value for the Balinese people. This spice is not only needed in people's lives, but is also interpreted as sacred and sustainable values.

According to the book entitled "*Pengolahan Makanan Khas Bali*" by Ni Ketut Suci, et. al, it is understood that many typical Balinese foods are served to tourists. In fact, the interaction between Balinese people and tourists has been stated by Mc. Kean in 1973 with the "Partial equivalent structure", where in this concept it is stated that the interaction relationship between Balinese people and tourists with this model is an

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<sup>21</sup> Ari Budiadnyana, IDN Times Bali, 2022, "Mengenal Dharma Caruban, Lontar Khusus Olahan Makanan Bali", URL: <https://bali.idntimes.com/science/discovery/ari-budiadnyana/lontar-makanan-bali-c1c2> , diakses pada 6 September 2024.

<sup>22</sup> Ni Ketut, Suci, Yudha Triguna Ida Bagus, dan Dharmika Ida Bagus. "Pengolahan makanan khas Bali." (1986)., h. 51.

<sup>23</sup> *Ibid*, h. 51-52.

<sup>24</sup> *Ibid*, h. 51.

<sup>25</sup> Kementerian Pendidikan dan Kebudayaan Republik Indonesia, URL: <https://jalurrempah.kemdikbud.go.id/artikel/base-genep-mencecap-sepiring-filosofi-rempah-di-bali> , diakses pada 21 Desember 2023

<sup>26</sup> *Ibid*.

<sup>27</sup> *Ibid*.

<sup>28</sup> *Ibid*.

interaction that is mutually expecting, tourists while in Bali always expect aesthetic satisfaction, including typical Balinese food and From the Balinese side, this is an economic opportunity to improve their welfare.<sup>29</sup>

In this relationship, according to CA. Van Peursen also reflected a functional attitude that was mutually open.<sup>30</sup> Through typical Balinese food, Balinese people function to provide satisfaction to tourists, while tourists function to provide economic rewards to Balinese people.

Seeing these conditions, it is important to carry out an inventory of base genep as a spice that is widely used as a basic spice in several typical Balinese dishes that are in demand by tourists. The inventory process is carried out by compiling a description of the base genep. This process is carried out by reviewing literature that explains the existence of base genes. This information was obtained from Lontar Dharma Caruban which is stored at Gedong Krtiya in Singaraja. An explanation of base genep is also found in the book entitled "*Pengolahan Makanan Khas Bali*" written by Ni Ketut Suci, et. al in 1986.

The research team also contacted BRIDA Bali Province and BRIDA Gianyar Regency. Through interviews with BRIDA Bali Province and BRIDA Gianyar Regency, it was found that base genep is widely used by people in Bali to gain economic benefits.

Furthermore, based on information provided by I Komang Degeng, SH, who is a Licensing Document Analyst from the *Dinas Koperasi, Usaha Kecil dan Menengah Provinsi Bali*, there have been 6 (six) SMEs that have been facilitated to utilize base genep as their product. So far, the Bali Province Cooperative, Small and Medium Enterprises Service has helped facilitate the socialization of individual IP registration only and issued a Recommendation Letter for SMEs that will apply for individual IP registration or registration.

The existence of *base genep* is currently also marketed as a creative economic product. Base genep continues to develop, which was initially sold traditionally, is now sold in ready-to-use packaging that can be obtained in supermarkets to e-commerce. The prices offered also vary from Rp 28,000 to Rp 78,000. This further shows the urgency of protecting *base genep* in supporting economic growth as stated in the Economic Stimulus Growth theory put forward by Robert. M. Sherwood.<sup>31</sup> Given these conditions, *base genep* can be classified as Communal IP considering that its existence has been passed down from generation to generation as traditional knowledge regarding the processing of Balinese specialties. This is in accordance with the scope of TK according to the provisions of Article 8 of PP 56/2022, namely:

- a. traditional methods or processes
- b. technical skills;
- c. skills;
- d. learning;
- e. agricultural knowledge;
- f. technical knowledge;
- g. ecological knowledge;
- h. knowledge related to Genetic Resources;

<sup>29</sup> Ni Ketut, Suci, Yudha Triguna Ida Bagus, dan Dharmika Ida Bagus., *loc. cit.*

<sup>30</sup> Ni Ketut, Suci, Yudha Triguna Ida Bagus, dan Dharmika Ida Bagus., *loc. cit.*

<sup>31</sup> Dwijayanthi, Putri Triari, et. al. "Omed-Omedan as a Traditional Cultural Expression: Legal Protection of a Communal Intellectual Property in Indonesia". *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)* 11, No. 4 (2022): 772-785.

- i. knowledge of medicine, traditional medicine, and healing procedures;
- j. social organization systems;
- k. knowledge related to behavior regarding nature and the universe; and/or
- l. other forms of knowledge according to developments.

The inventory process for the *base genep* as a Communal IP from Bali must meet administrative requirements. The administrative requirements for TK registration applications are regulated in the provisions of Article 17 of PP No. 56/2022 which stipulates that the administrative requirements for TK registration applications must at least contain:

- a. registration request form;
- b. description;
- c. supporting data; And
- d. written statement of support for protection, preservation, development and utilization efforts signed by the Regional Government.

The description of the TK as stipulated in Article 17 of PP No. 56/2022 must at least contain:

- a. name of Traditional Knowledge;
- b. Community of Origin;
- c. Forms of Traditional Knowledge;
- d. Region/location;
- e. Types of Traditional Knowledge; And
- f. Documentation in audio and/or visual form.

Based on the explanation above, it can be understood that *Base genep* can be classified as Communal IP considering that its existence has been passed down from generation to generation as traditional knowledge regarding the processing of Balinese specialties. The process of inventorying *Base Genep* as one of the Communal IP in supporting tourism activities in Bali began with conducting normative research by reviewing several provisions of laws and regulations regarding the protection of Communal IP. Starting from the obligation of the State to conduct an inventory, maintain and preserve Communal IP. The inventory process was continued by searching for sources that explain the history or origin of the recognition of *base genep* as a spice in Bali. The source that explains the composition of *base genep* is the *Lontar Dharma Caruban*.

#### 4. Conclusion.

Based on the above explanation, it can be concluded that the Implementation of Article 3 paragraph (2) of PP 56/2022 has been implemented but still needs to be improved. This is because not all types of Communal IP in Bali have been successfully inventoried. Therefore, synergistic cooperation is needed between stakeholders to carry out the mandate of Article 3 paragraph (2) of PP 56/2022. The *Base Genep* inventory process as one of the Communal IP in supporting tourism activities in Bali begins with conducting normative research by reviewing several provisions of laws and regulations regarding the protection of Communal IP. Starting from the State's obligation to inventory, maintain and preserve Communal IP. The inventory process is continued by looking for sources that explain the history or origin of the recognition of *base genep* as a spice in Bali. The source that explains the composition of *base genep* is the *Lontar Dharma Caruban*. *Base genep* can be classified as Communal IP considering that its existence has been passed down from generation to generation as traditional knowledge regarding the processing of Balinese specialties.

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