



Geographical Indications and Maqāṣid al-Sharī'ah: Realizing Intellectual Property as an Instrument of Economic Justice

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Received: 2025-10-06

Accepted: 2025-11-02

Published: 2025-11-08

Keywords:

Intellectual Property; Sharia Economic Justice; Maqāṣid al-Sharī'ah; Geographical Indications

Abstract.

Intellectual Property (IP) protection in Indonesia remains primarily oriented toward individual and capitalist interests, thereby failing to reflect the values of distributive justice fully. This research aims to analyze Geographical Indications (GIs) as an instrument of economic justice from the perspective of *Maqāṣid al-Sharī'ah*. The study employs a normative legal research method, utilizing both conceptual and legislative approaches. Data were gathered through a literature review of primary, secondary, and tertiary legal sources, which were then analyzed qualitatively to examine the relationship between the principles of positive law and the values of *Maqāṣid al-Sharī'ah*. The findings indicate that the principles of *Maqāṣid al-Sharī'ah*, such as *hifz al-mal* (protection of property), *hifz al-nafs* (protection of life), and *hifz al-'aql* (protection of intellect), provide a strong philosophical foundation for the reconstruction of a just and inclusive IP system. GIs' protection not only provides legal recognition of product origins but also serves as an instrument for the economic empowerment of local communities and the equitable distribution of financial benefits. Incorporating Sharia values into IP policies can broaden the moral, social, and ecological dimensions of a sustainable creative economy. This research recommends reformulating national IP policies by incorporating the principles of *Maqāṣid al-Sharī'ah*, strengthening the role of producer communities in GIs governance, and fostering quadruple-helix collaboration among government, academia, industry, and communities. In this way, GIs can serve as an instrument of economic justice and contribute to achieving sustainable development goals.

Kata Kunci:

Hak Kekayaan Intelektual; Keadilan Ekonomi Syariah; Maqāṣid al-Sharī'ah; Indikasi Geografis

Abstrak

Perlindungan Hak Kekayaan Intelektual (HKI) di Indonesia hingga saat ini masih berorientasi pada kepentingan individu dan kapitalis, sehingga gagal mencerminkan nilai-nilai keadilan distributif secara utuh. Penelitian ini bertujuan untuk menganalisis Indikasi Geografis (IG) sebagai instrumen keadilan ekonomi dari perspektif *Maqāṣid al-Sharī'ah*. Metode penelitian yang digunakan adalah penelitian hukum normatif, dengan pendekatan konseptual dan legislasi. Data dikumpulkan melalui kajian pustaka terhadap sumber hukum primer, sekunder, dan tersier, yang kemudian dianalisis secara kualitatif untuk mengkaji hubungan antara prinsip-prinsip hukum positif dan nilai-nilai *Maqāṣid al-Sharī'ah*. Hasil penelitian menunjukkan bahwa prinsip-prinsip *Maqāṣid al-Sharī'ah*, seperti *hifz al-mal* (perlindungan harta), *hifz al-nafs* (perlindungan jiwa), dan *hifz al-'aql* (perlindungan akal), memberikan dasar filosofis yang kuat untuk rekonstruksi sistem HKI yang adil dan inklusif. Perlindungan IG tidak hanya memberikan pengakuan hukum terhadap asal-usul produk, tetapi juga berfungsi sebagai instrumen pemberdayaan ekonomi komunitas lokal dan distribusi manfaat finansial yang adil. Mengintegrasikan nilai-nilai Syariah ke dalam kebijakan HKI dapat memperluas dimensi moral, sosial, dan ekologis dari ekonomi kreatif yang berkelanjutan. Penelitian ini merekomendasikan reformulasi kebijakan HKI nasional dengan mengintegrasikan prinsip-prinsip *Maqāṣid al-Sharī'ah*, memperkuat peran komunitas produsen dalam tata kelola IG, dan mendorong kolaborasi quadruple-helix antara pemerintah, academia, industri, dan masyarakat. Dengan demikian, IG dapat berfungsi sebagai instrumen keadilan ekonomi dan berkontribusi pada pencapaian tujuan pembangunan berkelanjutan.

INTRODUCTION

In the knowledge-based economy, Intellectual Property Rights (IPR) have become a high-value asset, governed by a modern legal system rooted in Western theory. This system grants exclusive rights to encourage innovation through economic incentives.¹ However, overly broad enforcement of these exclusive rights often creates imbalances, raising ethical and justice concerns, particularly regarding public access to essential knowledge and technologies. In Indonesia, IPR regulations are already in place, aligning with the principle of property protection in Sharia economics. Still, their implementation has not explicitly accommodated the principles of distributive justice and public good, which are at the core of Sharia.²

A comprehensive understanding of IP requires tracing its history and underlying theories. Historically, IP protection developed in the West as a response to the need to protect innovators and artists. Utility theory, for example, argues that granting exclusive rights is the most effective way to maximize social welfare by encouraging innovation. Meanwhile, the natural rights theory asserts that creators have a fundamental right to the fruits of their labor and thought. Nonetheless, these two theories do not fully address the issues of distributive justice and accessibility. IP includes copyrights, patents, trademarks, and trade secrets, each with its own characteristics and equity challenges.³

In Indonesian law, IP is regulated by various statutes, including Law No. 28 of 2014 on Copyright, Law No. 13 of 2016 on Patents, and Law No. 20 of 2016 on Trademarks and Geographical Indications. These regulations provide legal protection to intellectual works, grant exclusive rights to creators or rights holders, and foster a healthy climate for innovation. From the perspective of Sharia economic justice, this protection aligns with the principles of safeguarding property and recognizing individual ownership rights in Islam, provided it does not cause injustice or hinder the equitable distribution of benefits to the broader community.⁴

On the other hand, Sharia economic law presents a paradigm grounded in principles of justice, ethics, and public good (*al-maslahah*). These principles reject exploitation and monopolies that harm society.⁵ The gap between the conventional IP system and Sharia principles is the primary focus of this research. This research argues that by reinterpreting IP through the lens of *Maqāṣid al-Sharī'ah*, we can reconceptualize IP as an instrument that not only protects individual rights but also promotes social and economic justice. The research questions addressed are: how *Maqāṣid al-Sharī'ah* can serve as a philosophical foundation

¹ Tianli Ding and Lin Yang, "Intellectual Property Protection and Corporate Digital Transformation: An Empirical Analysis from the Perspectives of Intellectual Property Protection and Digital Governance," *International Review of Economics & Finance* 100 (June 2025): 104125, <https://doi.org/10.1016/j.iref.2025.104125>.

² Bing Sun, Jian Li, and Tao Xia, "The Impact of Innovation Policy and Intellectual Property Judicial System on Manufacturing Corporate Exploitative and Exploratory Innovation," *Sustainable Futures* 10 (December 2025): 100886, <https://doi.org/10.1016/j.sfr.2025.100886>.

