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PROTECTION OF TRADITIONAL KNOWLEDGE AS COMMUNAL INTELLECTUAL PROPERTY IN IMPROVING ACEH'S ECONOMY

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ABSTRACT

Traditional knowledge is one of the communal intellectual property owned by the Acehnese people. Article 8(j) of the CBD has emphasized the recognition of knowledge, innovations, and practices of indigenous peoples and local communities related to the conservation and sustainable use of biodiversity. Then in the Nagoya Protocol, it is emphasized on the protection of traditional knowledge through access and benefit sharing. Indonesia has ratified both agreements in protecting traditional knowledge as communal intellectual property. The IGC GRTKF Agreement in May 2024 in Geneva sets out clearer guidelines on the commercialization of traditional knowledge must be shared with the community of origin, either in the form of royalties, profit sharing, or other forms. WIPO also introduced a traditional knowledge registration system to assist communities in documenting and protecting their knowledge. Indonesia has ratified Government Regulation Number 56 of 2022 concerning the Registration of Communal Intellectual Property. This article examines the importance of protecting traditional knowledge as part of communal intellectual property in improving the economy of Aceh. This research is an empirical legal research using primary and secondary data. The results of this study indicate that Aceh has great potential for traditional knowledge that supports the regional economy. In terms of regulation, Indonesia already has sufficient rules in order to protect traditional knowledge of the community. The use of traditional knowledge of the community must share benefits with the community. Data collection and registration of traditional knowledge can also be a comparative document in patent registration applications. However, this opportunity has not been utilized optimally. Aceh has not conducted data collection and registration of traditional

knowledge as a form of legal protection of traditional knowledge. This means that by not conducting data collection and registration of traditional knowledge of the Aceh community, it can eliminate opportunities to improve the regional economy.

Keywords: protection, traditional knowledge, economy, aceh.

1. INTRODUCTION

Aceh, as one of the provinces in Indonesia, has an abundant wealth of traditional knowledge, including cultural expressions, arts, and local wisdom¹. This traditional knowledge is not only a valuable cultural heritage, but also has significant economic potential.² In this context, the protection of traditional knowledge as communal intellectual property is very important to ensure that this heritage is not only sustainable,³ but can also provide economic benefits for the people of Aceh.

Traditional knowledge is a cultural heritage that has developed from generation to generation in a community.⁴ Traditional knowledge covers various aspects of life, including traditional medicine, farming techniques, arts, and other local wisdom that are used to maintain balance with nature and meet the needs of the community. As a form of communal intellectual property, traditional knowledge not only has historical and cultural value, but also significant economic potential.

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In Aceh, many local communities have and develop traditional knowledge, such as how to farm Gayo coffee in Bener Meriah, traditional crafts, and the use of unique medicinal plants.⁶ This potential, if managed properly, can be a strategic resource to improve the regional economy through the use of geographical indications and community-based intellectual property protection. With proper legal protection, traditional knowledge can be recognized and protected from claims by external parties, while opening up opportunities for sustainable commercialization, both in local and global markets.⁷ However, to date, the protection of traditional knowledge in Aceh still faces various challenges, ranging from the lack of public understanding of intellectual property rights, limited legal infrastructure, to minimal support from related parties. Therefore, the strategic role of local governments and related institutions is very important in managing traditional knowledge as

¹ Yulia et al., "Legal Protection of Traditional Medicine Knowledge as Intellectual Property of North Aceh Communities."

² Irawan, "Protection of Traditional Knowledge: A Perspective on Intellectual Property Law in Indonesia."

³ Sari and Sitepu, "Legal Protection of Oukup Karo Treatment as a Form of Communal Intellectual Property Rights."

⁴ Fitri, "Legal Reform through Strengthening Protection of Communal Itellectual Property in the Enggano Community in Bengkulu Province."

⁵ Yulia and Zainol, "Melindungi Keanekaragaman Hayati Dalam Kerangka Protokol Nagoya."

