

PERLINDUNGAN TERHADAP PENGETAHUAN TRADISIONAL ASAL INDONESIA DITINJAU DARI ASPEK HAK KEKAYAAN INTELEKTUAL: PENELITIAN JAMU TRADISIONAL DI YOGYAKARTA

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INTISARI

Penelitian ini bertujuan untuk mengetahui dan menganalisis pengaturan terkait perlindungan terhadap pengetahuan tradisional ditinjau dari aspek hukum hak kekayaan intelektual di Indonesia dan peran Pemerintah Indonesia serta masyarakat lokal dalam membantu pelaksanaan perlindungan terhadap pengetahuan tradisional asal Indonesia.

Penelitian ini menggunakan jenis penelitian normatif-empiris. Penelitian normatif dilakukan dengan cara meneliti dan menganalisis bahan pustaka yang terdiri atas data primer dan data sekunder. Penelitian empiris dilaksanakan melalui wawancara kepada narasumber dan responden yang tersebar di Daerah Istimewa Yogyakarta dan Daerah Khusus Ibukota Jakarta. Data dianalisa secara kualitatif dan menggunakan kerangka deduktif untuk menyusun kalimat secara sistematis, jelas, dan rinci sehingga dapat diinterpretasikan untuk memperoleh suatu kesimpulan yang menjawab pokok bahasan permasalahan penelitian ini.

Berdasarkan hasil pembahasan penelitian ini, dapat ditemukan hasil sebagai berikut: **Pertama**, pengaturan terkait pengetahuan tradisional di Indonesia tersebar dalam berbagai peraturan perundang-undangan, baik dalam kerangka hukum hak kekayaan intelektual maupun di luar kerangka hukum hak kekayaan intelektual (*sui generis law*) yang tidak dapat dipisahkan satu sama lain karena bersifat saling melengkapi dengan kelebihan dan kekurangannya masing-masing. **Kedua**, bahwa Pemerintah Indonesia telah berperan dalam melindungi pengetahuan tradisional diantaranya melalui penyusunan *database*, ikut serta dalam forum internasional, dan mengupayakan agar pengetahuan tradisional, khususnya jamu dapat diakui oleh dunia. Lisensi merek atas produk jamu tradisional juga dapat diberikan oleh Pemerintah Daerah Istimewa Yogyakarta melalui upaya *co branding*. Sedangkan masyarakat lokal, khususnya pengusaha jamu tradisional berperan dengan bersikap selektif dalam menjaga agar ramuan jamu tidak dimonopoli oleh pihak asing, diantaranya melalui pembukuan resep jamu, mendaftarkan merek atas produk jamu yang mereka miliki, dan menolak kerja sama dari pihak asing yang sekiranya merugikan jamu.

Kata kunci: perlindungan hukum, pengetahuan tradisional, Indonesia, hak kekayaan intelektual, jamu tradisional

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**PROTECTION OF INDONESIAN TRADITIONAL KNOWLEDGE IN
TERMS OF INTELLECTUAL PROPERTY RIGHTS ASPECTS:
TRADITIONAL JAMU RESEARCH IN YOGYAKARTA**

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ABSTRACT

This research aims to determine the regulations related to the protection of traditional knowledge in terms of intellectual property law in Indonesia and the role of the Government of Indonesia and the local community in supporting the implementation of traditional knowledge protection from Indonesia.

This research was conducted using the normative and empirical type of research. Normative research is conducted by examining and analyzing library materials consisting of primary data and secondary data. Whereas empirical research was carried out through interviews with informants and respondents that are spread across in Yogyakarta Special Province and Jakarta Capital Special Province. Data were analyzed using qualitative and using a deductive framework to arrange sentences systematically, clearly, and in a detailed manner so that they can be interpreted to obtain a conclusion that answers the subject matter of this research.

*Based on the results of this research, the following results can be found: **First**, regulations related to traditional knowledge in Indonesia are scattered in various regulations, both within the intellectual property rights legal framework and outside the intellectual property rights legal framework (*sui generis* law) which cannot be separated because they complement each other to their strengths and weaknesses. **Second**, the Government of Indonesia and the local community have integrated roles in protecting traditional knowledge including making databases, participating in international forums, and striving so that traditional knowledge, especially jamu can be recognized by the world. Trademark licenses for jamu products can also be granted by the Government of the Special Region of Yogyakarta through co branding efforts. Local community that possess traditional knowledge, especially traditional jamu have also been selective in maintaining herbs and ingredients so that jamu are not monopolized by foreign parties, for example through logging jamu recipes, registering trademarks for jamu products, and refusing cooperation from foreign parties that might harm jamu.*

Keywords: *legal protection, traditional knowledge, Indonesia, intellectual property rights, traditional jamu*

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