

STONE SHALLOT AS A TYPE OF SEASONING. WAITING TO GET GEOGRAPHICAL INDICATION CERTIFICATE

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Submitted: March 16, 2023 ; Reviewed: November 25, 2023; Accepted: December 28, 2023

Abstract:

Shallots are part of the spices that must be in the kitchen of every household. Still, the name stone shallot is better known as being processed into fried shallot, consumed as an additional side dish when served, which has a different shape and characteristic from onions in general because This fried stone shallot is particular and only grows and is found in the Central Sulawesi Region which is currently more commonly found in the Sigi Regency area. This paper aims to improve the standard of living of farmers and business actors of fried stone shallot. After meeting business actors, stone shallot farmers, and the government, the proposed results suggest that it is time to be registered as a reputable shallot after the Trademark and Geographical Indication Law in one regulation. Hence, there is a need for re-appeal and collaboration between academics and the government so that it is immediately prioritized to get a Geographical Indication certificate. Why is this fried stone shallot worthy of a certificate of Geographical Indication Due to its presence in Indonesia only in Central Sulawesi, it has a distinctive taste aroma, and because human intervention creates a delicious and fragrant savory taste, and its characteristics are different from ordinary fried shallot. The pale color is not too red, more dominated by white and a little reddish. Therefore, because of this uniqueness, this stone shallot is waiting for a certificate of Geographical Indication.

Keywords: *Geographical Indications; Seasonings; Stone Shallot*

INTRODUCTION

Indonesia's uniqueness of biological and plant life provides gifts and potential for agricultural, plantation, forestry, and handicraft products that characterize geographical potential. Talking about spices and herbs in Indonesia, there is no doubt about it. Especially Indonesia has a lot of spices and seasonings in abundance. Shallots are one of the processed spices that can increase added value, thus encouraging many small home industries to establish small factories to manage shallots.

Central Sulawesi, especially in Sigi Regency, has a unique quality local fried shallot plant named fried stone shallot. It can only grow in the Central Sulawesi Region, which is currently widely found and is still produced in the Sigi Regency area. This stone shallot grows in the Palu Valley and Donggala District, but since the earthquake struck in 2018, and has continued with the Covid-19 pandemic. Sigi District is still increasing it.¹

Sigi Regency is one of the centers for the development of stone shallot commodities; data from the Food Crops and Horticulture Office of Central Sulawesi Province recorded that the planted area in 2018 reached 2,580 hectares and harvested area of 2,452 hectares with an average productivity of 85.25 quintals per hectare, the results are marketed to consumers. Palu City is an area to meet the needs of the typical Palu fried shallot industry.²

The name of the Palu shallot by the Governor of Central Sulawesi during the celebration of the Day of Agriculture Krida in 2000 in Palu explained that the different

types of tubers are known as stone shallots, small in shape, and the color is not as red as red onions in general but more complex. However, the morphological characteristics are similar to other shallots. The tubers have a dense texture, producing crispy fried onions and a savory aroma that does not change even though it is stored for a long time in a closed container.³

However, in this study, the author gives the title stone shallots because the mention of Palu shallots needs to be corrected. After all, the author is based on the statement of Geographical Indications contained in Law No. 20 of 2016 concerning Brands and Geographical Indications in Article 1 point 6, that Geographical Indications are a sign indicating the area of origin of an item or product which due to geographical, environmental factors including natural factors, human factors or a combination of these two factors gives a particular reputation, quality, and characteristics to the goods and/or products produced.

This indication of the origin of an item shows geographical and environmental factors, including natural elements and human factors, so that it has a reputation for quality and characteristics for the goods or products produced. We see the Sigi Region as the largest supplier and having a large land area compared to Palu City, a City of Central Sulawesi Province, which gets more supplies from the Sigi Regency area.

