

Legal Protection of Geographical Indications for Traditional Alcoholic Beverages: Perspectives of Islamic Law and Positive Law in Indonesia

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Article Info	Abstract
<p>Received: 20-02-2025 Accepted: 08-05-2025 Published: 10-05-2025</p> <p>Keywords: Traditional Alcoholic Beverages; Geographical Indications; Islamic Law; Positive Law; Religious Values</p>	<p>Geographical indication is a form of legal protection for a sign identity of a product related to its region of origin. Various traditional alcoholic beverage products from abroad, such as 'tequila' from Mexico, 'whiskey' from Scotland and 'Pisco' from Peru, are examples of these foreign alcoholic drinks that have been protected by geographical indications in their countries of origin. This research aims to discuss Islamic views and positive law regarding Geographical Indications of alcoholic beverages in Indonesia. The method used is to use a normative method with a Qur'anic and juridical approach in studying alcoholic drinks in Islamic law with references from the Qur'an, and Hadith. The results of this research can be understood that the legal protection of traditional Indonesian alcoholic drinks as Geographical Indications presents significant challenges from an Islamic perspective. It is important for the government to find a middle way that can accommodate the interests of protecting local cultural and economic products, while still respecting religious values.</p>
Info Artikel	Abstrak
<p>Kata Kunci: Minuman alkohol tradisional; Indikasi Geografis ; Hukum Islam; Hukum Positif Islam; Nilai Agama</p>	<p>Indikasi geografis merupakan sebuah bentuk perlindungan hukum terhadap tanda identitas suatu produk yang berkaitan dengan daerah asalnya. Berbagai produk minuman alkohol tradisional dari luar negeri seperti 'tequila' dari negara Meksiko, 'whisky' dari negara Skotlandia dan 'Pisco' dari negara Peru, dari contoh minuman alkohol luar negeri tersebut telah dilindungi oleh indikasi geografis di negara asalnya. Penelitian ini bertujuan untuk meneliti pandangan Islam dan hukum positif dalam hal Indikasi Geografis minuman beralkohol di Indonesia. Metode yang digunakan ialah menggunakan metode normatif dengan pendekatan Qur'ani dan Yuridis dalam mengkaji tentang minuman beralkohol dalam hukum Islam dengan referensi dari Al-Quran dan Hadist. Hasil dari penelitian menunjukkan dapat dipahami bahwa Perlindungan hukum terhadap minuman alkohol tradisional Indonesia sebagai Indikasi Geografis memberikan tantangan signifikan dalam perspektif Islam. Penting bagi pemerintah untuk mencari jalan tengah yang dapat mengakomodasi kepentingan perlindungan produk budaya dan</p>

ekonomi lokal, namun tetap menghormati nilai-nilai agama

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INTRODUCTION

Drinking alcoholic beverages has become an integral part of social activities in society, evolving into both a habit and a cultural practice (Riskiyani et al., 2015; Khairuddin, 2021). Alcoholic beverages are produced through processes involving agricultural and plantation products (such as fruits, grains, or tubers) that contain carbohydrates, which are then processed through fermentation and distillation, or fermentation without distillation (Serfiyani et al., 2020; Tatumpe, 2016). Alcoholic beverages are categorized into three types: the first category, containing less than 5% alcohol, is classified as beer (Group A); the second category, with alcohol content ranging from 5-20%, is classified as wine/liquor (Group B); and the final category, with alcohol content between 20-55%, is classified as spirits (Group C), commonly referred to as “hard liquor” in Indonesian society.

Alcoholic beverages come in various forms, each unique to the region where they are produced, with the climate and environment significantly influencing the final product (Puji Lestari, 2019). Numerous traditional alcoholic beverages are found across Indonesia, each with its own distinct ingredients and production process influenced by specific climatic conditions. These traditional drinks, known by various names across regions, include Twa/Tuak/Tuwak (Batak, Bali, Tuban), Moke (NTT-Flores), Mosalaki (NTT-Flores), Baram (Central Kalimantan), Legen (Gersik, Tuban), Ara' (Buton), Cap Tikus (Minahasa), Khewphu (Sentani), Sagner (Maluku-Papua), Brem (Bali), Sopi (Flores), Swansrai (Biak), Lapen (Yogyakarta), and Ballo (South Sulawesi) (Menot, 2022).