⁶ Wulandari, "Prot. Communal Intellect. Prop. Rights Through Geogr. Indic. Syst."

 $^{^7}$ Prabowo and Iksan, "Legal Protection of Patients in Traditional Medicine in the City of Surakarta According to Act No . 8 of 1999."

a high-value economic asset. This article will discuss how the protection of traditional knowledge as communal intellectual property can contribute to improving the economy of Aceh, as well as the steps that need to be taken by various parties in realizing the protection and optimal utilization of Traditional Knowledge.

TRADITIONAL KNOWLEDGE AS COMMUNAL INTELLECTUAL PROPERTY

Traditional knowledge is a form of intellectual property that is passed down from generation to generation in a community. It includes k x knowledge, skills, practices, and innovations that are formed through experience and close relationships with the surrounding environment.⁸ Traditional knowledge is often related to customs, culture, and natural resources, such as forest management, agriculture, traditional medicine, and local wisdom in utilizing natural resources sustainably.

Unlike conventional intellectual property which is usually created by individuals or small groups and protected through patents or copyrights, traditional knowledge is the result of the collective experience of a community.⁹ This makes it communal intellectual property, where ownership and benefits are enjoyed not only by one individual, but by the entire community.

The main characteristics of traditional knowledge as communal intellectual property are:

- a. Collective and inherited: This knowledge is passed down from generation to generation in a community, which is often not formally documented, but embedded in everyday practices and cultural values.
- b. Related to the environment and natural resources: Traditional knowledge is often related to local ecosystems and the sustainable use of natural resources, such as land management practices, farming techniques, or natural remedies.
- c. Contributing to cultural identity: Traditional knowledge strengthens the cultural identity of a community, reflecting its history, traditions, and way of life.
- d. Not individually owned: Because this knowledge is communally owned and has usually been known for hundreds of years, it is difficult to register patents or copyrights for specific individuals. Legal protection for traditional knowledge requires a special approach, such as the recognition of communal rights or geographical indications.

Traditional knowledge as communal intellectual property refers to the knowledge, practices, and wisdom that are owned, developed, and passed down by a particular community from generation to generation.¹⁰ This knowledge is usually rooted in a close relationship with the natural environment, cultural values, and social systems of the local community. Because this knowledge is passed down communally and collectively, it is considered a common, not individual, property that serves the well-being of the community as a whole.

⁸ Ayu Palar, Rafianti, and Muchtar, "Inclusive Rights to Protect Communal Intellectual Property: Indonesian Perspective on Its New Government Regulation."

⁹ Yulia, "The Urgency of Protecting Traditional Knowledge of Medicines as Communal Intellectual Property of the Aceh Community Urgensi Perlindungan Pengetahuan Obat Tradisional Sebagai Kekayaan Komunal Masyarakat Aceh."

¹⁰ Dutfield and Suthersanen, "Traditional Knowledge as Intellectual Property Subject Matter: Perspectives from History, Anthropology, and Diverse Economies."

TRADITIONAL KNOWLEDGE IN ACEH

Traditional knowledge in Aceh is a cultural and intellectual wealth that has been passed down from generation to generation by the local community.¹¹ This knowledge covers various aspects of life, from agriculture, health, to customs that reflect the close relationship between humans, nature, and tradition. Aceh's traditional knowledge also has deep philosophical and spiritual values, rooted in local beliefs and practices that are closely intertwined with religion and customs.

The management of natural resources and agriculture in Aceh has a traditional agricultural system, such as the management of rice fields and coffee plantations. For example, farmers in the Gayo highlands have deep knowledge of how to grow distinctive coffee, with methods that have been passed down from generation to generation. This knowledge includes farming techniques, determining planting seasons, and how to maintain soil quality so that it remains fertile. Gayo coffee, as one of Aceh's leading commodities, is proof that traditional knowledge can provide high economic value, especially after obtaining geographical indication certification.

