

# Legal Protection of Oukup Karo Treatment as a Form of Communal Intellectual Property Rights

Ellieka Sari and Runtung Sitepu

*Doctoral Program in Law, Universitas Sumatera Utara, Medan, Indonesia*

**Keywords:** Traditional Knowledge, Oukup Karo, Regulations, Legal protection.

**Abstract:** Traditional knowledge of medical treatment is a Communal Intellectual Property Right (Communal Intellectual Property Rights) which must be legally protected. Communal Intellectual Property Rights according to Law No. 28 of 2014, no. 5 of 2017, and no. 20 of 2016 concerning Copyright, Promoting Culture, and Brands and Geographical Indications, respectively. This study examines the openness of works of traditional knowledge related to medicine enough. Alignment and harmonization of national and international instruments. The government has begun to curb businesses through cooperatives, industry and trade services in order to run businesses through cooperatives. In 1982 Indonesia adopted the Tunis model law and established the 1982 copyright law, including including sufficient traditional knowledge as a legal umbrella for protection from the perspective of communal intellectual property rights. This research is a normative legal research: Normative legal methods refer to legal norms in various laws and regulations. Data collection was carried out through literature review and supported by empirical data through interviews with business owners, sellers of basic ingredients, consumers, and the department of cooperatives, industry and trade. Data were analyzed qualitatively using a legal theory approach.

## 1 INTRODUCTION

Indonesia has a variety of cultures and religions, beliefs, ethnicities, languages and customs. There are five ethnic Bataks, one of the ethnic groups in North Sumatra is the Karo Batak customary law community. They prefer to be called "Karo". They are located in Karo district, as well as expansion areas such as Deli Serdang, Langkat, Simalungun, and Medan and Binjai municipalities. In other areas throughout North Sumatra and Indonesia in small numbers to date it has spread throughout Indonesia.

Indonesia is blessed with quite unique culture and customs that produce traditional traditional works, one of which is the work of traditional knowledge which is the nation's identity and assets. The traditional knowledge that was studied was that it became the Karo ethnic identity. Oukup is an intellectual work in the field of traditional knowledge and technology that contains characteristics of traditional inheritance that are produced, developed and maintained by indigenous peoples, including: Technical skills (know how), skills, innovation, concepts, learning and other habitual practices that shape lifestyles traditional

societies include agricultural knowledge, technical knowledge, ecological knowledge, medical knowledge including medicine related to healing procedures (Erni Widhyastari, 2019). Selama ribuan tahun, masyarakat adat di seluruh dunia telah hidup secara berkelanjutan di wilayah mereka (Clarkson et al. LaDuke, 1994). The knowledge that indigenous peoples develop to ensure their survival has changed over time to meet new challenges; in many ways it remains as relevant today as it is historically. (Deborah Mc.Gregor, 2020)

Traditional knowledge, as a cumulative accumulation of knowledge, practice and belief, is essential for the maintenance of the homeland and agricultural resources on which people depend and enter into the decision-making process at almost every stage of production, management, distribution and consumption of these resources. (Berkes, 2004). The integrity of traditional knowledge has become a world debate on its valuable contribution to climate change strategies (Ford et al., 2016). Traditional Knowledge (TK) is well known for its contribution to climate change adaptation strategies and based natural resource conservation. (Bernadette Montanari et al, 2019). Traditional Knowledge (TK)

is a community-based knowledge system that has been developed, preserved and maintained from generation to generation by local and indigenous communities through continuous interaction, observation and experimentation with the surrounding environment (Pushpangadan P, et al, 2005), AICRPE (Ethnobiology Project coordinated by All India) Final Technical Report 1992-1998). Traditional knowledge related to biodiversity developed and held in indigenous and local communities was thus found to be the most valuable clues to modern technological innovation and in developing new foods (functional foods, medicinal foods, and nutraceuticals), pharmaceuticals (pharmaceuticals). ). (Pushpangadan et al, 2018).