From a cultural perspective, alcoholic beverages are regarded as part of the evolution of global civilization, playing a significant role in various traditions as symbols of celebration, hospitality, and social status (Dari & Helan, 2023). From an economic standpoint, the production of traditional alcoholic beverages can have a substantial impact on local economies (Tatumpe, 2016). As cultural identifiers, traditional alcoholic drinks hold potential as sources of income for local communities (Dari & Helan, 2023). Moreover,

these beverages are often used as a medium to strengthen social bonds during cultural and communal events.

From an Islamic perspective, prior to the advent of Prophet Muhammad (peace be upon him), the consumption of alcoholic beverages was already a part of the cultural practices of Arabian society. However, following the arrival of the Prophet, the consumption of alcohol was explicitly prohibited and declared haram (forbidden) for all Muslims without exception (Muhammad et al., 2023).

Indonesian law does not explicitly prohibit the circulation of alcoholic beverages; rather, it imposes restrictions, control measures, and oversight on the production, distribution, and sale of such beverages, as stipulated in various national laws and regional regulations. However, as a form of state recognition of the diversity of traditional alcoholic beverages in Indonesia, legal protection and acknowledgment can be granted through the framework of intellectual property rights. This recognition is specifically provided in the form of Geographical Indications (GI), which protect signs indicating that a product originates from a specific region and possesses qualities, reputation, or characteristics attributable to that geographical origin (Ardiansyah, 2022; Roni Sahindra, 2022; Wicaksono, 2019).

The provision of legal protection through Intellectual Property Rights (IPR) for traditional Indonesian alcoholic beverages has the potential to spark public controversy. Misunderstandings may arise, suggesting that once protected under IPR, traditional alcoholic beverages become legal and may be freely distributed. However, IPR is not a legal instrument intended to legalize the unrestricted circulation of alcoholic drinks; rather, it serves as a form of legal protection and state recognition of the exclusive rights to human intellectual creations embodied in tangible goods and/or products (Sari & Patria, 2020). Geographical Indications (GI) provide a legal basis for the state to recognize the exclusive rights associated with signs on traditional alcoholic beverages that indicate their regional origin. These rights are held by the communities of the respective regions and may be utilized as local commodities that possess both economic and cultural value.

Legal protection through Geographical Indications (GI) for traditional Indonesian alcoholic beverages represents the state's acknowledgment of the distinctive marks attached to such products as regional assets that should be preserved and utilized within economic and commercial contexts. Indonesia is home to the second-largest Muslim population in the world. A contradiction arises when the legal protection of traditional alcoholic

beverages is confronted with Islamic teachings, which unequivocally prohibit the consumption of alcohol or *kbamr* for Muslims. This tension between state recognition of local cultural heritage and religious norms has the potential to generate public controversy, particularly concerning social acceptance and the legal legitimacy of these products.

Studies on traditional Indonesian alcoholic beverages in relation to Geographical Indications have been conducted by Cita Yusitisia Serfiyani et al., in their research titled *“Legal Protection of Traditional Indonesian Alcoholic Beverages,”* and by Matheus Surya Pribadi Wadapone et al., in *“Geographical Indication Protection of Moke Aimere.”* These studies demonstrate that traditional Indonesian alcoholic beverages can be protected through mechanisms of intangible cultural heritage as public intellectual property owned by the state, or as origin-based products considered communal intellectual property owned by local communities. This protection can be reinforced by granting Geographical Indication status to strengthen the identity, legal legitimacy, and quality control of traditional alcoholic beverages (Serfiyani et al., 2020). However, Moke Aimere has not received Geographical Indication protection due to its high alcohol content and the potential negative impacts associated with its consumption (Wadapone & Nugrahani, 2024). Both studies focus primarily on the legal protection of traditional Indonesian alcoholic beverages from a positive law perspective. Therefore, the novelty of the present research lies in its incorporation of Islamic legal analysis to complement the existing juridical discourse on the protection of Geographical Indications for traditional alcoholic beverages in Indonesia.