So that the problem is how stone shallots get a certificate of Geographical Indication which, of course, must have an association formed and support from the government to make it happen since the 2016 Law on Trademarks and Geographical Indications has replaced the 2015 Trademark Law; there are currently many regions competing to register the advantages of their

¹ Ratu Ratna Korompot, Marini Citra Dewi, 2022. Merek Produk Bawang Goreng Untuk Perlindungan Pendaftaran Hak Merek Di Wilayah Kabupaten Sigi dan Kabupaten Donggala, Hasil Penelitian DIPA Fakultas Hukum, h. 1

² BAWANG MERAH PALU - Penabulu Disaster Response <http://disasterresponse.penabulufoundation.org>, akses Oktober 2022

³ .ibid

goods or products, of course, with the target of being centered on being able to compete towards export quality.

Waiting for Geographical Indications, which the author previously published in a 2014 study while the 2015 Trademark Law was still in effect, emphasized Indications of origin with a separate article, namely Article 59 section b. The indication of origin is protected as a sign that merely shows the source of goods or services.⁴ And it is further clarified in Article 63 of the 2022 Trademarks and Geographical Indications Law, namely that Origin Indications are protected without going through registration obligations or declaratively as signs indicating the correct origin of goods and or services used in trade.

The sign indicates the origin of a brand of goods or products here, namely on geographical indications based on geographical and environmental factors, including natural factors, human factors, or a combination of these factors, giving reputation, quality, and specific characteristics to the goods or products produced. This typical fried onion from Central Sulawesi clearly shows its origin and different importance and is not found in other regional locations.

Facing competition and challenges for small and medium-sized entrepreneurs requires a good strategy and resilience to compete in brand wars. Currently, the brand is the same, but due to the laying of the logo needed in Article 37A, every package of Geographical Indications products must include the Logo of Indonesian Geographical Indications. This rule has been in effect since the stipulation of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 10 of 2022. Strengthening the existence of a Geographical Indication Logo is a challenge

to the strength of competition, indicating the reputation and quality of an item or product produced.

The existence of superior products in a region is undoubtedly essential for the progress of the regional economy, especially in the interest of improving the welfare of the local community. The more unique and distinctive a product is, the more attractive it will be. However, the government's lack of understanding of the potential of geographical indications is the cause of the lack of registration of geographical indications in the regions, as the Directorate General of Intellectual Property targets at least one geographical indication product born from each province until 2019.⁵

Central Sulawesi has met this target by receiving a certificate of Geographical Indication of Mamorata Eel in Poso District on August 9, 2019. And on Monday, 13 June 2022, the district was proud to receive a certificate of Geographical Indication of Nambo Weaving. A step forward with two credentials of Geographical Indications in Central Sulawesi was awarded to two districts, namely Poso District and Banggai District.

Therefore, the issue raised is aimed at hastening the stone shallot to get a certificate of geographical indication because it was first known as the typical fried onion of Palu, getting a quick response from the relevant government. At the same time, this product is closely related to Palu City as a City of Central Sulawesi Province. Although it is a matter of gratitude that the two districts far from Palu City first get geographical indications.

METHOD

The method in this study is an empirical juridical analysis through a qualitative

⁴ . Ratu Ratna Korompot, Sulwan Pusadan, 2014. Analisis indikasi Asal Terhadap Hak Merek Bawang Goreng Yang Menunjukkan Asal Suatu Barang, Penelitian Dipa Fakultas Hukum. H.7

⁵ . Nizar Apriansyah,2018. Perlindungan Indikasi Geografis Dalam Rangka Mendorong Perekonomian Daerah. Jurnal penelitian Hukum De Jure.akreditasi:Kep.Dirjen Penguatan Risbang.kemenristekdikti:No:30E/KPT/2018.DOI:http://dx.doi.org/1030641/dejure.2018.V18.525-542. H.526-527