Traditional medicine has long served humanity as the main source of therapeutic aids. The significance of research in traditional medicine is increasingly being recognized because there is substantial evidence that explains the prospects for further research based on the use of traditional medicinal plants (WHO, 2002). The scope and usefulness of traditional medicine research are considered to be of greater importance in the field of human health care. (West R, 1984). A trip to pharmacology: curare in medicine). Ultimately, traditional knowledge and skills must be approached, in a respectful and ethnically appropriate manner that benefits the communities involved, without disturbing the community ecosystem. The research design must have social value and instill awareness to improve the health and socio-economic development of the community. (Garima Pandey \*, 2017). It is quite beneficial for the recovery of health for those who are recovering from illness and post-partum normal mothers (who undergo cesarean section according to doctor's instructions or midwife). Sauna baths bring about many acute changes in hormone levels, some similar to other stressful situations, some specifically for saunas. (Ilpo T. Huhtaniemi et al, 2019). Sauna bathing is a popular recreational activity. (Min Zhuo et al, 2018). Most importantly, it provides legal protection for business actors with "sauna baths" in managing adequate business places. They are the ones who develop a modern sauna bath. Because the development of this Sauna Bath will bring income for the local government. Meanwhile, the development of a sauna bath for everyone, especially the Karo tribe, is only for the development of the Cultural Aspects. Because this is a cultural preservation and the development of traditional sauna baths. Because you feel the benefits of sauna bathing for people who are recovering from

illness or for mothers who give birth it makes stamina better. Also, business actors who sell basic materials need legal protection in obtaining sufficient basic materials. Because there are still many of these materials that have not been cultivated and must be looked for in the forest around the village on Karo land. So to keep getting the basic ingredients of oukup, the plants must be reproduced. So to make this happen, cooperation can be made with the Department of Agriculture and the Forestry Service, of course, in the cultivation of planting the basic materials for this purpose. In this case, it is considered important that it is important to provide legal protection for business actors in managing adequate business premises.

Every business must think of profit (benefit), as well as business ventures. Expected protection is from the legal aspect (legality) so that businesses can be formed on a legal basis such as cooperatives in accordance with government recommendations through the ministries of cooperatives, industry and trade. In this case, Oukup Business Actors are expected to be assisted to be more advanced in doing business, still. Traditional knowledge includes intellectual property rights so legal protection must be made so that certainty and justice for the communal is created.

The complexity of the issue of legal protection of intellectual property rights in the era of globalization is followed by various discourses. (Pulung Widhi Hari Hananto \*, et al, 2019). The correlation between the economic benefits enjoyed and the inherent economic value fosters the concept of property from intellectual work (Escudero, 2012).

The interview results with the Department of Cooperatives, Industry and Trade of Karo Regency in the field of SMEs (Small and Medium Enterprises), the type of Oukup, has not yet formed a union in one container "Legal Entity namely Cooperatives" implemented in practice. Based on the results of interviews with the cooperative, industry and trade offices of the Karo district in the field of small and medium businesses (SME), it was found that legal protection for the types of oil has not yet been implemented in practice. So far, traditional industries such as Oukup are still under the ministry of tourism and the creative economy makes it difficult for local governments to regulate them. However, currently it is controlled by the Ministry of Cooperatives, Industry and Trade in the SME sector. However, for the protection of consumers, business actors must have permission from several related agencies, including: Health Service, High Prosecutor's Office, Regional / City