This study focuses on the Islamic legal perspective concerning the legal protection granted to traditional Indonesian alcoholic beverages through Intellectual Property Rights (IPR) in the form of Geographical Indications (GI), in accordance with prevailing national regulations. The legal protection of traditional alcoholic beverages is a subject that has sparked various controversies from multiple perspectives. Therefore, this research is guided by the following problem statements: (1) How is the implementation of Geographical Indications for traditional alcoholic beverages in Indonesia carried out? (2) What is the Islamic legal perspective on traditional Indonesian alcoholic beverages that are protected under Geographical Indications?

RESEARCH METHOD

This research adopts a normative (library-based) approach using literature study methods, incorporating both Qur’anic and juridical perspectives. The data utilized in this

study consist of textual sources drawn from existing materials, whether available in libraries or in ready-to-use formats. The sources are categorized into primary and secondary data. Primary sources include the Qur'an, Hadith, classical and contemporary Tafsir, and relevant legal documents such as the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement), Law No. 20 of 2016 on Trademarks and Geographical Indications, and Government Regulation No. 56 of 2022 on Communal Intellectual Property. Secondary sources comprise scholarly works, including books and journal articles, in both print and digital formats.

Data collection was conducted by reviewing relevant literature to gather information related to alcoholic beverages and geographical indications. The collected data were then analyzed descriptively to provide a comprehensive understanding of the research subject. To ensure the validity of the data, the study employed a two-step verification process: first, selecting sources that are credible, reliable, and accurate; and second, applying triangulation techniques by comparing various data sources to ensure the precision and trustworthiness of the obtained information.

RESULTS AND DISCUSSION

Geographical Indications (IG) in the Indonesian Legal System

Intellectual Property Rights (IPR) refer to the products of human intellectual creativity, including inventions, literary and artistic works, designs, and symbols, as well as trade names, marks, and images used in commerce (Sari, 2009). Signs that are graphically represented and used to distinguish goods or services produced are protected under IPR and fall within the classification of Trademarks and Geographical Indications. Article 22 of the TRIPS Agreement defines Geographical Indications as indications that identify a good as originating in the territory of a member country, or a region or locality in that territory, where a given quality, reputation, or other characteristic of the good is essentially attributable to its geographical origin. This concept of Geographical Indications has been adopted into Indonesian national law through Law No. 20 of 2016 on Trademarks and Geographical Indications.

Indonesian law governing the explicit provisions regarding Trademarks and Geographical Indications is Law No. 20 of 2016 on Trademarks and Geographical Indications (hereinafter referred to as the Trademark and Geographical Indication Law or TGIL). A trademark is defined as a sign capable of being represented graphically in the

form of images, logos, names, words, letters, numbers, color compositions, either in two-dimensional or three-dimensional form, including sound, holograms, or a combination thereof, used to distinguish goods or services produced by an individual or legal entity in the context of trade. Trademark rights are owned individually.

In contrast, a Geographical Indication refers to a sign that indicates the geographical origin of a good or product, where specific environmental factors, including both natural and human contributions, confer certain reputation, quality, or characteristics upon the product. Geographical Indications are held communally by the communities within the designated geographic area and cannot be claimed by individuals. The difference between trademark and geographical indication protection lies in their objectives: trademarks serve to distinguish similar products or services, while geographical indications identify the origin of goods or products possessing distinct quality, reputation, and characteristics. Legal protection for both classifications is granted under a constitutive registration system.

A sign registered as a geographical indication grants exclusive rights to its holder, provided that the quality, reputation, and characteristics for which protection is granted are maintained. Registered products or services under geographical indications safeguard the rights of producers in the designated origin and reinforce the cultural identity of the region. The objects eligible for geographical indication protection include natural resources, handicraft items, and industrial products. Natural resources may involve both biotic (animals, plants, microorganisms) and abiotic (petroleum, natural gas, various metals, water, soil) components. Industrial products include human-processed goods ranging from raw to finished materials.