³ Wenpeng Chen, Jiaqi Wang, and Shan Wang, "Economic Uncertainty, Digital Transformation, and Firm Supply Chain Disruption Risk," *Economics Letters* 255, no. 4 (September 2025): 112–516, <https://doi.org/10.1016/j.econlet.2025.112516>.

⁴ Pulung Widhi Hari Hananto and Rahandy Rizki Prananda, "The Urgency of Geographical Indication As a Legal Protection Instrument Toward Traditionalknowledge in Indonesia," *Law Reform* 15, no. 1 (2019): 62, <https://doi.org/10.14710/lr.v15i1.23355>.

⁵ Ana Nur Sinta and Faisol Hakim, "Integrasi Nilai Religius Dan Disiplin Dalam Pendidikan Agama Islam Di SMK PGRI 5 Jember |," *Journal of Classroom Action Research* 7, no. 2 (June 2025): 550–60, <https://doi.org/10.29303/jcar.v7i2.11070>.

for reconceptualizing IP, and how the principles of Sharia Economic Law can be applied to balance the protection of IPR with the needs of society.⁶

Justice in Sharia economics is a central principle that must underpin every transaction and policy. In Islam, justice (*al-'adl*) encompasses not only equality before the law but also distributive justice, ensuring that wealth is not concentrated in the hands of a few. This principle is realized through mechanisms such as zakat and the prohibition against monopolies (*ihthikar*) that harm the public. Sharia economic law prioritizes the public good, a concept that is particularly relevant to reconsidering exclusive rights in IP. At the heart of this analysis lies *Maqāṣid al-Sharī'ah*, the fundamental purpose of Islamic law. *Maqāṣid* serves as a benchmark for evaluating whether an action or policy delivers real benefits to the ummah. The five main objectives of *Maqāṣid al-Sharī'ah* —*hifz al-din* (protection of life), *hifz al-nafs* (protection of life), *hifz al-'aql* (protection of intellect), *hifz al-nasl* (protection of lineage), and *hifz al-mal* (protection of property) —provide a comprehensive framework for assessing policies and actions.⁷

One of the most prominent cases of GIs in Indonesia, which highlights issues of injustice and legal uncertainty, is Toraja Coffee.⁸ This coffee, which historically and geographically originates from Tana Toraja, South Sulawesi, has been registered as a GIs by the local community to protect its reputation and characteristics. However, problems arose when a foreign company, Key Coffee Inc., registered a very similar trademark, "Toarco Toraja Coffee," both abroad and in Indonesia. This conflict between communal rights and individual exclusive rights creates injustice for the Toraja community, as trademarks have the potential to mislead consumers and deprive local producers of the economic value of the geographical name, which should be collectively owned.⁹

The injustice in this Toraja Coffee case is compounded by the difficulty in removing the trademark from the Indonesian Directorate General of Intellectual Property, despite its proven fundamental similarity to the registered GIs.¹⁰ This situation highlights structural weaknesses in the enforcement of GIs in Indonesia, particularly in addressing overlaps with the trademark regime, which often applies the "first-to-file" principle. As a result, the GIs' protection, which was intended to be an instrument of economic justice to improve the welfare of local producer communities, has been hindered, creating legal uncertainty and

⁶ Nabila Zatadini and Syamsuri Syamsuri, "Konsep Maqashid Syariah Menurut Al-Syatibi Dan Kontribusinya Dalam Kebijakan Fiskal," *Jurnal Masharif Al-Syariah: Jurnal Ekonomi Dan Perbankan Syariah* 4, no. 1 (June 2019), <https://doi.org/10.30651/jms.v4i1.2111>.

⁷ Mohammad Hazmi Fauzan, Undang Ahmad Darsa, and Elis Suryani Nani Sumarlina, "Konsep Muraqabah: Wacana Keilmuan Tasawuf Berdasarkan Naskah Fathul 'Arifin," *Kabuyutan: Jurnal Kajian Ilmu Sosial Dan Humaniora Berbasis Kearifan Lokal* 2, no. 1 (2023): 76–79, <https://doi.org/10.61296/kabuyutan.v2i1.145>.

⁸ Fokky Fuad and Avvan Andi Latjeme, "Perlindungan Indikasi Geografis Aset Nasional Pada Kasus Kopi Toraja," *Jurnal Magister Ilmu Hukum: Hukum Dan Kesejahteraan* 2, no. 2 (2017): 10–16, <https://doi.org/10.36722/jmih.v2i2.742>.

⁹ Ari Wibowo, "Potensi Dan Tantangan Kopi Di Era Milenial," *Warta Pusat Penelitian Kopi Dan Kakao Indonesia*, 2019.

¹⁰ Nurul Khansa Fauziyah and Aini Mahara, "Strategi Komunikasi Pemerintah Kabupaten Bener Meriah Dalam Pemasaran Kopi Gayo Dan Pemberdayaan Masyarakat," *Academic Journal of Da'wa and Communication* 3, no. 2 (2022), <https://doi.org/10.22515/ajdc.v3i2.5600>.

preventing local communities from fully and fairly enjoying the financial value of the region's flagship products.¹¹

Previous research by Ahmad Ropei et al. (2020) concluded that the formulation of IPR law, through the development of *Maqāshid al-Sharī'ah* theory, as an instrument to explore the objectives of Islamic law and IPR protection, is justified based on the existence of *dhurūriyyāt* (primary) benefits, particularly regarding the protection of property (*hifz al-mal*) and intellect (*hifz al-'aql*).¹² Another study, published by Irfan Zuhdi in 2025, explicitly discusses how copyright regulation (Law No. 28 of 2014) impacts the legal structure and distribution of rights and obligations in the public and commercial utilization of copyrighted works. Through the lens of *Maqāshid al-Sharī'ah*, this study identifies a research gap in integrating Sharia principles into national IP regulation.¹³ Finally, a 2023 study by Saodatul Maghfiroh concluded that a model of empowering MSMEs through IPR waqf, using the *Maqāshid al-Sharī'ah* approach, aims to increase access to capital and community economic welfare.¹⁴

Previous research has reviewed IPR from the perspective of *Maqāshid al-Sharī'ah* by Ahmad Ropei, Zuhdi, and Maghfiroh. However, these studies tend to focus on specific legal protection aspects or partial MSMEs empowerment.¹⁵ The main gap that has not been addressed is the lack of a holistic and integrated analysis that comprehensively reconstructs the concept of IPR as an instrument of economic justice. The primary contribution of this research is to present an integrated study of the IPR concept through the lens of *Maqāshid al-Sharī'ah*, balancing the protection of individual rights with the principles of distributive justice and social benefit. This research proposes a reconceptualization of IPR as an instrument that supports justice and public welfare while also offering more practical solutions to empower the broader community.