Governments through the Civil Service Police Unit. In the future, the Actors and sellers of basic materials must be able to be protected legally so that they can be fostered and developed sustainably (Interview with UKM staff, 2020). Furthermore, business actors will receive legal protection, certainty and fairness in operations and development. On the other hand, the sellers of basic materials also need to be protected in terms of getting basic ingredients that are indeed difficult to obtain. If they are protected by the law, plant material can be propagated and they are no longer looking for forests in the forest. Business Actors hope there is legal protection for them. Because the business they have founded is required to obtain permits from several related agencies, including: 1. Health Service, Traditional Medicine Permit, 2. High Prosecutor's Office in the form of a spiritual / traditional treatment registration form., 3. The Cooperative, Industry and Trade Office accommodates actors Business in the form of a business association in the form of a Cooperative Business Entity. 4. Civil Service Police Unit Order license from the local regional / city government. As a good citizen and business actor, those who already have a business license are sufficient to support the government in obtaining non-tax local revenue. However, business actors have not received any protection from the government. Specifically for capital assistance, the Business Actor has not yet received (Interview with a number of business operators, 2020).

So far, the government has been impressed by letting business people manage business ventures without going through legal entities. One of the impacts of a business without legal umbrella is the potential for misuse of business forms in illegal activities. If this business is run according to rules such as by establishing a Cooperative as a place for adequate business and other traditional medicines, both the business actor and the product will be protected. One of them is that business actors can avoid illegal levies which have always been deposited. So they are legally protected. One of the things that disturbs business actors is extortion (illegal levies) which they have had to pay to certain parties and are not responsible.

The author concludes from the opinion of business actors, both sellers of basic ingredients and business actors in the sauna bath therapy section. The most important thing is legal protection for them is the cultural aspect. Because the legal aspect already has related parties, the local government through the Cooperative Health Service, the

Cooperative, Industry and Trade Office, the High Court and the Civil Service Police Unit. In practice, there is no good cooperation between Oukup Business Actors and Local / City Governments. If it is managed properly, if it is made like a Bali Spa or Sauna Bath from Japan, it can certainly increase the benefits that can generate income for the Regional / City Government.

Some of the national journals have examined the adequacy of the field of ecotourism and environmental services as well as anthropology. Jurnal Internasional yang mengkaji tentang oukup Karo belum ada tapi seperti Mandi Sauna (Sauna Bath) di daerah lain sudah ada masih seputar bidang Kesehatan dan Farmasi. The legal theory that becomes the knife of analysis used in this paper is the theory of legal protection, the theory of certainty and justice and the theory of traditional law *haar*. Some things that were discussed in this research were the opportunity for traditional knowledge works to be sufficiently protected by law and efforts to prepare a legal umbrella for the harmony and harmonization of national and international instruments from the perspective of communal intellectual property rights.

## 2 METHOD

The author conducted research in Medan, Pancur Batu and Kabanjahe. Data were obtained from several business operators on the Jamin Ginting Road in Medan, several sellers of basic ingredients in the traditional market in Pancur Batu, and interviews with the Karo District Cooperative, Industry and Trade Office in the SME level.

The type of literature used is reference literature that refers to secondary data materials for normative legal research. Based on the binding power, normative law is divided into primary, secondary, and tertiary legal material. These materials are obtained through library studies to be further analysed qualitatively, holistically, and comprehensively (Lexy j Moelon).

In addition to literature, direct interviews were also conducted with one intellectual expert from the USU academy, one expert on customary law among academics at USU, three from the Cooperative Office, Karo Regency Trade Industry, namely the Head of Office, Head of Division and Head of UKM Section, three Actors Oukup business is on the road Jamin Ginting, Padang Bulan Medan, three sellers of basic ingredients in Pancur Batu, Deli Serdang Regency, and nine good enough recovered

Consumers and post-partum mothers and normal cesareans. Interviews were conducted with a model providing questions that have been prepared by telephone are guided free.

Data analysis in this study was conducted in a series of activities starting from data collection to drawing conclusions. The analytical method is carried out with a qualitative method that is focused on the depth of study between the concepts used or found in research. This research is normative (Jhony Ibrahim, 2008) empirical using secondary and primary data. (Soerjono Soekanto, 1990) The implementation of research is limited only to the issue of protecting the legal knowledge of traditional knowledge.

