

Local Community Participation in the Development of Intellectual Property Tourism in Bangka Island

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Abstract. Several years ago, the Indonesian government, through the Ministry of Law and Human Rights at the time, introduced the concept of intellectual property tourism—a framework that integrates tourism with intellectual works, including communal intellectual property. Given its inherently collective ownership, the existence of intellectual property is inseparable from the communities to which it belongs. Moreover, many forms of communal intellectual property—both in regulatory terms and in concrete practice—are intrinsically linked to natural elements that shape their distinct characteristics, such as geographical indications. Accordingly, the involvement of local communities is essential in the development of this concept, including in Bangka Island. Findings from this research indicate that several local communities across five regencies/municipalities report varying levels of participation: while some acknowledge not being involved at all, others exhibit diverse forms of engagement, depending on the type of communal intellectual property they manage.¹

1 Introduction

Indonesia's abundant natural resources place the country among the richest in the world in terms of biodiversity and cultural wealth. Legally, such wealth must be protected to prevent misuse, particularly by foreign entities [1]. In order to avoid state-level appropriation or claims, legal protection of communal intellectual property (CIP) is imperative [2]. To this end, the government has issued a number of regulatory instruments that provide normative safeguards, aligning with international legal standards. The protection of CIP is crucial not only to prevent improper exploitation and misuse, but also to ensure that the cultural identity of the originating communities is preserved, especially in the face of the gradual disappearance of traditional knowledge and expressions of folklore [3].

The government has undertaken various initiatives to protect communal intellectual property, including the enactment of specific legal frameworks. Several forms of CIP are incorporated into broader legislations dealing specifically with individual intellectual

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property, such as geographical indications under the Law on Trademarks and Geographical Indications, among others. In 2023, the government declared the year as the "Year of Geographical Indications," with a national focus on mapping and inventorying geographically indicated products across regions.

However, the mere registration of a product as intellectual property—evidenced by the issuance of a certificate—has not yet guaranteed comprehensive and effective protection. A subsequent and more concrete step is needed: utilization. One of the most effective preservation strategies is through the sustainable use of communal intellectual property [4]. In line with this objective, the government launched the Intellectual Property Tourism concept, which integrates intellectual property assets as attractions within the tourism industry. At the same time, communal intellectual property inherently embodies local values that warrant safeguarding. The existence of certain types of CIP is also deeply interconnected with broader efforts in environmental conservation. In the case of Bali, for example, tourism is considered to be able to be a foundation for the preservation of Bali as well as the subak system [5].

As a form of intellectual property that originates from the collective creativity of communities—particularly those from earlier generations—communal intellectual property (CIP) has traditional values deeply embedded in it. Accordingly, the involvement of local communities (often structurally organized as formal representatives of a particular community) in the process of CIP protection constitutes a *sine qua non*, and they must be positioned as central actors in that process. If intellectual property tourism is regarded as a mechanism of protection—albeit through commercialization—then local communities must be brought to the forefront as one of the most essential stakeholders. Active participation of local communities in the preservation, development, and protection of communal intellectual property is essential to safeguarding cultural identity, promoting sustainable development, and generating economic benefits for the communities themselves. This stems from the very nature of communal intellectual property, which recognizes shared ownership over intellectual creations possessed collectively by a community or group [6].

The Indonesian government, through its relevant ministries, has sought to commercialize intellectual property by integrating it into the tourism industry, with Bali designated as the initial pilot project. Bali's extensive potential CIP assets—both as cultural heritage and as tourism commodities—make it an ideal location to serve as a model for the Intellectual Property Tourism initiative. In the context of sustainable tourism, the protection of intellectual property plays a dual role: it serves as an instrument to ensure that local communities derive economic benefits from the exploitation of their cultural and natural resources, and as a means through which the state can foster the development of a sustainable creative industry that both preserves and protects cultural and natural resources while enhancing competitiveness in the global market. Normatively, the Indonesian government may cite the Philippines as a reference point, as it possesses a more structured legal framework for tourism that better supports the role of the creative industry (which inherently includes elements of intellectual property) within the tourism sector. This is due to the country's more coherent and accessible legal architecture, consolidated into a single, comprehensive legal source [7].

In the context of the Bangka Belitung Islands, including Bangka Island, a number of registered CIP products are also closely linked to the region's tourism sector. Therefore, the involvement of local communities is grounded in several key considerations. First, CIP is the product of collective intellectual creativity, developed and sustained by particular communities or groups; thus, its preservation—including commercialization—must necessarily involve those same communities. Second, in the broader context of development, public participation is a fundamental aspect of development planning [8], and local communities are an integral part of society. Third, existing CIP regulations often

either require or provide explicit avenues for local community involvement in the protection and management of communal intellectual property.