Traditional medicine in terms of health, Aceh has a tradition of traditional medicine. One form of treatment that is still widely used is Tabib Aceh, where practitioners use herbal concoctions taken from local plants to treat various diseases.¹² This knowledge has been passed down from ancestors and is still practiced today. These traditional medicines are often combined with prayers and spiritual practices that reflect the community's belief in the connection between physical and spiritual health.¹³ Local wisdom in disaster management Aceh has long experience in dealing with natural disasters, such as earthquakes and tsunamis.¹⁴ From this experience, traditional knowledge in disaster management has emerged that helps communities mitigate and handle emergency situations. For example, there are folk tales and legends that are passed down that function as an early warning system for the threat of a tsunami. Communities in several coastal areas of Aceh recognize natural signs that are indicators of an impending disaster, such as the emergence of butterflies and termites flying together in large groups, so they can prepare early.

THE ROLE OF TRADITIONAL KNOWLEDGE IN ACEH'S ECONOMY AND ITS CHALLENGES

Traditional knowledge in Aceh not only has cultural value, but also great potential in improving the local economy.¹⁵ Natural resource management based on local wisdom, such as Gayo coffee farming and seafood processing, has made a significant contribution to Aceh's economy. By protecting and empowering this traditional knowledge, the community can create superior products that are competitive in domestic and international markets. One example is the certification of geographical indications for Gayo coffee. This recognition not only protects the traditional knowledge of coffee farmers, but also increases the added value of Gayo coffee products

¹¹ Yulia, "The Urgency of Protecting Traditional Knowledge of Medicines as Communal Intellectual Property of the Aceh Community Urgensi Perlindungan Pengetahuan Obat Tradisional Sebagai Kekayaan Komunal Masyarakat Aceh."

¹² Ceriana and Shinta, "Studi Pemanfaatan Tumbuhan Berkhasiat Obat Di Kecamatan Lhoksukon Kabupaten Aceh Utara."

¹³ Mardhiah, "Analisis Pengobatan Tradisional Masyarakat Aceh Jaya Dari Bahan Alam Sebagai Bentuk Kearifan Lokal Dalam Meningkatkan Pengetahuan Siswa Ria."

¹⁴ Hairumini, Setyowati, and Sanjoto, "Kearifan Lokal Rumah Tradisional Aceh Sebagai Warisan Budaya Untuk Mitigasi Bencana Gempa Dan Tsunami."

¹⁵ Salfiyadi, "PENGETAHUAN PENGGUNAAN OBAT TRADISIONAL DALAM PERAWATAN KNOWLEDGE OF THE USE OF TRADITIONAL MEDICINE IN DENTAL HEALTH CARE IN."

in the global market.¹⁶ This proves that when traditional knowledge gets proper protection, it can become a major source of income for the community and region.

Despite its great potential, traditional knowledge in Aceh faces several challenges in terms of its protection and development:

- a. Modernization and globalization: with the increasing development of technology and changes in lifestyle, many young generations in Aceh are no longer interested in traditional knowledge. This causes the potential loss of this knowledge because it is no longer effectively passed down.
- b. No documentation: Most traditional knowledge in Aceh is passed down orally, without adequate written documentation. This makes the knowledge vulnerable to loss when the older generation who are the guardians of the knowledge die.
- c. Exploitation by outsiders: traditional knowledge is exploited by outsiders without providing any benefits back to the community that owns the knowledge. For example, herbal concoctions or traditional healing techniques can be taken and produced by industry without giving any recognition or benefit to the local community.
- d. In protecting traditional knowledge in Aceh, a protection and preservation strategy is needed with the following steps:
- e. Strengthening the law and protection of communal intellectual property rights: Local governments need to adopt policies that protect traditional knowledge as communal intellectual property, so that communities that own the knowledge can maintain their rights to this heritage.
- f. Education and application of technology: integrating traditional knowledge into the local education system can help the younger generation to better appreciate and learn about their cultural heritage. In addition, the use of digital technology can help in documenting and disseminating this knowledge more widely.
- g. Collaboration with local industry: communities can work together with local industry to develop products based on traditional knowledge that can compete in the market. This approach ensures that traditional knowledge is not only preserved, but also provides real economic benefits to the community.