Article 23 of the TRIPS Agreement explicitly provides additional legal protection for geographical indications pertaining to wines and spirits, which are categories of alcoholic beverages containing 5%–55% alcohol. It mandates TRIPS members to ensure protection against the use of such geographical indications for wines and spirits that do not originate from the registered geographic location and encourages the registration of geographical indications for these beverages in their country of origin. Article 23 serves as the basis for the protection of Indonesian traditional alcoholic beverages, even though TRIPS only mentions wine (alcohol content 5–20%) and spirits (alcohol content 20–55%).

Traditional alcoholic beverages scattered across various regions of Indonesia have the potential to be classified as objects eligible for protection under Geographical

Indications (GI). These traditional alcoholic beverages, being the result of industrial processes that transform raw materials into ready-to-use products, have significant potential to be protected through Geographical Indications. According to the Indonesian Intellectual Property Database, several foreign alcoholic beverages have already been registered in Indonesia as Geographical Indications, including 'Tequila' from Mexico (GI No.: G// 000044 & ID G 000000044), 'Scotch Whisky' from Scotland (GI No.: G// 000068 & ID G 000000068), 'Pisco' from Peru (GI No.: G// 000006 & ID G 000000005), and 'Modena / Di Modena' from Italy (GI No.: G// 000069 & ID G 000000069).

These recorded alcoholic beverages consist of wines (Modena/Di Modena) with alcohol content ranging from 12–15%, and spirits (Tequila, Scotch Whisky, Pisco) with a minimum alcohol content of 35%. All of these beverages are registered and protected by Geographical Indications in Indonesia. Referring to Article 23 of the TRIPs Agreement, only alcoholic beverages categorized as wine and spirits can be protected by Geographical Indications. This opens up significant opportunities for Indonesian traditional alcoholic beverages to be registered as Geographical Indications in Indonesia, provided they meet the criteria for wine or spirit. However, as of now, no traditional alcoholic beverage from Indonesia has been registered or protected as a Geographical Indication.

Traditional Indonesian alcoholic beverages, such as Bali's arak, tuak from Sumatra, and sopi from Maluku, can be registered as Geographical Indications due to their strong connection to production processes occurring in specific geographic regions (Inayah, 2020). Geographical Indications function to protect products that are closely linked to their place of origin, particularly in terms of quality, reputation, and the natural and human characteristics of the region. (Setiawan, 2022).

The registration of traditional Indonesian alcoholic beverages as Geographical Indications aims to reduce the threat posed by counterfeit or imitation products that could damage the reputation and quality of the original product. Furthermore, through the Geographical Indication system, the government can regulate production standards, improve product quality, and protect consumers from products that do not meet the promised standards. The registration of a Geographical Indication also offers additional benefits in terms of marketing and intellectual property protection. This not only enhances the competitiveness of the product in both domestic and international markets but also strengthens its identity and authenticity as part of Indonesia's cultural heritage (Sari & Patria, 2020).

Legal protection through Geographical Indications for traditional alcoholic beverages provides economic benefits to local producers and protects consumers from counterfeit or imitation goods that do not meet the original quality and reputation (Murtadho, 2024). However, there is a significant challenge in providing legal protection for traditional alcoholic beverages with Geographical Indications in a society where the majority follow Islam, given that Islam explicitly prohibits the consumption of alcohol. In Islamic teachings, alcoholic beverages are considered haram (forbidden) and prohibited for consumption.

Protection of Geographical Indications for traditional alcoholic beverages in Indonesia has not been fully optimized, although Article 56 of the MIG Law does not explicitly state that alcoholic beverages are prohibited from being registered or protected. Article 56, Paragraph (1) asserts that applications for Geographical Indications cannot be accepted if they contradict state ideology, legislation, morality, religion, decency, or public order. This leads to the potential that the protection of Geographical Indications for traditional alcoholic beverages could conflict with religious values, particularly because the majority of Indonesia's population is Muslim, and Islam prohibits the consumption of alcohol. Therefore, no traditional alcoholic beverages from Indonesia have been registered and protected under Geographical Indications, as they contradict Islamic principles.