### 3 RESULTS AND DISCUSSIONS

#### 3.1 Legal Protection of Traditional Medical Works

Referring to the Law No. 6 of 1982 revised with Number 28 of 2014 concerning Copyright, Number 5 of 2017 concerning Cultural Promotion, and Number 20 of 2016 concerning brands and geographical indications. The Ministry of Law states that traditional knowledge includes: Technical skills (know how), skills, innovations, concepts, learning and other habitual practices that shape the lifestyles of traditional communities including agricultural knowledge, technical knowledge, ecological knowledge, medical knowledge including medicine related healing procedures.

Traditional knowledge in detail including: Customs of the people, rituals (magic) and celebrations, traditional economic systems, social organization systems, knowledge and behavioral habits about nature and the universe, and traditional medicine, skills in making traditional crafts, traditional food / drinks, and modes traditional transport (Dewa Putu Gede, 2019).

Oukup as traditional medical knowledge of the Karo traditional law community was mixed by predecessors about hundreds of years ago. The method is a steam bath (Sauna Bath), the prepared mixture of oukup is boiled in a cooking container (pot) on the stove with a fire temperature that is hot enough. Then the steam from the boiled water from the mixture is used as a treatment called oukup. Karo. Initially traditional knowledge was discovered or mixed by ancestors who did not have a religion (who had a profession as a shaman / sibaso teacher). Some of the goals of traditional medicine are

recovery for those who are recovering from illness, recovery of extra energy for mothers after childbirth normally. But for mothers who give birth a cesarean section need advice and instructions from the obstetrician or midwife who handles labor.

The treatment procedure is sufficiently divided into several stages: Before doing the oil, the patient must be spotted / massaged first; When undergoing o adequate, the patient is treated from the steam of the herbs that have been boiled; and after it is finished, the patient takes a warm bath which is given yellow or parem. These stages are usually carried out for four consecutive days. The remaining warm enough concoction water can also be bathed by the patient.

The benefits of medication have been tried and felt by many users both in the city and in the region. Furthermore, the results of this study are expected to be very useful to legally protect sufficient knowledge that exists with business actors, sellers of basic ingredients, consumers and no less important is the government, in this case the Karo district government as its guardian. Upholding traditional communal knowledge is very beneficial for all parties, especially the government and community activists and users to legally protect the Intellectual Property Rights in the traditional work.

One of the bad habits in Indonesia is that if there is an original then there is always a fake. One effect of this habit is the lack of government appreciation for one's work. Another impact of this custom is that there are many Indonesian works that are claimed by foreign countries such as the gondang Sembilan Mandailing claimed by the State of Malaysia. Luckily Malaysia cannot make patent rights except for the right to use.

In designing communal property rights many obstacles are often found. There are two reasons why most indigenous peoples cannot accept the unpleasant reality in which their work is claimed by others, namely: 1) The authors, artists, and creators of traditional societies very rarely receive adequate financial rewards for intellectual property in the form of exploited traditional knowledge. 2) The unauthorized use of exploited traditional knowledge works is considered to offend the creator community such as commercialization which is prohibited by religion or custom (Tim Linsey, 2001). Based on these obstacles, in this study steps were taken to protect traditional knowledge so that one day it could be a geographical indication of the Karo Regency to support the Tourism and Economy of the local area.



### 3.2 Legal Umbrella Efforts against Communal Intellectual Property Rights

Protection of traditional knowledge refers to the National Legal Instrument, henceforth referring to the International Legal Instrument. The National Legal Instrument was started in Law 6 of 1982 revised through No.6 of 1982, and revised Number 28 of 2014 concerning Copyrights, Number 5 of 2017 concerning Cultural Promotion, and Law Number 20 of 2016 concerning Brands and Geographical Indications. (Saidin, 2016). Whereas the International Law Instrument began in 1976 through the World Intellectual Property Organization (WIPO) and progressed to the Tunis Model Law on Copy Right (Tunis Model Law). Then The Tunis Model Law and the United Nation on Education Social and Cultural Organization (UNESCO) arrange The Model of Provocation for National Media Againts Illicit Explotation and Other Prejudicial Actions (Model Provisions) (Saidin, 2016).