By protecting and empowering Aceh's traditional knowledge, the province can preserve its cultural heritage while harnessing the economic potential it contains.

POLICIES TO PROTECT TRADITIONAL KNOWLEDGE

The Aceh government's policy on traditional knowledge is an important part of efforts to preserve the cultural heritage and local wisdom that have been passed down from generation to generation by the Acehnese people. In recent years, the Aceh government has increasingly recognized the potential of traditional knowledge, not only as part of the community's cultural identity, but also as a valuable economic asset. Therefore, the policies taken aim to protect, develop, and utilize traditional knowledge sustainably, so that it can provide maximum benefits to the local community.

The Aceh government needs to strengthen legal protection for traditional knowledge as communal intellectual property. In this regard, the government must work with various parties, including academics, customary institutions, and local communities, to identify and document various forms of traditional knowledge. This step is taken to ensure that this knowledge is not exploited unfairly by outsiders without providing benefits or recognition to the community that

¹⁶ Mawardi, "Advantages, Constraints and Key Success Factors in Establishing Origin- and Tradition-Linked Quality Signs: The Case of Kompong Speu Palm Sugar Geographical Indication, Cambodia."

owns the knowledge. In addition, the government is also seeking recognition of customary rights through local regulations such as Qanun which regulates the preservation of culture and the environment based on local wisdom.

The Aceh government has developed programs that aim to integrate traditional knowledge into the economic sector. Through the Department of Culture and Tourism and the Department of Industry and Trade, the government can provide support for business actors based on traditional knowledge, such as craftsmen, farmers, and traditional medicine providers. These programs can take the form of training, market access, and promotion of products based on local traditions. For example, the culture-based tourism development program in Aceh prioritizes traditional knowledge as the main attraction, local handicrafts and herbal medicines are part of the tourism packages promoted by the government. This policy not only helps promote traditional knowledge, but also provides new economic opportunities for the communities involved.

The Aceh government must also collaborate with indigenous communities and educational institutions to document, study, and promote local wisdom. In addition, the government also encourages research and development through collaboration with universities and research institutions. One focus is on exploring the economic potential of traditional knowledge, for example by developing products based on local herbal concoctions or environmentally friendly agricultural techniques.

The Aceh government is trying to ensure that through legal protection, local wisdom-based economic development, and collaboration with various parties, the use of traditional knowledge provides benefits to the wider community. These steps are not only important to maintain Aceh's cultural identity, but also to empower local communities in facing the challenges of modernization and globalization.

TRADITIONAL KNOWLEDGE PROTECTION CAN BOOST ACEH'S ECONOMY

Traditional knowledge protection has two main functions: cultural preservation and economic utilization. By protecting traditional knowledge as communal intellectual property, communities can ensure that their cultural heritage remains alive and valued, while preventing unauthorized exploitation by outsiders. In addition, this protection also opens up opportunities for communities to develop traditional knowledge-based products that have economic value, such as in the agriculture, tourism, and health sectors.

Strong protection of traditional knowledge can also support the development of geographical indications, which link local products to the unique characteristics of the area¹⁷. For example, Gayo coffee in Aceh, which is known for its superior quality, can be protected through geographical indications that recognize the relationship between product quality and its place of origin, while protecting traditional cultivation techniques used by local farming communities. By providing proper recognition and protection for traditional knowledge, communities can empower themselves economically, maintain cultural sovereignty, and protect their natural resources from unsustainable exploitation.

Traditional knowledge protection can be a key strategy in boosting Aceh's economy. Traditional knowledge, which covers various aspects of life such as agriculture, medicine, arts and culture, and environmental management, has great economic potential if managed properly and receives adequate legal protection. Through appropriate protection policies, local communities can maintain their wisdom, while utilizing it as an asset that can be developed sustainably for economic interests.