approach, where researchers go to the field precisely in Sigi Regency, Donggala Regency, and Palu City as well as to related agencies, namely the Office of the Industry and Trade in the Regency, Palu City and also Province. With the initial data, an inventory of brands that have not been registered and those that have been registered. To analyze how much care and attention they pay to the legal protection of their trademark products. For this type of data, the researcher conducted direct interviews with informants or resource persons, namely stone shallot farmers and small and medium fried shallot industry actors, as well as the first entrepreneurs at the beginning of the introduction of this stone shallot special fried shallot in Palu City. As well as other supporting data from books and other literature, namely the internet. They then described, based on the results of interviews and taking pictures in the field, as a reinforcement of the author's documentation. Then secondary data is obtained from laws and government regulations based on Law No. 20 of 2016 concerning Marks and Geographical Indications and the latest Minister of Law and Human Rights Regulation No. 10 of 2022 concerning Geographical Indications. as well as books and research results, journals, and articles issued by local governments relating to Trademarks and Geographical Indications.

ANALYSIS AND DISCUSSION

Almost all of the fried stone shallot business actors in Sigi Regency do not have registered brands and generally understand that brands are marked by their products having names. However, almost all of them are still concerned with trading permits, halal product permits, and being registered with BPOM. Expensive and long waiting for a halal certificate is also an obstacle, so registering a brand which is the task of the relevant agencies to help register their brands at the Law and Human Rights office, is still in the

planning stage.⁶

Likewise, other small businesses in the city of Palu, if counted, have brands but no longer produce around ten brands. However, the Fried Shallot business owned by Hj Mbok Sri is the one who cares about having a registered brand due to the quality and taste and quality of the products maintained from the processing side. The product's durability is processed with various variants of fried shallot flavors: original, spicy, and crispy.⁷ Researchers visited fried shallot products in Sigi Regency, almost all of which four business actors claimed that their businesses were sent out of Central Sulawesi; they sent them out due to requests and orders, and some of their products were marketed at Mutiara Palu Airport. Although the brand has yet to be registered, the pride of his business is well-known outside.

Especially for Sigi Regency has a very productive planting area of stone shallots, even though a disaster hit it in 2018, which resulted in the impact of covid 19. However, this stone shallot business still exists and supplies business actors in Palu. So the souvenir centers still exist even though, at that time, the demand decreased.

The planting area as described above encourages the author to focus more on discussions with the relevant agencies, namely the Department of Industry and Trade, about the role of mentoring for business actors to obtain a brand, even though from the observations of researchers delivering to getting a brand has not been a priority for the agency.

Regarding Geographical Indications of intention and interest, Agencies have been very responsive with their plans to prioritize coffee registration. Still, the researcher

⁶ . Op chit, Ratu Ratna K,Marini Citra Dewi, H.17

⁷ . ibid, peneliti tidak lagi turun ke kabupaten Donggala dikarenakan pelaku Usaha lebih banyak di Kota Palu, dan tanaman Bawang Goreng yang sebelumnya ada di wilayah tersebut namun saat ini sudah tidak menanam bawang batu lagi, sehingga peneliti lebih mencari data pada dinas Perdagangan dan Industri Kota Palu dan Dinas Prindustrian dan Perdagangan Provinsi Sulawesi Tengah

invites what about stone shallots, considering the quality and indications of origin, only exist in the Central Sulawesi Region and are not located in other regions in Indonesia. They, too, get excited and interested in prioritizing.⁸

Regarding registration to get a Geographical Indication certificate, the government needs support. The role of government, as an academician, plays a role in socializing, assisting in explaining, and supporting, considering that from the current business competition side, if the target is to go to export, the initial preparation is to strive to improve the quality of goods and production, when ready to compete. The product can be calculated and prioritized considering that this specific fried shallot product of Central Sulawesi has been known since 1980. It is still trying to prioritize getting geographical indications requiring research from academics as supporters and reinforcements. Geographical Indications are part of Intellectual Property Rights whose ownership is communal, which is protected for legal protection. Moreover, the superiority and quality of this stone shallot are unquestionable, many goods and products are well known, and some have achieved export; in addition to their efforts, the relevant government is also involved in promoting this stone shallot in the form of processed products such as fried shallot. Hj Mbok Sri first introduced this fried stone shallot in 1980 and had a registered brand in 2015, with application number D262915026507. It is recognized that the products produced are very tasteful.⁹ The fried shallot industry business actors domiciled in the Sigi district have started doing business since 2013, in the data from the Industry Service.