2 Method

This descriptive research adopts an empirical juridical approach, examining the application of law and the phenomena surrounding it. Data were collected through interviews conducted with the Regional Office of the Ministry of Law and Human Rights in the Bangka Belitung Islands, as well as with one local community representative from each regency or municipality on Bangka Island. Informants were selected using purposive or judgmental sampling, based on their relevance to the research theme. The data were then processed qualitatively. Interviews using standardized questions were conducted directly with the heads of selected community groups, namely: Kelompok Sadar Wisata Gempita in Pangkalpinang; Sanggar Seni Lawang in Bangka; Majelis Tinggi Kerapatan Adat Melayu Jering Bangka Belitung (Setana Jering Amantubillah) in West Bangka; Kelompok Sadar Wisata Bukit Pinteur in Central Bangka; and the Kelompok Sadar Wisata Dusun Limus in South Bangka. The collected data were then consolidated and analyzed qualitatively by selecting the most substantive responses aligned with the objectives of the study.

3 Result and Discussion

3.1 Intellectual Property Tourism; How to Preserve the Environment?

From a regulatory perspective, the legal framework governing communal intellectual property (CIP) has long been marginalized in comparison to that of individual intellectual property. Provisions regarding CIP are scattered across various legislative instruments, including traditional cultural expressions in Law No. 28 of 2014 on Copyright; genetic resources and traditional knowledge in Law No. 13 of 2016 on Patents; and indications of origin and geographical indications in Law No. 20 of 2016 on Trademarks and Geographical Indications. In 2022, the government issued Government Regulation No. 56 of 2022 on Communal Intellectual Property as a more comprehensive effort to protect CIP.

Under existing legal frameworks, various forms of CIP are closely linked to environmental factors, with some even requiring environmental conditions as a primary determinant for normative protection [9]. Geographical indications, for instance, are expressly defined as signs that indicate the origin of a good and/or product, where geographical factors, including natural conditions, human contributions, or a combination of both, give rise to the specific reputation, quality, or characteristics of the good or product. Natural factors are among the most critical elements to be detailed in the description document for registration purposes [10].

The integration of intellectual property—particularly communal intellectual property—into the tourism industry, which is often extractive in nature, presents a unique intersection worthy of closer examination. This is especially true when viewed through the lens of the human–environment relationship, which constitutes one of the core values embedded in the concept of Communal Intellectual Property. Unlike individual intellectual property, which is explicitly and practically geared toward economic gain, communal intellectual property—despite its growing economic potential as a motive—is

fundamentally aimed at the preservation of collective cultural values, including environmental sustainability.

From an environmental standpoint, the combination of economically motivated tourism—with its exploitative business models aimed at financial gain—and communal intellectual property, which is fundamentally grounded in values that often carry messages of ecological wisdom, ultimately converges on a crucial technical issue: management. Attracting tourists by showcasing the uniqueness of a destination through the lens of intellectual property as part of a political-economic strategy is undoubtedly important. However, such efforts must not compromise the traditional values that have long been embedded in the structure of communal intellectual property. Therefore, integrating CIP into the tourism industry must be done with environmental preservation as a central orientation.

3.2 Local Community Participation in the Development of Intellectual Property Tourism: Safeguarding Communal Values

In any development initiative—including tourism based on communal intellectual property, especially when it is environmentally anchored—the involvement of local communities must not be limited to formal participation. More importantly, it must manifest as a deliberate effort to accommodate the long-standing values that communities have preserved and passed down. Within the context of CIP, local communities function as collectivist societies that place communal interest above individual gain [11]. One of the major concerns regarding CIP is how traditional works that have been deeply rooted in society for generations can be adequately protected [12]. Consequently, incorporating Communal Intellectual Property into the tourism industry necessitates the full and meaningful participation of local communities. This is essential not only to ensure fair recognition and benefit-sharing but also to prevent unintended consequences that could undermine the very heritage such initiatives seek to preserve. Rather than safeguarding CIP, poorly managed tourism development may lead to the erosion of its underlying noble values. In the Indonesian context, where every ethnic culture is intrinsically connected to discussions of communal intellectual property, these cultures possess layers of values that form a vital foundation of CIP.