Theoretically, traditional alcoholic beverages in Indonesia are only recognized as communal intellectual property, either in the form of traditional knowledge, indications of origin, or potential Geographical Indications, in accordance with Government Regulation No. 56 of 2022 on Communal Intellectual Property (PP KIK). The low public awareness of registering their local products, as well as the lack of support from regional governments, has contributed to the minimal registration of traditional alcoholic beverages as Geographical Indications. This is compounded by concerns over social stigma regarding alcoholic beverages as products that are considered haram in Islam.

Data from the Directorate General of Intellectual Property (DJKI) shows that no traditional alcoholic beverages from Indonesia have been registered as Geographical Indications. However, "Arak Bali" has been listed as communal intellectual property in the form of traditional knowledge, submitted by the Regional Research and Innovation Agency of Bali Province. Nevertheless, in 2024, during a World Intellectual Property Day webinar, Irma Mariana, Head of the Geographical Indication Service Team from DJKI, explained that although there was an application for an alcoholic beverage product made from

fermented Malang apples, the product failed to meet the alcohol content standards set in Article 23 of the TRIPs Agreement.

The main reason traditional alcoholic beverages from Indonesia have not been registered as Geographical Indications is not due to the provisions in Article 56, Paragraph (1), but rather the low public awareness regarding the benefits of Geographical Indications and the lack of support from local governments. Additionally, meeting substantive requirements, such as the alcohol content that aligns with the categories of wine or spirit, also poses a challenge. According to Article 23 of the TRIPs Agreement, for traditional alcoholic beverages from Indonesia to be protected by Geographical Indications, their alcohol content must meet the established standards.

The process of registering a Geographical Indication for traditional alcoholic beverages from Indonesia should start with submitting an application as a potential Geographical Indication, followed by fulfilling administrative and substantive requirements. After that, a team of Geographical Indication experts will assess the product description documents to determine the eligibility for registration as a Geographical Indication.

Although legally, traditional alcoholic beverages can be protected as communal intellectual property or Geographical Indications, the provision in Article 56, Paragraph 1, which states that applications cannot be accepted if they contradict religious values, creates potential controversy in the predominantly Muslim society of Indonesia. The legal protection of traditional Indonesian alcoholic beverages through Geographical Indications faces differing opinions regarding its alignment with Islamic teachings, which prohibit the consumption of alcohol. The existence of traditional alcoholic beverages is increasingly threatened due to the low awareness of both the government and the public in viewing these products as objects that need protection under intellectual property rights, particularly through Geographical Indications (Wijaya et al., 2022).

Legal protection through Geographical Indications is not intended to provide legitimacy for the circulation or distribution of traditional alcoholic beverages. Geographical Indications function as a form of state recognition for products with specific characteristics originating from a particular region. This geographical mark provides protection for the rights of local producers by preserving the reputation and quality of the product, as well as safeguarding its authenticity from potential counterfeiting or imitation that could harm consumers and the original producers.

Legal Protection in an Islamic Perspective

Islam explicitly forbids the consumption of alcohol, as stated in the Qur'an Surah Al-Ma'idah (5:90): *"O you who have believed, indeed, intoxicants, gambling, [sacrificing on] stone alters, and divining arrows are but defilement from the work of Satan, so avoid it that you may be successful."* All types of alcoholic beverages, including traditional drinks produced in Indonesia, are considered haram (forbidden). Although traditional alcoholic beverages in Indonesia have their own cultural and economic value, the Islamic view sets clear limits on alcohol consumption (Amin, 2014).

From an Islamic perspective, although legal protection for cultural products is very important, it must consider religious teachings. Protection of products containing alcohol should not be prioritized in Muslim communities, as it contradicts the fundamental principles of religious teachings (Sumardianto et al., 2024).