This research covers several sections, including: the initial section presents a literature review of conventional IPR theory and the basic principles of Sharia economics and *Maqāshid al-Sharī'ah*. The subsequent section discusses the methodological framework and data used. The analysis will present how the tenets of *Maqāshid al-Sharī'ah* (specifically *Hifz al-Nafs*, *Hifz al-Aql*, and *Hifz al-Mal*) can serve as a philosophical foundation for reconstructing fair IPR, particularly for GIs. Another section discusses the implications of these findings for national IPR regulations and offers practical solutions for community empowerment. Finally, the last section summarizes the key findings and highlights future research directions.

¹¹ Sintya Okta Viana, Revita Sari, and Chandra Halim, "Analisis Strategi Bisnis Guna Meningkatkan Daya Saing Pada Coffee Shop Di Bandar Lampung (Studi Kasus Dr. Coffee)," *Jurnal Ekonomi Dan Bisnis Digital* 1, no. 3 (2022): 231–48, <https://doi.org/10.55927/ministal.v1i3.1139>.

¹² Ahmad Ropei and Endah Robiatul Adaiyah, "Formulasi Hukum Perlindungan Hak Kekayaan Intelektual Dalam Kerangka Maqashid As-Syari'ah," *Jurnal Hukum Ekonomi Syariah* 4, no. 02 (2020): 165–79, <https://doi.org/10.26618/j-hes.v4i02.4259>.

¹³ Irfan Zuhdi, "Perlindungan Hak Ekonomi Pencipta Lagu Dalam Perspektif Maqāshid Al- Syari'ah," *Al-Faruq: Jurnal Hukum Ekonomi Syariah Dan Hukum Islam* 4, no. 2 (2025): 38–48, <https://doi.org/10.58518/al-faruq.v4i2.4049>.

¹⁴ Saodatul Maghfiroh, "Pemberdayaan UMKM Melalui Wakaf Hak Kekayaan Intelektual (HKI) Tinjauan Maqashid Syariah," *Jurnal Ilmiah Ekonomi Islam* 9, no. 3 (November 2023): 4514, <https://doi.org/10.29040/jiei.v9i3.9905>.

¹⁵ Ropei and Adaiyah, "Formulasi Hukum Perlindungan Hak Kekayaan Intelektual Dalam Kerangka Maqashid As-Syari'ah."

RESEARCH METHODS

This research employs a normative legal approach. This method was selected because its primary focus is to examine, analyze, and reconstruct the legal framework of IPR through the philosophical and ethical lens of Islamic law, specifically *Maqāṣid al-Sharī'ah*.¹⁶ The research adopts a conceptual, qualitative approach, with the primary method a literature review that delves into legal texts and academic literature in depth.

Data were comprehensively collected from two main categories: classical Islamic literature (including books on *ushul fiqh* and *fiqh mu'amalah*) to extract Sharia principles on ownership and justice, and modern literature (such as books, academic journal articles, reports from international organizations like WIPO, and IPR-related policies) to understand current conventional IPR practices and philosophies.¹⁷ Data analysis was conducted thematically and conceptually to ensure structured and in-depth results.

This study applies two key analysis techniques. First, content analysis is employed to interpret and extract meaning from Islamic legal texts, identify relevant *fiqh* principles applicable to IPR issues. Second, a comparative study examines conventional IPR philosophies and practices alongside the ethical framework of *Maqāṣid al-Sharī'ah*. Through this systematic comparison, the researchers not only identified gaps between IPR law and the demands of Sharia justice but, more importantly, formulated a new conceptual model that integrates and balances these two legal systems.¹⁸

RESULT AND DISCUSSION

Reconceptualization of Geographical Indications as Intellectual Property and Instrument of Economic Justice through the Perspective of *Maqāṣid al-Sharī'ah*

The reconceptualization of IP refers to the effort to review and redefine the concept in an ever-evolving social, economic, and technological context. This is crucial because developments such as advances in digital technology, globalization, and changes in the pattern of production and distribution of information demand a new perspective on how intellectual rights are regulated and protected. This reconceptualization not only updates the definition and scope of IP but also adjusts its protection mechanisms to remain relevant in current conditions.¹⁹

Furthermore, reconceptualization involves rethinking the balance between the rights of IP owners and the public interest. In the digital age, the dissemination of information has become faster and more widespread, so copyright, patent, and trademark protections must encourage innovation without restricting access to knowledge and cultural works. New approaches often include concepts such as open licenses, flexible copyright, and respect for

¹⁶ Jonaedi Efendi and Jonhny Ibrahim, *Metode Penelitian Hukum Normatif Dan Empiris*, cetakan ke (Jakarta: Kencana, 2020).

¹⁷ Amirudin and Zainal Asikin, *Pengantar Metode Penelitian Hukum*, Cetakan ke (Jakarta: Rajawali Press, 2018).

¹⁸ Muhaimin Muhaimin, *Metode Penelitian Hukum*, 1st ed., ed. Fatia Hijriyanti (Mataram: Mataram University Press, 2020).

¹⁹ Christophe Geiger, "Reconceptualizing the Constitutional Dimension of Intellectual Property – An Update," *SSRN Electronic Journal* 4, no. 1 (2019): 67–81, <https://doi.org/10.2139/ssrn.3496779>.

traditional knowledge and local communities, which previously received little attention in the classical intellectual property system.²⁰

Ultimately, the goal of reconceptualizing intellectual property is to create a system that is fair, inclusive, and adaptive to changing times. This means not only strengthening the protection of innovation and creativity but also ensuring that IP can be a source of shared progress that sustainably supports socio-economic development. Therefore, reconceptualization is a strategic step in responding to the challenges and opportunities presented by today's social and technological dynamics.²¹

The protection of IP in Islam can be justified through the principle of *hifz al-mal*, because IP, as a product of thought, holds legitimate economic value. However, this view is not absolute. The strength of *Maqāṣid al-Sharī'ah* lies in its ability to balance individual rights with larger societal interests. When the exclusive rights of IP conflict with other *Maqāṣid* objectives, priority should be given to the higher purpose. For example, *hifz al-naḥs* places human life as the highest value. In the case of patents on essential medicines, if patents make the medicine unaffordable and life-threatening, then *Maqāṣid al-Sharī'ah* would justify state intervention, such as compulsory licensing, to ensure universal access. Patent rights should not be used to enrich a few at the expense of public health.²²

Similarly, *hifz al-'aql* emphasizes the importance of spreading knowledge and education. An overly restrictive concept of copyright may hinder these goals. Therefore, the principle of *hifz al-'aql* can serve as a basis for supporting open-access policies or more flexible fair-use practices, particularly for educational and research purposes. Within the *Maqāṣid* framework, knowledge is considered a public good, and copyright protection should be oriented towards facilitating, rather than hindering, its dissemination.