⁸. *ibid*, hasil wawancara dengan Kabid Perindustrian Ibu Diah Septiarina, S.Sip., M.AP dan Bapak Kasi Industri hutan bahan bangunan bapak Achmad faisal Umar, S.T (kantor Dinas Perindustrian dan Perdagangan Kabupaten Sigi)

⁹. Op Chit, Ratu Ratna K & Marini Citra D. H. 17

No.	IKM	Data Year	Village
1.	Amalia	2017	Bulupountu Jaya
2.	Ansan Jaya	2017	Bulupountu Jaya
3.	Prayitno	2017	Bulu Pountu
4.	Fitri	2017	Oloboju

Data source: Sigi Regency Industry and Trade Office, July 2022

Of the four described in the table, there are 69 Small and Medium Industries, all of which do not have a registered trademark at the Law and Human Rights office. It still meets the local market in and outside Palu city, precisely out of Central Sulawesi, namely to the island of Java and its surroundings.

The comprehensive data source is from the Provincial Office of Industry and Trade of Central Sulawesi, which the author briefly describes in the table.

No	Company's address	District / City	Total	Types products
1	Palu Selatan	Kota Palu	6 IKM	Bawang Goreng
2	Palu Utara	Kota Palu	0 IKM	-
3	Palu Barat	Kota Palu	15 IKM	B.Goreng
4	Palu Timur	Kota Palu	14 IKM	B.Goreng
5	Mantikulore	Kota Palu	8 IKM	B.Goreng
6	Tatanga	Kota Palu	4 IKM	B.Goreng
7	Ulujadi	Kota Palu	1 IKM	B.Goreng
8	Solouwe	Sigi Kota	4 IKM	B.Goreng
9	Mpanau	Sigi Biromaru	2 IKM	B.Goreng

Data Source: Provincial Office of Industry and Trade, 21 September 2022

The data provided by the provincial office, which has small and medium industries in Palu City, dominates the most; for Sigi Regency, it only lists Sigi City and Sigi Biromaru, which is adjacent to South Palu, for Sigi data for the Village part, it is obtained from the Industry and Trade Office of Sigi Regency.

The two sources above show that Sigi Regency is the largest supplier of raw materials to meet the needs of the fried onion industry in Palu City. And from the data provided, no SMIs are domiciled in Donggala Regency.

The state views human resources as the main strength of the state. The result of intellectual work is an extraordinary capital value.

Through the authority to regulate, order and protect, the state recognizes and affirms the rights and procedures for obtaining rights, granting rights for some time, or terminating them. For the system's effectiveness, the state also determines that rights must be requested, and the state gives rights through its regulatory authority.¹⁰

The state also has an interest in legal regulation in the economic field, namely:

- a. Customer Protection Theory (consumer interest) is a regulation to protect consumers from a product or consumer activity.
- b. Industry Protection Theory (industry interests/business actors) is a regulation formed to protect the interests of producers of a product or activity. In this case, the industry and its representatives or associations are parties trying to create laws and regulations.
- c. Bureaucratic Behavior Theory (bureaucratic/government interests) This theory is grouped into two, namely:
 - a. maintenance theory, which maintains the status quo of bureaucratic services;
 - b. Expansion theory, which is the best form of service from the bureaucracy, namely by expanding the authority and mandate in service
 - c. Public Interest theory (public interest)¹¹

So asking the state for rights through its facilitation as a bureaucracy to provide the best service in improving the standard of living of its people in business, expanding authority, and prioritizing open services.