In Islam, the use of alcohol is approached with great caution. If its use serves a beneficial purpose, such as for health, it may be permitted within limits set by experts. Islam prohibits alcoholic beverages not without reason, but based on the maqashid shari'ah, which upholds five essential elements that must be protected (Farihi, 2018): 1) Protecting religion: By avoiding the influence of alcohol, the values of religion can be preserved. Allah SWT strictly forbids His servants who are under the influence of alcohol from performing acts of worship (Qur'an, An-Nisa: 4); 2) Protecting life: Many cases of harm have been linked to the effects of alcohol. Therefore, Islam teaches that "avoiding harm takes precedence over seeking benefit". This is a principle that all Muslims should follow (Amin, 2014); 3) Protecting the intellect: It is understood that consuming alcohol can cause individuals to lose their rationality. The excess consumption of alcohol disrupts normal brain function, which is why Islam strictly forbids its consumption; 4) Protecting offspring: Many individuals become addicted to alcohol, which negatively affects the environment around them. This includes the younger generation who should be molded with good values but are instead influenced by harmful habits in their environment, such as consuming alcohol. This leads to the loss of a better future generation, and it becomes difficult to protect their well-being, as they grow up addicted to something that is haram according to Islamic law; 5) Protecting wealth: Criminal actions often occur as a result of alcohol consumption, including robbery, theft, and other crimes. Islam safeguards the

dignity and rights of its followers, and in order to prevent such negative behaviors, it forbids the consumption of alcohol in any form.

The basis for the strict prohibition of alcohol consumption in Islamic law lies in the core principle of maintaining the welfare of the community (*maslahah*). Islam emphasizes that protecting the community's welfare takes precedence over merely seeking individual benefits. Therefore, the prohibition of alcohol is not just linked to health concerns, but also to safeguarding religion, life, intellect, progeny, and wealth. In this regard, Islamic law sets an absolute prohibition on alcohol due to the harmful impacts it can have on both individuals and society.

However, in the context of positive law, there are differences in the regulation of alcoholic beverages. Positive law allows for certain flexibilities, including the recognition of intellectual property rights over products that contain alcohol, such as in the protection of Geographical Indications and Communal Intellectual Property. This creates a tension between Islamic law, which prohibits alcohol absolutely, and positive law, which still provides space for the protection of intellectual property rights for products associated with alcohol. This conflict highlights the challenge of aligning religious principles with the legal system in a country with a Muslim majority.

The Challenges of Legal Protection in an Islamic Perspective

Legal protection for traditional alcoholic beverages as Geographical Indications in Indonesia indeed faces significant challenges, particularly when juxtaposed with Islamic values. To address this issue, several steps must be considered to strike a balance between legal aspects and the principles of Islamic teachings (Farihi, 2018).

Education and socialization represent the initial steps that need to be taken. The public, particularly the Muslim community, must be provided with an understanding of the dangers associated with alcohol consumption. While traditional alcoholic beverages play an important role in the local economy, it is essential to clarify that consuming alcohol contradicts Islamic teachings. This socialization can be carried out through various channels, such as media, seminars, or discussions involving scholars and community leaders, thereby fostering a deeper awareness of the harmful effects of alcohol.

The search for non-alcoholic alternatives also represents a solution that can be considered. Developing non-alcoholic products that replicate the taste and characteristics of traditional alcoholic beverages, as suggested by Amin (2014), could be a viable option.

Such products can maintain the distinctiveness of local culture without violating the principles of Islamic teachings, which prohibit alcohol consumption. This approach could also present an opportunity for local product innovation that not only respects tradition but is also sensitive to religious values.

The government can play a role by enacting more specific regulations regarding alcohol consumption. One approach that could be implemented is limiting alcohol consumption to certain cultural events or using alcohol for non-consumptive purposes, such as for medicinal uses or in non-alcoholic products. In this way, traditional alcoholic beverages would still receive legal protection and recognition from the state, while their use would not contradict Islamic teachings.