Finally, *hifz al-Din* ensures that intellectual innovations and works do not conflict with Islamic moral and ethical values.²³ As such, IPR cannot be granted to products or ideas that blatantly violate Sharia. The current concept of IP is heavily influenced by positive law that is oriented towards ownership and exclusive rights. However, from the perspective of *Maqāṣid al-Sharī'ah*, the reconceptualization of IP offers a more holistic, public-good-oriented approach. *Maqāṣid al-Sharī'ah* not only protects individual rights but also emphasizes safeguarding the five basic elements (*al-dharūriyyāt al-khams*): religion, soul, mind, offspring, and property. Thus, IP protection should not be viewed solely as a private right, but as an instrument to realize broader benefits for the ummah, such as encouraging innovations that benefit society, ensuring access to knowledge, and preventing harmful monopolies.

²⁰ Michael Blakeney, "The Protection of Geographical Indications," *The Protection of Geographical Indications* 307, no. SoRes 2018 (2019): 614–16, <https://doi.org/10.4337/9781788975414>.

²¹ Peter Lee, "Reconceptualizing the Role of Intellectual Property Rights in Shaping Industry Structure," *Vanderbilt Law Review* 72, no. 4 (2019): 1197–283.

²² Muhammad Fauzan Zein, "Pentingnya Mentaati Dan Meningkatkan Kesadaran Hukum Di Masyarakat," *Nomos: Jurnal Penelitian Ilmu Hukum* 3, no. 2 (April 2023): 71–75, <https://doi.org/10.56393/nomos.v3i2.1489>.

²³ Nursaid Nursaid, Zain Smith, and Amrit Dhakal, "Development of Islamic Economics and Practices in Indonesia (2013-2023): Opportunities and Challenges," *Revenue Journal: Management and Entrepreneurship* 1, no. 1 (December 2023): 89–101, <https://doi.org/10.61650/rjme.v1i1.323>.

Although IP laws in Indonesia, such as Law Number 28 of 2014 on Copyright and Law Number 13 of 2016 on Patents, do not explicitly refer to Sharia principles, there are substantial commonalities that allow IP to function as an instrument of Sharia economic justice. The laws emphasize the protection of creators' and inventors' exclusive rights as a form of appreciation for their intellectual works. This aligns with the principle of *hifz al-mal*, which holds that scholarly works are legitimate property and must be protected. This legal protection prevents exploitation and injustice, which, in *qiyas* (analogy), can be equated with the prohibition of taking others' property unlawfully in Islam. Thus, the current IP Law has provided a strong legal foundation for recognizing and protecting individual rights, an essential prerequisite for realizing Sharia economic justice.²⁴

However, a deeper analysis shows the potential dissonance that requires further harmonization to be fully aligned with *Maqāṣid al-Sharī'ah*. Existing IP laws tend to be oriented towards an individualistic approach and economic gain, whereas Sharia principles prioritize the benefit of the *ummah* (public good). For example, in the case of patents, the exclusive rights granted can create monopolies, leading to high product prices and making them difficult for the wider community to access, especially for essential medicines. Although patent law allows for compulsory licensing under certain conditions, this mechanism does not fully reflect the principle of distributive justice in Islam. Therefore, regulatory interpretations and adjustments are needed to bridge this gap, ensuring that IP protection benefits individuals and contributes to broader socio-economic welfare, in accordance with the spirit of Islamic economic justice.

Through the lens of *Maqāṣid al-Sharī'ah*, IP protection must balance the rights of creators with the public interest. Patent rights, for instance, should not be used to restrict access to essential science and technology, particularly in vital sectors such as health and food. The concept encourages mechanisms that allow the use of intellectual works for social purposes, such as compulsory licenses or copyright exceptions for education and research.

GIs are one of the regimes within the IPR system that have a unique character, rooted in traditional knowledge, cultural practices, and local natural conditions, unlike patents or trademarks, which are oriented toward individual innovation and exclusive ownership. GIs emphasize communal value and the connection between products, regions, and their communities. By legally recognizing geographical origins, GIs can protect local wisdom while ensuring that economic value returns to the producing communities, not just to large industrial players or trade intermediaries.²⁵

However, in global practice, GIs are often reduced to instruments of commercialization focused on branding and premium markets, thereby shifting their initial purpose as mechanisms for empowering local communities. Therefore, the recontextualization of GIs as an instrument of economic justice becomes essential. This approach positions GIs not only as a tool for product protection but also as a means to distribute fair economic benefits, strengthen the bargaining power of producer

²⁴ Nursaid, Smith, and Dhakal.

²⁵ Fabrizio De Filippis et al., "The International Trade Impacts of Geographical Indications: Hype or Hope?," *Food Policy* 112, no. October (2022), <https://doi.org/10.1016/j.foodpol.2022.102371>.

communities, and recognize collective rights to natural and cultural resources. With this framework, GIs can serve as a bridge between economic development and social justice while also strengthening the sustainability pillar of national economic policy.²⁶

Reconceptualizing GIs as instruments of economic justice through the lens of *Maqāṣid al-Sharī'ah* requires a paradigm shift from merely protecting conventional IPR to using them as a tool to achieve the primary goals of Islamic law. This concept positions GIs not only as signs of origin but also as a vital means (*wasilah*) to realize the welfare of the community (*mashlahah*), particularly in economic and social dimensions. Within the framework of conventional IPR, the primary focus is on exclusive protection and the prevention of imitation. However, through the perspective of *Maqāṣid al-Sharī'ah*, the focus shifts to empowerment, fair distribution of benefits, and preservation of resources for the benefit of current and future generations. This reconceptualization ensures that the economic benefits generated by GIs are holistically integrated with Sharia values.

The review of GIs through *Maqāṣid al-Sharī'ah* must be centered on five main pillars (*al-Kulliyat al-Khams*), with special emphasis on *hifz al-mal* and *hifz al-nasl*.²⁷ In this context, GIs are reconceptualized to protect the collective heritage of local communities, including traditional knowledge, product reputation, and natural resources that give the product its unique characteristics. This protection extends beyond preventing material losses; it also ensures that profits from the sale of GIs' products are distributed fairly and sustainably to the producer community, avoiding exploitative or monopolistic practices that contradict the principles of Sharia economic justice.

Furthermore, the principles of Sharia economic justice require that the reconceptualization of GIs include measures to address wealth distribution and eliminate social disparities. GIs should catalyze the economic empowerment of rural and traditional communities, enabling them to obtain premium prices commensurate with the unique quality and historical value of their products. This aligns with the principles of *tawazun* (balance) and *adl* (justice) in Islam, where communal ownership rights over GIs are prioritized to benefit the majority. GIs must be designed to prevent the accumulation of wealth in the hands of intermediaries (middlemen) or external parties who do not contribute to the traditional production process.