Currently, the development of registration of Geographical Indications has increased since the amendment to the Trademark Law and

Geographical Indications 2016, which replaced the 2015 Trademark Law. The importance of the need for certificates of geographical indications is a concern for related parties, such as the bureaucracy as a support system to protect consumers, business actors, and Stone shallot farmers. Because this protection is specifically for communal protection, that requires associations in it so that small industrial activities will be protected, maintain their reputation, and compete to produce economic value for farmers, small industries, and the state, in this case, the relevant government.

Why is stone shallot still waiting to get a certificate of geographical indication? Based on Article 1 point 1 in Ministerial Regulation No. 10 of 2022 concerning Geographical Indications, Geographical Indication is a sign that shows the area of origin of an item and product which, due to geographical and environmental factors, includes factors natural, human factors, or a combination of these two factors give a particular reputation, quality, and characteristics to the goods and/or products produced. From the explanation above, fried stone shallot has fulfilled all of them. They have shown that they are only in the Central Sulawesi region and are more abundant and very productive at this time, supplying Palu City in the Sigi district.

With the firmness in Ministerial Regulation No. 10 of 2022 in article 37 A, which requires every product to include the Indonesian Geographical Indication Logo, this should be of more concern because currently, fried stone shallot industry products will have a clear name according to the indication of origin which is determined based on the certificate. Geographical Indication. Whether it is the name of Sigi Biromaru's fried stone shallot or the previously known Palu fried stone shallot, everything is by the association agreement formed and mutual agreement. What is certain is that the role and support of the relevant government, both from the Sigi

¹⁰ . Bambang Kesowo.2021.Pengantar Pemahaman Konsepsi dasar Sekitar HAK ATAS KEKAYAAN INTELEKTUAL (HAKI) Sinar Grafika, Jakarta.H.66-67.

¹¹ . op chit, Nizar Apriansyah,2018.h. 530-531

Regency and the city of Palu or the Province, can take a significant part.



Picture 1 is an example of a stone shallot.



Picture 2, researchers and students visit the first pioneer of Palu Fried Stone Shallot with the registered trademark Hj. Mbok Sri.



Picture 3. Together with the first fried stone shallot industry businessman in Sigi Regency and assistants from the Sigi Regency Industry Service.

CONCLUSION

Fried stone shallot has become a typical souvenir of Central Sulawesi. Especially in Palu City, almost everywhere shopping centers will find this industrial product, with various brands. However, support for trademark registration for legal protection of

trademarks for fair competition has yet to become a priority, especially in the Sigi Regency area, which still needs a brand that Law and Human Rights protect.

Trademarks and Geographical Indications cannot be explicitly separated for this fried stone shallot if it already has a Geographical Indication certificate; recognizing and understanding the importance of registering a fried stone shallot trademark then by including the Indonesian Geographical Indication logo is a sign that the feasibility of the resulting product can have prestige value and can compete on the market according to market needs.

ACKNOWLEDGMENT

The authors thank the Faculty of Law, Tadulako University, for providing the opportunity in this research in the form of assistance from the Faculty's DIPA Fund every year; the author's research on Fried onions Batu has been since the beginning of 2014 and is currently in 2022, as well as to students, in particular, the HKI class who are inspired and also wrote about this Fried Onion, all of which are inseparable from the goodwill that the Fried Onion immediately gets a Geographical Indication Certificate and the name is based on the agreement when the Geographical Indication certificate was obtained.

We also thank the relevant agencies who have provided complete data for us to discuss with our academics; thank you to the onion farmers and, at the same time, the business actors of the stone fried onion industry, who accept suggestions and input and sincerely provide the harvest. as a gift for researchers. Thanks to the Tadulako Law Review, I hope this article can be accepted and add a reading space for Intellectual Property Rights lecturers and intellectual property enthusiasts. Hopefully, it can be published, and researchers say many thanks. May Allah bless us all with infinite knowledge; Amen, Ya Rabbal Alamin.

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