Through these approaches, a balance between intellectual property protection and adherence to religious teachings can be achieved, while simultaneously preserving local culture without violating the underlying religious principles.

Islamic law serves as the primary reference for Muslims in regulating alcohol consumption. Islam explicitly prohibits its followers from consuming alcohol, given the detrimental effects it has on individuals and society. This prohibition is clearly reflected in numerous verses of the Qur'an and hadiths that assert alcohol is haram for Muslims. Therefore, if alcoholic beverages are used for consumption, Islam categorically forbids this practice.

However, in the context of Indonesia, legal protection for traditional alcoholic beverages as Geographical Indications (GI) faces significant challenges. Indonesian positive law allows for the recognition and protection of such products, irrespective of their alcohol content. On the other hand, Islamic law explicitly dictates that alcohol, in any form, is haram for Muslims, thus creating a direct conflict between the legal protection of traditional alcoholic products and religious teachings that prohibit alcohol consumption.

This challenge arises because Islamic law and Indonesian positive law cannot always be harmonized outright. Positive law governs the protection of intellectual property rights, including Geographical Indications, without directly considering whether a product aligns with a specific religious principle. Conversely, within Islamic law, the protection of products containing alcohol is extremely limited, and can even be said to be non-existent, as alcohol itself is prohibited.

Addressing this discrepancy requires a perspective that views Islamic law and positive law not as inherently contradictory, but as domains that should engage in dialogue.

In this regard, the regulation and protection of traditional products containing alcohol must be carried out wisely, respecting Islamic values while also considering the economic and cultural interests of local communities.

CONCLUSION

Legal protection for traditional Indonesian alcoholic beverages as Geographical Indications presents a significant challenge from an Islamic perspective. Although these products hold cultural value and can provide economic benefits, Islam prohibits alcohol consumption, creating a tension between legal protection and religious principles.

It is crucial for the government to seek a middle ground that accommodates both the protection of cultural products and local economic interests while respecting religious values. A thoughtful approach, such as developing non-alcoholic alternatives or limiting consumption to specific contexts, could provide an effective solution to this challenge. In this way, legal protection for traditional Indonesian alcoholic beverages can align with the principles of Islamic teachings.

REFERENCES

- Amin, A.R.M. (2014). Prinsip dan Fenomena Moderasi Islam dalam Tradisi Hukum Islam. *Al - Qalam*, 43(2), 199–208.
- Ardiansyah, I. (2022). Perlindungan Hukum Hak Kekayaan Intelektual Terhadap Budaya Tradisional di Indonesia. *Jurnal Trias Politika*, 6(1), 123–129. <https://doi.org/10.33373/jtp.v6i1.3894>
- Dari, D.N & Yohanes G. Tuba Helan, Y.G.T. (2023). Dasar Legalitas Peredaran Minuman Beralkohol Tradisional Jenis Sopia di Wilayah Nusa Tenggara Timur. *Petitum Law Journal*, 1(1), 177–188.
- Farihi, H. (2018). Zina, Qadzaf, dan Minuman Keras Dalam Perspektif Hukum Pidana Islam. *Mizan: Journal of Islamic Law*, 2(1), 83–96. <https://doi.org/10.32507/mizan.v2i1.135>
- Inayah, I. (2020). Hak Kekayaan Intelektual Komunal Sebagai Upaya Perlindungan Hukum Terhadap Produk Kerajinan. *Legal Standing: Jurnal Ilmu Hukum*, 4(2), 87. <https://doi.org/10.24269/lis.v4i2.2967>
- Khairuddin, K. (2021). Government Supervision In Overcoming Problems Drinking Tuak At The Gunung Meriah Aceh. *AKSARA: Jurnal Ilmu Pendidikan Nonformal*, 07(September), 1313–1322. <https://doi.org/10.37905/aksara.7.3.1313-1322.2021>
- Menot, R. M. (2022). *Budaya Minum di Indonesia*. Jakarta: Yayasan Pustaka Obor Indonesia.
- Muhammad, H. Z., Afida, H. N., & Yusdani. (2023). Pemikiran Hukum Muslim Di Indonesia Modern. *Sabaja: Journal Sharia and Humanities*, 2(2), 212–226.