Other pillars of *Maqāṣid al-Sharī'ah*, namely *hifz al-din* and *hifz al-'aql*, are also relevant. GIs' protection contributes to *hifz al-din* by promoting honest (*siddiq*) and transparent (*amanah*) business practices, and by avoiding fraud (*ghish*) and deceiving consumers about the origin and quality of products. Meanwhile, the preservation of the intellect is realized through the protection of traditional knowledge and local wisdom inherent in GIs products, ensuring that this communal intellectual property is not lost and

²⁶ Triyono Adi Saputro, Yudho Taruno Muryanto, and Suraji Suraji, "Geographical Indications As An Alternative To Save The Potential Product Of Micro, Small And Medium Enterprises (MSMEs) In Sragen Regency," *Jurnal IUS Kajian Hukum Dan Keadilan* 8, no. 3 (December 2020): 420, <https://doi.org/10.29303/ius.v8i3.832>.

²⁷ Husni Fauzan, "Pemikiran Maqashid Syariah Al-Tahir Ibn Asyur," *Al-Mawarid Jurnal Syariah Dan Hukum (JSYH)* 5, no. 1 (2023): 101–14, <https://doi.org/10.20885/mawarid.vol5.iss1.art7>.

continues to be innovatively developed by future generations. Thus, GIs becomes a mechanism for preserving cultural identity and Islamic business ethics.

Overall, the reconceptualization of GIs from a mere commercial sign to an instrument of *Maqāṣid al-Sharī'ah* is a fundamental effort to achieve complete economic justice (*al-adl al-syumuli*). This requires changes in regulation, oversight, and implementation, mandating active community participation, transparency in profit-sharing, and an emphasis on environmental and social sustainability. By integrating GIs into Sharia objectives, Indonesia can ensure that IP serves as an effective tool for poverty reduction, community empowerment, and the upholding of Sharia economic ethics, rather than merely formal legality.

From a legal certainty perspective, GIs provide certainty because they are registered and legally recognized IPR. GIs registration (such as for Gayo Coffee or Sikka Woven Ikat) provides clear legal assurance to producer communities that their product names, reputations, and quality are protected from misuse by external parties.²⁸ This certainty is crucial for economic stability, enabling long-term investment and facilitating fair trade, as consumers can be confident about the origin of products. However, this certainty can be unfair if applied rigidly, as seen in the case of overlap between GIs and trademarks, where the formalities of trademark registration sometimes disregard more substantial communal rights.

The usefulness aspect of GIs as an instrument of economic justice is achieved when the protection effectively improves the financial well-being of the producer community. The goals of GIs are to provide premium pricing, increase market share, and preserve traditional knowledge. In the context of Radbruch theory, beneficial law is that which serves the public and community interest. However, the benefits of GIs are often undermined when distribution is unfair, such as when large profits are enjoyed by exporters or intermediaries (middlemen) rather than by farmers or artisans at the upstream level. Injustice arises when practical goals (economic benefits) are not realized equally, rendering GIs ineffective as a tool for wealth redistribution.²⁹

Finally, the value of Justice (*Gerechtigkeit*) demands that GIs function as a tool for distributive balance and recognition of collective rights. Radbruch emphasized that justice is a higher principle, demanding equal treatment for equals and different treatment for unequals. In the case of GIs, this means recognizing the communal nature of GIs and prioritizing the protection of traditional communities over individual (brand) exclusive rights in the event of conflict, as seen in the Toraja Coffee case. Radbruchian justice requires the IP legal system to adjust rules to prevent substantial injustice, ensuring that the legal certainty and benefits generated by GIs are truly enjoyed by those most entitled: the community that created and maintains the product's uniqueness. Therefore, the analysis of GIs as instrument

²⁸ Luh Putu Kirana Pratiwi, Made Budiasa, and Nyoman Yudiantini, "The Role of The Geographic Indication Certification of Arabic Coffee as an Effort Of Local Farmers," *International Journal of Research -GRANTHAALAYAH* 9, no. 1 (February 2021): 330–38, <https://doi.org/10.29121/granthaalayah.v9.i1.2021.3102>.

²⁹ Robert Alexy, "Gustav Radbruch's Concept of Law," *Law's Ideal Dimension* 26, no. 1946 (2021): 107–18, <https://doi.org/10.1093/oso/9780198796831.003.0008>.

of economic justice, based on Gustav Radbruch's Theory, concludes that their effectiveness does not rely solely on formal legal certainty (registration) but must explicitly prioritize the value of substantive justice. Justice demands that the collective rights of the GIs producer community be respected and prioritized over individual exclusive rights (trademarks) in case of conflict, while also ensuring that the economic benefits generated by the GIs are distributed fairly and equally among all community members, so that the GIs truly function as a tool for wealth equalization, not just as a legal formality.

Convergence of Intellectual Property Protection for Geographical Indications as an Instrument of Economic Justice from the Perspective of Maqāsid al-Sharī'ah

IP as an instrument of Sharia economic justice can be analyzed within the context of the applicable national legal framework, specifically through laws such as Law No. 28 of 2014 on Copyright, Law No. 13 of 2016 on Patents, and Law No. 20 of 2016 on Trademarks and Geographical Indications. These laws grant exclusive rights to individuals or legal entities for their intellectual works, recognizing and protecting the results of their efforts, creativity, and innovation.³⁰ From a Sharia perspective, this aligns with the principles of rewarding hard work (*ikhtiar*) and recognizing private property rights (*haq al-milkiyah*), both of which are integral to the principle of justice in Islam.

However, the protection of exclusive rights as stipulated in the IP Law must not result in harm or inequality in access to basic societal needs, such as medicine, educational technology, or scientific advancements. In this regard, the *Maqāsid al-Sharī'ah* principle must be applied as a normative basis to balance individual rights and public interests. Indonesian law has created space for such a balance through specific provisions, such as compulsory licensing, term limitations, and the principle of fair use. Nonetheless, the implementation of these policies still heavily depends on sectoral approaches and has not been fully integrated with the values of Islamic distributive justice.³¹

In the context of Sharia economics, IP should not only be seen as a tool for commercialization but also as a means to create social benefits and reduce economic inequality. Policymakers and Sharia economic actors, therefore, need to integrate *Maqāsid* principles such as *hifz al-mal* and *hifz al-nafs* into the practice and management of IP. This can be realized through policies that support open licensing, incentives for social innovation, and the fair and sustainable distribution of IP proceeds. Thus, existing IP regulations can function optimally as instruments of Sharia economic justice, protecting rights and empowering individuals.³²

The convergence of rights protection and distributive justice refers to the process of harmonizing efforts to safeguard the rights of individuals or groups with the principle of

³⁰ Darwance Darwance, Yokotani Yokotani, and Wenni Anggita, "Dasar-Dasar Pemikiran Perlindungan Hak Kekayaan Intelektual," *PROGRESIF: Jurnal Hukum* 15, no. 2 (December 2020): 193–208, <https://doi.org/10.33019/progresif.v15i2.1998>.