In the Province of Bangka Belitung Islands, there exists considerable potential for developing CIP-based tourism, encompassing both tangible and intangible heritage—from distinctive culinary traditions to ecotourism destinations, religious sites, and cultural attractions. An intellectual property tourism initiative includes the pursue of the integration of CIP into the tourism sector. Provincial and municipal tourism offices have begun to promote events and programs that incorporate elements of CIP, while also recognizing the significant economic potential of these assets. If managed seriously, CIP offers not only cultural sustainability but also the promise of a renewable economic resource [13].

Referring to Government Regulation No. 56 of 2022 on Communal Intellectual Property (CIP), communal intellectual property in Indonesia is classified into five categories: traditional cultural expressions, traditional knowledge, genetic resources, indications of origin, and potential geographical indications. Among these five, the three most likely to be integrated with tourism are traditional cultural expressions, indications of origin, and geographical indications—several of which hold considerable potential for development [14]. Traditional cultural expressions are regulated under the Copyright Law, which stipulates that their use must respect and reflect the values upheld by the communities that preserve them. Meanwhile, Article 53 of the Trademark and Geographical Indications Law explicitly states that applicants for geographical indication status may include institutions representing communities in specific geographical areas engaged in

producing goods and/or products derived from natural resources, handicrafts, or industrial output. Such institutions include Geographical Indication Protection Societies (Masyarakat Perlindungan Indikasi Geografis, or MPIG). In this light, the inclusion of local communities as integral actors within the CIP protection chain is particularly relevant in the development of intellectual property tourism. Their involvement ensures that environmental conservation values are given due attention—an imperative given that tourism remains, in essence, an extractive industry largely driven by economic motives [15].

Interviews conducted with several local communities in Bangka Island—including those in Pangkalpinang City, Bangka Regency, West Bangka Regency, Central Bangka Regency, and South Bangka Regency—revealed a variety of perspectives and levels of engagement. Some communities reported having not been involved at all, while others demonstrated varying forms of participation, depending on the type of CIP they manage. For instance, communities involved in managing traditional cultural expressions typically participate only in occasional local government-sponsored events, and even these are sporadic. There is often a lack of preservation efforts or attempts to integrate their cultural assets with tourism. In some cases, communities have taken independent initiatives to manage their CIP, though this has proven challenging, particularly with respect to funding. Other local communities have been more proactive, forming partnerships with tourism operators to create cultural tourism packages that combine visits to traditional houses, performances of traditional dances, local culinary experiences, and snorkeling activities as a way to promote environmental awareness. This indicates that, while some communities acknowledge the absence of involvement in IP tourism development, others are already participating—albeit in ways that are not yet fully integrated or mutually beneficial.

The Regional Office of the Ministry of Law and Human Rights has stated that it can grant legal protection to Bangka Belitung Islands' communal intellectual property which, with appropriate efforts, may also serve as a valuable tourism attraction. These efforts include: conducting comprehensive documentation and inventory of CIP assets; ensuring their legal protection; increasing public awareness regarding the importance of CIP; implementing education and training programs on how to protect and economically utilize CIP; developing CIP-based tourism products; fostering collaboration and partnerships in the development of CIP; utilizing digital technology to document and promote CIP; and enforcing strict monitoring and legal action to prevent illegal exploitation and plagiarism .

4 Conclusion

The utilization of communal intellectual property (CIP), particularly through its integration into the tourism industry, constitutes an effort to generate economic benefit. As an extractive industry, tourism often prioritizes revenue generation—primarily for business actors and, in the long term, for local governments through taxation. On the other hand, several forms of CIP that hold potential for presentation within the tourism sector are closely tied to the natural environment, the preservation of which undeniably requires the involvement of local communities. In practice, even though there has not been any formal declaration or official program specifying which CIP assets will be integrated into the tourism industry, certain forms of CIP—such as traditional cuisine and cultural performances—have naturally become part of tourism experiences. Simultaneously, local communities, as the primary custodians of these assets, report varying levels of involvement. Some state that they have not been involved at all, while others participate to differing extents depending on the type of CIP they manage. To ensure a balanced approach—especially one that safeguards environmental sustainability—it is essential to facilitate meaningful participation of local communities in the development and management of intellectual property-based tourism. This study has yet to provide a

comprehensive picture of certain aspects, such as the scheme through which local communities are formally engaged by regional governments in the tourism industry. This limitation is primarily due to the fact that the integration of communal intellectual property with tourism has not yet been institutionally or formally intervened. In addition, many local communities remain inadequately organized.

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