The instruments governing National Law and International Law Instruments are in harmony and harmony. But the rules governing traditional medical knowledge about oukup have not yet been regulated in the form of regional regulations. In this case, the national instrument is assumed to be in harmony and harmony with international instruments. The reference for harmonization and harmonization of regional regulations to national legal instruments is the recruitment of laws and regulations of the Republic of Indonesia. The law must remain a guideline for the regulations below such as the protection of communal intellectual property rights.

According to Rob Edger, it is found that the object of geographical indication protection is part of the common property, which is basically the use of the object carried out jointly by the parties concerned in the region. Common property ownership is inherent in the nature of communal rights. Collective rights or group rights are formulated by Rob Edger, as "are rights held by groups or sets, rather than by individuals" I. A 'group' is generally a set of individuals with strong racial, state, religious, or linguistic ties. (Rob Edger, 2009). The collective rights formulated by Rob Edger give meaning as the rights possessed by a group in relation to the power of race, state, region or language. The course of history shows that collective rights are more directed towards issues that concern the public interest. While the use of the term ownership for the regime of geographical

indications, is more appropriate as a right that is not only collective but refers to the communal nature (based on local communities) (Djulaeka, 2014).

In the perspective of intellectual property rights, the communal ownership system is unknown or not even recognized. (WTO Member Agreement as part of legal protection based on community rights). Customary Law introduces the attitude of togetherness and mutual cooperation as a mirror of the creation of a peaceful, prosperous, just and prosperous society. Customary Law has its roots in traditional culture and the law that lives among people incarnates the real legal feelings of the people (Soepomo, 2003). History shows that both Van Vollen Hoven and Ter Haar strive to maintain and implement customary law as appropriate for Indonesian people (Nurul Barizah, 2010).

With a starting point on the mindset of the concept of Customary Law, I Gede A.B Wiranata revealed, that in the order of communal thinking, individuals will always place a pattern of behavior prioritizing the group ego and personal ego will be defeated by group superiority. (I Gede A.B Wiranata, 2005).

Movable objects can be recognized as tangible and non-tangible objects. In the perspective of the study of property law (assets) and its relation to intellectual property rights, the territorial jurisdiction is more appropriate. In accordance with the law of wealth in the perspective of private law (Civil), the law governs the possession of rights over objects other than land (Iman Sudiyat, 1981). Legal transplants that can adopt customary law with international legal instruments can be assessed from a different answer in the form of comparative law (methods or techniques of learning and research) (Alan Watson Translation, 1993). Legal transplantation then refers to civil law adopted from the Netherlands.

## 4 CONCLUSIONS AND RECOMMENDATIONS

### 4.1 Conclusions

Indigenous and tribal peoples' laws require the protection of traditional works as ancestral heritage. This is because the customary law community wants to show their existence and identity as a social group in the midst of a larger social life. The openness of works of traditional knowledge in this case o Karo as an alternative treatment needs to be protected.

Indonesia adopted the Tunis Model Law which refers to Law No. 6 of 1982 revised No. 28 of 2014 concerning Copyright, No.5 of 2017 concerning the Advancement of Culture, No.20 of 2016 concerning Brands and Geographical Indications. But in good practice the rules that protect business actors, sellers of basic ingredients are sufficient and consumers do not have definite rules. However, in good practice, the rules protecting Oukup Business and Sufficient Basic ingredients Actors, and Consumers have no definite / specific rules.