³¹ Suud Sarim Karimullah, "Exploration Of Maqasid Al-Shariah Concepts In The Development Of Islamic Economic Policies," *Mu'amalah: Jurnal Hukum Ekonomi Syariah* 2, no. 2 (December 2023): 153, <https://doi.org/10.32332/muamalah.v2i2.7747>.

³² Mimma Maripatul Uula and Darwis Harahap, "The Implementation of Maqasid Shariah in Economic Studies," *Journal of Islamic Economics Literatures* 4, no. 1 (February 2023), <https://doi.org/10.58968/jiel.v4i1.223>.

justice in the fair distribution of resources and benefits. In this context, rights protection is not solely about fulfilling fundamental rights such as IPR, human rights, or civil rights, but also ensuring that such protections align with distributive justice, which emphasizes the fair and equitable distribution of resources to prevent social and economic inequality.

This convergence is essential because rights protection, when carried out without regard to distributive justice, can lead to inequalities that exacerbate the conditions of vulnerable or disadvantaged groups.³³ For instance, in the context of IP, strict copyright or patent protection may foster innovation. However, if not balanced with distributive justice, access to such technology or knowledge may be limited to specific groups. Thus, this convergence emphasizes the importance of striking a balance between safeguarding individual rights and addressing broader social interests.

With the convergence of rights protection and distributive justice, policies and legal systems are expected to accommodate both dimensions simultaneously. This enables a system that not only protects individual and collective rights but also ensures that benefits and opportunities are equitably distributed, thereby enhancing collective well-being. Ultimately, this convergence seeks to establish an inclusive and equitable society, where rights and justice coexist harmoniously, without contradiction.

GIs are a distinctive IPR regime, with unique economic, social, and cultural dimensions. GIs protect products with unique characteristics that arise from geographical factors, including the natural environment, human resources, and the traditional knowledge of local communities. This protection not only recognizes the economic value of a product but also elevates the regional identity and cultural heritage of the producing community. In this context, a GIs serves as an instrument that reinforces the connection between the economy and social justice, as the profits derived from the added value of the product ideally return to the local community, which is the custodian of knowledge and a resource manager.³⁴

As an instrument of economic justice, GIs help to distribute economic benefits more equitably at the grassroots level. GIs products, such as coffee, tea, woven fabrics, or traditional spices, have significant potential to generate high economic value through premium pricing, based on the reputation and unique quality associated with their region of origin. However, these benefits can only be realized if the GIs protection system is designed in a reasonable, transparent, and participatory manner, ensuring that local communities are not merely symbols or objects of commodification, but rather the primary beneficiaries who enjoy the economic returns from their product's reputation.³⁵

Furthermore, GIs can advance economic justice within the global trading system, which has historically favored large economic actors. By legally recognizing local practices and values, GIs provide space for indigenous communities and smallholder farmers to compete with dignity in international markets. Strengthening GIs as an instrument of

³³ Maria Alfons, "Implementasi Hak Kekayaan Intelektual Dalam Perspektif Negara Hukum," *Jurnal Legislasi Indonesia* 14, no. 3 (2017): 301–11, <https://doi.org/10.54629/jli.v14i3.111>.

³⁴ Freddy Harris et al., *Modul Kekayaan Intelektual Tingkat Lanjut Merek Dan Indikasi Geografis*, 1st ed. (Jakarta: Direktorat Jenderal Kekayaan Intelektual, 2020).

³⁵ Muhammad Arif and Rosni Rosni, "Pemanfaatan Dan Pengelolaan Hak Atas Kekayaan Intelektual (HKI) Sebagai Strategi Pengembangan Kewirausahaan," *Jurnal Geografi* 10, no. 1 (2018): 98, <https://doi.org/10.24114/jg.v10i1.8632>.

economic justice requires integrating intellectual property policies, sustainable development, and social justice, ensuring that protection is not solely commercially driven but also focused on community economic empowerment and the preservation of natural resources, which underpin sustainability.³⁶

An analysis of GIs as an instrument of economic justice from the perspective of *Maqāshid al-Sharī'ah* reveals a fundamental alignment between the objectives of Islamic law and the function of this intellectual property instrument. *Maqāshid al-Sharī'ah*, as the primary purpose of Islamic legal legislation, focuses on protecting five essential values (*al-dharuriyyat al-khams*): religion (*din*), life (*nafs*), intellect (*aql*), lineage (*nasl*), and wealth (*mal*). By safeguarding the reputation, quality, and characteristics of products that are intimately tied to their geographical origin, Geographical Indications directly contribute to the protection of wealth (*hifz al-mal*) for local producer communities. This is achieved by ensuring that the economic value of their unique products, often passed down through generations, is not exploited or misappropriated by unauthorized external actors.³⁷

Furthermore, Geographical Indications address the social and environmental dimensions essential for fulfilling the *Maqāshid al-Sharī'ah*. The protection of GIs fosters the preservation of traditional knowledge, culture, and sustainable production practices, as the product's reputation is inherently linked to the methods and environment of its origin. This indirectly contributes to the preservation of life (*hifz al-nafs*) and intellect (*hifz al-aql*) by improving living standards, enhancing public health, and safeguarding cultural identity. Additionally, the geographical attachment of GIs encourages environmentally sustainable farming and production practices, ensuring the continued uniqueness of the product. This aligns with the Islamic environmental ethic, which emphasizes the balance of nature (*mizan*).

From a regulatory and governance perspective, GIs reflect the principles of prudence and transparency that are essential to Sharia commercial law, particularly in economic transactions. The process of registering and overseeing GIs requires establishing clear standards for quality, origin, and use, thereby safeguarding consumers' right to accurate information (*haqq al-mustahlik*). By preventing fraudulent practices or the distribution of counterfeit products, GIs also protect society from *gharar* (uncertainty or deception) in commercial transactions.³⁸

This is a manifestation of *al-mashlahah al-'ammah* (public interest), a concept closely tied to *Maqāshid al-Sharī'ah*, where the protection of individual rights and market interests mutually support the collective good.

GIs are a modern instrument that functionally fulfills the core objectives of *Maqāshid al-Sharī'ah*, particularly in the realm of economic justice. GIs are not only about protecting intellectual property but also serve as a means to strengthen the socio-economic fabric of producer communities, preserve cultural heritage, and promote distributive justice. The

³⁶ Neema Mary K J and Remya Ramachandran, "Intellectual Property System to Enhance the Tourism Competitiveness in India – A Conceptual Framework," *RESEARCH REVIEW International Journal of Multidisciplinary* 4, no. 4 (April 2019): 1094–97, <https://doi.org/10.5281/ZENODO.3240429>.