- Murtadho, N. A. (2024). International Legal Resolution of the Recognition Dispute over the Intellectual Property Rights of the “Reog Cultural Dance” by Malaysia. *Jhbbc: Jurnal Hukum Bisnis Bonum Commune*, 7(2), 69–85. <https://doi.org/10.30996/jhbbc.v7i2.10525>
- Puji Lestari, T. R. (2019). Menyoal Pengaturan Konsumsi Minuman Beralkohol di Indonesia. *Aspirasi: Jurnal Masalah-Masalah Sosial*, 7(2), 127–141. <https://doi.org/10.46807/aspirasi.v7i2.1285>
- Riskiyani, S., Jannah, M., & Rahman, A. (2015). Aspek Sosial Budaya pada Konsumsi Minuman Beralkohol (Tuak) di Kabupaten Toraja Utara. *Media Kesehatan Masyarakat Indonesia*, 11(2), 76–85. <https://doi.org/10.30597/mkmi.v11i2.520>
- Roni Sahindra. (2022). Pelaksanaan Hak Kekayaan Intelektual Dalam Kerangka Pembangunan Budaya Hukum (Diskursus Filosofis Keberadaan Hak Kekayaan Intelektual Di Indonesia). *Journal Equitable*, 7(2), 272–291. <https://doi.org/10.37859/jeq.v7i2.4320>
- Sari, M. Y. A. R., & Patria, R. Y. (2020). TANTANGAN PEMANFAATAN HAK KEKAYAAN INTELEKTUAL SEBAGAI SOLUSI PERMODALAN [The Challenges of Utilizing Intellectual Property Rights as a Capital Solution]. *Law Review*, 20(2), 111. <https://doi.org/10.19166/lr.v20i2.2671>
- Sari, N. K. (2009). Pentingnya Perlindungan Hak Kekayaan Intelektual (HKI) Dalam Era Globalisasi. *QISTIE*, 3(3). <https://doi.org/10.31942/jqi.v3i3.578>
- Serfiyani, C. Y., Hariyani, I., & Serfiyani, C. R. (2020). Pelindungan Hukum terhadap Minuman Alkohol Tradisional Khas Indonesia. *Negara Hukum*, 11(2), 267–287.
- Setiawan, A. (2022). Perlindungan Hukum Dalam Lingkup Pengetahuan Tradisional dan Ekspresi Budaya Tradisional Atas Soto Sebagai Indikasi Geografis dan Makanan Khas Nusantara. *Jurisprudence Commons, Law and Jurnal Program Magister Hukum FHUI*, 2(December), 18.
- Sumardianto, E., Azizah, A., An, A. N., & Nugroho, K. (2024). Analisis Dampak Negatif Minuman Keras dan Judi Online Dalam Perspektif Al - Qur'an. *Imtiyaz: Jurnal Ilmu Keislaman*, 8(September), 281–291.
- Tatampe, A. (2016). Tinjauan Yuridis Tentang Ijin Produksi Minuman Beralkohol “Cap Tikus” Di Sulawesi Utara. *Journal Scientia De Lex*, 4(3), 1–12.
- Wadapone, M. S. P., & Nugrahani, A. G. (2024). Perlindungan Indikasi Geografis Moke Aimere. *Reformasi Hukum Trisakti*, 6(2), 519–530.
- Wicaksono, I. (2019). Politik Hukum Perlindungan Hak Kekayaan Intelektual Di Indonesia Pasca Di Ratifikasinya Trips Agreement. *Pena Justisia: Media Komunikasi Dan Kajian Hukum*, 18(1), 37–45.
- Wijaya, P. Y., Suasih, N. N. R., & Wijaya, I. P. S. (2022). *Eksistensi Arak Bali: Sebuah Polemik*. Sumatera Barat: Mitra Cendekia Media.