¹⁷ Hananto and Prananda, "THE URGENCY OF GEOGRAPHICAL INDICATION AS A LEGAL PROTECTION INSTRUMENT TOWARD TRADITIONALKNOWLEDGE IN INDONESIA."

Protection of traditional knowledge also allows the development of local wisdom-based industries that have great potential to create jobs and increase community income¹⁸. For example, the development of herbal products from Aceh's traditional healing knowledge can create a competitive local industry in the health and beauty sector. With clear legal protection, communities that have this knowledge can partner with companies to produce and market traditional knowledge-based products fairly. In addition, the cultural tourism sector in Aceh can also develop by involving traditional knowledge. Tourists are interested in learning about traditional ways of life, arts, crafts, and culinary delights based on local ingredients produced through traditional practices. With appropriate protection, local communities can independently manage culture-based tourism, which not only maintains the authenticity of traditions but also generates significant income.

In addition, the protection of traditional knowledge can increase the added value of local products through geographical indication certification. Products such as Gayo coffee or traditional Acehnese woven cloth will receive special recognition in the market, both domestically and internationally, because of their quality and uniqueness which are based on local knowledge that has been passed down from generation to generation. Geographical indications protect these products from counterfeiting and exploitation, and allow communities to obtain higher prices in the market. With this protection, local products from Aceh can compete in the global market and increase the competitiveness of the regional economy.

One of the risks faced by local communities is the unauthorized exploitation or theft of traditional knowledge by outsiders. Much traditional knowledge, especially in the fields of medicine and agriculture, has high commercial value, but is often taken without providing adequate compensation to the communities that own the knowledge¹⁹. Strong legal protection, such as the recognition of communal intellectual property rights, can prevent this exploitation. With proper protection, Acehnese communities can control the use of their traditional knowledge and demand fair compensation if the knowledge is used for commercial purposes by others. This not only protects cultural heritage, but also ensures that the economic benefits generated from traditional knowledge return to the communities that own it.

As communal intellectual property, traditional knowledge requires protection from being exploited by outsiders without permission or fair compensation to the community that owns it.²⁰ This protection aims to safeguard the community's rights to their knowledge and prevent harmful or unauthorized use. Thus, traditional knowledge as communal intellectual property not only plays an important role in preserving cultural heritage, but also has the potential to strengthen local economies through its protection and sustainable use.

CONCLUSION

The protection of traditional knowledge in Aceh plays an important role as a communal intellectual property that not only preserves cultural heritage but also has great potential to improve the local economy. By recognizing and protecting traditional knowledge, communities can utilize this intellectual property in the development of locally-based products, such as handicrafts, agriculture, and traditional medicines, which have high selling value in domestic and international markets.

Furthermore, this protection encourages active community participation in the economic process, creates new jobs, and improves local skills. Through collaboration with the government

¹⁸ Ismayana and Chamidah, "The Protection Of Intellectual Property Rights On Local-Wisdom Based Crafts In A Tourism Village In Cirebon, West Java, Indonesia."

¹⁹ Ismayana and Chamidah.

²⁰ Yulia, "THE PROTECTION OF TRADITIONAL KNOWLEDGE UNDER INDONESIAN PATENT LAW: BETWEEN OPPORTUNITIES AND CHALLENGES."

and research institutions, communities can develop sustainable innovations, making traditional knowledge the foundation for inclusive and sustainable economic development.

Therefore, it is important for the government and related parties to formulate policies that support the protection and utilization of traditional knowledge, as well as increase public awareness of the importance of this intellectual property. With the right steps, the protection of traditional knowledge in Aceh can be a significant driver in improving the economy and community welfare.

AUTHORS' CONTRIBUTIONS

This article involves contributions from several authors, namely: The First Author is responsible for formulating the main concept of the article on the protection of traditional knowledge as communal intellectual property to improve the economy in Aceh. The Second Author plays an important role in data analysis and developing the article's conceptual framework. The Third Author is responsible for providing primary data and data analysis. And, the Fourth Author contributes to the compilation of literature relevant to traditional knowledge.

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