³⁷ Samsul Arifin, "Rekonstruksi Hukum Islam Melalui Pendekatan Maqashid Syari'ah," *Jurnal Mediasas : Media Ilmu Syari'ah Dan Ahwal Al-Syakhsiyah* 5, no. 1 (2022): 98, <https://doi.org/10.58824/mediasas.v5i1.413>.

³⁸ Zatadini and Syamsuri, "Konsep Maqashid Syariah Menurut Al-Syatibi Dan Kontribusinya Dalam Kebijakan Fiskal."

synergy between GIs and *Maqāṣid al-Sharī'ah* makes this instrument highly relevant for ethical and sustainable economic development, ensuring that economic activities bring overall benefit, not only in this world but also in alignment with Sharia principles.

According to Richard Posner's theory of economic law, the law serves as a tool to achieve financial efficiency, with legal rules ideally designed to maximize social welfare by minimizing costs (economic efficiency through cost minimization). In this framework, GIs can be understood as legal instruments that provide financial incentives for local producers to maintain the quality, reputation, and sustainability of products associated with a specific region. By granting legal protection to the added value of local products, GIs promote market efficiency by reducing information asymmetry between producers and consumers. Consumers can be assured that GI products guarantee quality and origin, while producers are fairly compensated for the reputation they build and the standards they uphold.

In terms of economic justice, GIs serve as a tangible tool for equalization. The successful registration and protection of GIs allow producer communities—often located in rural or underdeveloped areas—to obtain a fair share of the added value derived from their products. Higher selling prices and global demand for GIs' products, such as coffee, tea, and traditional handicrafts, directly enhance the incomes and living standards of local communities. This aligns with the principles of Islamic distributive justice, which advocate for the equitable distribution of wealth and guard against its concentration in the hands of a few. Thus, GIs help mitigate economic disparities between regions, ensuring that the wealth generated from natural resources and traditional expertise returns to its rightful owners, in accordance with the spirit of *tahqiq al-adl* (achieving justice).

From an economic justice perspective, applying Posner's theory to the GIs system demonstrates that legal protection can function as an efficient and just mechanism for redistribution. GIs' protection enables local communities to receive a proportional share of the economic value generated by their products while preventing external actors from profiting without contributing to the region's development. Therefore, GIs not only fulfill Posner's principle of economic efficiency but also extend it to equitable efficiency, ensuring that economic benefits are fairly distributed to small economic actors and local communities. This approach balances market interests with social values, advancing both economic justice and sustainability.³⁹

Additionally, from the perspective of *maqāṣid al-sharī'ah*, Islamic law not only regulates human relationships with God but also governs social justice, economic well-being, and public welfare (*maslahah 'ammah*). GIs, as legal instruments protecting distinctive regional products, can be understood as part of efforts to safeguard society's economic and social well-being. The protection of GIs aligns with the core objectives of Sharia, namely *al-'adl* (justice) and *maslahah* (benefit), ensuring that the rights of local communities to resources, traditional knowledge, and economic outcomes are fairly and proportionally protected. Thus, GIs serve as a modern legal mechanism that aligns with the spirit of *maqāṣid al-sharī'ah*, maintaining a balance between individual and collective interests.

³⁹ Richard A Posner, *Economic Analysis of Law*, 9th ed., ed. Richard A Posner (Chicago: Wolters Kluwer Law & Business, 2014).

One of the main objectives of *maqāṣid al-sharī'ah* is to preserve wealth (*ḥifẓ al-māl*). In the context of GIs, this principle means protecting the economic and cultural wealth of local communities from exploitation by outsiders without permission. Through GIs protection, local products with unique reputations and qualities gain legal recognition, allowing communities to benefit economically legitimately and sustainably. This reflects the protection of wealth (*māl*) earned through hard work, cultural heritage, and local knowledge—all of which are forms of trust that must be safeguarded. Therefore, GIs are not merely an economic instrument but also a form of implementing Islamic values in protecting collective property rights.

Beyond protecting property, GIs also support the goals of *ḥifẓ al-nafs* (preserving life) and *ḥifẓ al-bi'ah* (preserving the environment). GIs products typically rely on specific ecological conditions and geographical factors, making environmental conservation an integral part of local economic sustainability. By integrating sustainability principles into natural resource management, GIs promote environmentally friendly economic practices and support long-term community livelihoods. Within the framework of *maqāṣid al-sharī'ah*, this demonstrates alignment among economic, ethical, and ecological considerations—three essential pillars for creating equitable prosperity.

Furthermore, GIs also embody the values of *ḥifẓ al-'aql* (preserving the intellect) and *ḥifẓ al-'irdh* (preserving honor). By recognizing local knowledge and traditional practices, GIs elevate the intellectual dignity of communities that have often been marginalized within the global economic system. The recognition of cultural identity and local wisdom strengthens community members' self-confidence and self-esteem, while also encouraging tradition-based innovation that aligns with Islamic values. Thus, GIs not only protect material outcomes but also respect immaterial values such as the honor and collective intellect of the community.

Table 1 presents a detailed analysis of the advantages and disadvantages of the GI regime, exploring its alignment with the core objectives of *Maqāṣid al-Sharī'ah*—including justice (*al-'adl*), the protection of wealth (*ḥifẓ al-māl*), the preservation of life (*ḥifẓ al-nafs*), and the safeguarding of cultural heritage. This analysis provides insights into how GIs can both enhance and, at times, challenge the realization of economic justice in the context of Islamic law:

Table 1. Analysis of the Advantages and Disadvantages of the Geographical Indications (GIs) Regime as an Instrument of Economic Justice from the Perspective of *Maqāṣid al-Sharī'ah*

Aspect	Benefits of GIs	Disadvantages of GIs
<i>Hifẓ al-Māl</i> (Guarding Property)		
Economic Justice & Welfare	Increased Economic Value: GIs provides protection and enhances reputation, enabling premium pricing (value-added), thereby increasing the income and well-being of local producers and	Access and Registration Costs: The process of registering and managing GIs is often time-consuming and costly, which can be a barrier for small producers or economically disadvantaged

Aspect	Benefits of GIs	Disadvantages of GIs
	protecting their assets from potential loss.	communities.
Income Distribution	Fair Distribution of Wealth: Economic benefits are equitably distributed among the community of producers within a specific geographic area, preventing external actors from exerting undue control and realizing distributive justice.	Internal Community Conflict: There is potential for disputes or conflicts of interest among community members over management, quality control, and profit sharing, threatening the stability of shared assets.
Protection from Injustice	Protection from Counterfeiting: GIs protect product names from unfair competitive practices, such as passing off, thereby safeguarding the rights of legitimate producers and preventing consumer fraud (avoiding harm/damage to property).	Potential for Rights Exploitation: Powerful groups within communities may dominate GI management, potentially exploiting smaller producers or workers in the absence of strong, equitable governance.
b. <i>Hifz al-'Aql</i> (Guarding the Mind) & <i>Hifz al-Nafs</i> (Guarding the Soul)		
Transparency & Information	Quality Assurance and Authenticity: GIs ensure accurate information about product quality, which increases consumer trust and maintains the manufacturer's reputation. This protects consumers' minds from deception.	Lack of Awareness & Knowledge: Insufficient awareness about the importance of GIs among producers and local governments can hinder their registration and utilization, creating challenges in securing common knowledge.
Health and Safety	Quality Control: Strict production standards in GI specifications often include health and safety aspects for both producers and consumers, thus safeguarding life and health.	Compliance Burden: Meeting strict quality requirements may necessitate additional investment in production facilities, which can impose a financial burden on traditional or small-scale producers.
c. <i>Hifz al-Dīn</i> (Protecting Religion) & <i>Hifz al-Nasl</i> (Protecting Lineage)		
Sustainability & Cultural Heritage	Preservation of Local Wisdom: GIs encourage the preservation of traditional production methods, knowledge, and culture passed down through generations, while also promoting environmental sustainability (aligning with public interest).	Innovation Stagnation: A rigid focus on "traditional methods" may hinder the adoption of more efficient or environmentally friendly technologies, even if the goal was to promote sustainability
Community Strengthening	Fostering Brotherhood and Cooperation: Establishing an GIs management institution (e.g., GIs	Non-conformity with Sharia Values: If GIs products employ practices or materials that contravene <i>Sharia</i>

Aspect	Benefits of GIs	Disadvantages of GIs
	Protection Society/MPIG) can strengthen cooperation, social solidarity, and an Islamic work ethic within the community.	(e.g., exploitation or haram materials), then the GIs itself may be contrary to the purpose of preserving religion.

Source: Data Processed by the author, (2025).

GIs is a designation that indicates a place of origin, characterized by a reputation, quality, and distinct attributes determined by geographical factors, including both natural and human influences. *Maqāṣid al-Sharī'ah* are the primary objectives of Islamic law, aimed at achieving *maslahah* (goodness) and preventing *mafsadah* (harm) for humanity. Generally, *Maqāṣid al-Sharī'ah* encompasses the preservation of five core principles (*Al-Kulliyat Al-Khams*): Religion (*Dīn*), Life (*Nafs*), Intellect (*Aql*), Progeny (*Nasl*), and Wealth (*Mal*). In the context of economic justice, GIs are primarily relevant to the preservation of Wealth (*Hifẓ al-Māl*) and are further supported by aspects such as *Hifẓ al-'Aql* (transparency) and *Hifẓ al-Nasl* (preservation of cultural heritage/inherited traditions).

The benefits of GIs align with efforts to achieve *maslahah* (welfare and justice), particularly in protecting producers' assets, ensuring fair prices, and guaranteeing product quality. However, the challenges of implementing GIs—such as issues related to access, costs, and community conflicts—highlight potential risks for *mafsadah* (harm), which may impede the achievement of *maslahah* if mismanaged.

Ultimately, viewed through the lens of *Maqāṣid al-Sharī'ah*, Geographical Indications present an ideal economic policy model. They not only promote economic growth but also advance distributive justice, environmental preservation, and the protection of socio-cultural values. GIs embody the principle of *maslahah mursalah* (public interest) in a modern context, wherein the legal system can balance market interests with societal well-being. Therefore, the application of GIs as an instrument of economic justice is not only legally permissible but also highly valuable, both morally and spiritually, within the framework of *Maqāṣid al-Sharī'ah*.

CONCLUSION

This research concludes that the protection of IPR, particularly GIs, holds significant potential to be reconceptualized as an instrument of economic justice when viewed through the perspective of *Maqāṣid al-Sharī'ah*. This approach perceives Islamic law not only as a legal instrument for protecting individual economic interests but also as a means to achieve public welfare and equitable prosperity. The main principles of *Maqāṣid al-Sharī'ah*, such as *hifẓ al-māl* (protection of property), *hifẓ al-nafs* (protection of life), and *hifẓ al-'aql* (protection of intellect), provide an ethical and philosophical foundation for developing a more just and sustainable economic legal system.

In the context of GIs, the legal protection provided must strengthen local communities' bargaining power, prevent the exploitation of resources, and ensure the fair distribution of economic benefits for all stakeholders. On the other hand, while Indonesia's positive legal framework already reflects values of justice and recognizes the community's economic

rights, its orientation remains primarily individualistic. Therefore, integration between the positive legal system and the principles of *Maqāṣid al-Sharī'ah* is essential to ensure that GI protection functions as a valid instrument of social and economic justice, aligned with Islamic values and sustainability.

Based on the study's findings, it is recommended that the government reformulate IPR policies and regulations by incorporating the principles of *Maqāṣid al-Sharī'ah*, particularly those emphasizing justice, balance, and public interest. Strengthening the role of local communities in the management and use of GIs should be prioritized to ensure that the resulting economic value is not enjoyed solely by large industry players but also directly benefits producer communities. Additionally, it is crucial to integrate Sharia values into creative economy policies to develop an intellectual property protection system that is not only legally valid but also ethical and inclusive.

Efforts to improve literacy and education on IPR concepts grounded in *Maqāṣid al-Sharī'ah* for academics, legal practitioners, and business stakeholders must also be intensified. Finally, synergy between government, academia, industry, and local communities, facilitated through the quadruple helix collaboration model, should be expanded to position Geographical Indications as a pillar of sustainable development oriented toward economic justice and the empowerment of local communities.

CONFLICT OF INTEREST

The authors declare no conflict of interest.

FUNDING

The authors gratefully acknowledge the generous financial support provided for this research and its publication. This work was made possible through the Competitive Research Program (RIIKOM) awarded by the Lembaga Riset dan Inovasi (LRI) of Universitas Muhammadiyah Surakarta (UMS). This dedicated funding mechanism underscores the institution's commitment to fostering high-impact scholarly contributions in legal and economic studies. The financial assistance received played a crucial role in supporting the comprehensive library research and analytical process involved in this study.

ACKNOWLEDGMENT

We, the authors and team members, would like to express our heartfelt gratitude to *Lembaga Riset dan Inovasi Universitas Muhammadiyah Surakarta* for their support and assistance in the implementation of this research from start to finish, leading to the smooth and successful publication of this study through Decree Number: 95.9/A.3-III/LRI/IV/2025. *Jazakallah khairan*

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