## 4.2 Recommendations

Implementation of the protection of traditional knowledge specifically o Karo needs to get attention in its own regulations. The Government, in this case the Karo Level II Regional Government Karo through the Department of Cooperatives, Industry and Trade and the Ministry, Health Service, High Court, Regional / City Government through the Civil Service Police Unit, are expected to be able to make traditional knowledge rules in the form of regional regulations and to socialize the cooperative business form as a legal entity and to think about the cultivation of basic ingredients, in particular the making of Karo oukup, of course.

From history it is clear that harmony and harmonization began in 1982, the UUHC adopted the Tunis Model Law. National Legal Instruments and International Legal Instruments can be used as a basis for Traditional Knowledge. At the national level the basis for traditional knowledge protection refers to Law No. 6 of 1982 (UUHC) revision No.28 of 2014 concerning Copyright, Law. No.5 of 2017 concerning the Advancement of Culture and Law No.20 of 2016 concerning Brands and Geographical Indications. The North Sumatra Ministry of Law and Human Rights continues to try to divide into enough Karo to be preserved. Implementers to curb business operators are carried out by cooperatives, industry and trade services. Health Service, High Prosecutor's Office and Local / Municipal Government through the Civil Service Police. According to the author, this regulation on Oukup Karo, at least can issue a "Circular" issued by the Karo Adat Association / Institution. Collected in one forum called BABKI (Indonesian Karo Cultural Customary Center). Chaired by Drs. Sarjani Tarigan, MSP. Because if you have to wait to make a Regional Regulation on oukup, it can wait quite a long time. Meanwhile, the problem regarding the Karo oukup business has long been rolling in the business actors and the people of Medan in particular. Especially about the dilemma

of "plus-plus" which is very unsettling for the community.

## REFERENCES

- Erni Widhyastari., 2019. *Kegiatan pendampingan inventarisasi Kekayaan intelektual Komunal bagi kanwil, Dinas & Masyarakat Adat di Medan*, 5 September 2019.
- Clarkson, L., Morrisette, V., Regallet, G., 1992. *Our Responsibility to the Seventh Generation: Indigenous Peoples and Sustainable Development*. International Institute for Sustainable Development. Winnipeg, MB. 88 pages.
- Mc. Gregor, Deborah., 2020. *The Earth Keepers Solid Waste Management Planning Program: A Collaborative Approach to Utilizing Aboriginal Traditional Knowledge and Western Science in Ontario*, DOI: <https://doi.org/10.7202/044163ar>.
- Berkes, F., Berkes, M. K., & Fast, H., 2007. Collaborative integrated management in Canada's north: The role of local and traditional knowledge and community. [https://doi.org/10.1890/10510761\(2000\)010\[1251:ROTEKA\]2.0.CO;2](https://doi.org/10.1890/10510761(2000)010[1251:ROTEKA]2.0.CO;2).
- Ford, JD, Cameron, L., Rubis L., Maillet, M., Nakashima, D., Cunsolo Willox, A., & Pearce, T., 2016. *Including indigenous knowledge and experience in IPCC assessment reports*. *Nature Climate Change*, 6, 349–353, <https://www.nature.com/articles/nclimate2945>.
- Bernadette Montanari, Sylvia I. Bergh, *Why women's traditional knowledge matters in the production processes of natural product development: The case of the Green Morocco Plan*, <https://doi.org/10.1016/j.wsif.2019>.
- Pushpangadan P, Nair KN., 2005. *Value Addition and commercialization of Biodiversity and Associated Traditional Knowledge in the context of the Intellectual Property Regime*, 10:441-453.
- AICRPE (All India co-ordinated Project on Ethnobiology) *Final Technical Report 1992-1998*, Ministry of Environment & Forest, Govt. of India New Delhi.
- Pushpangadan P, George V, Ijnu TP, Chithra MA., 2018. *Biodiversity, Bioprospecting, Traditional Knowledge, Sustainable Development and Value Added Products: A Review*. doi: 10.4172 / 2573-4555.1000256. <http://www.who.int/en/pr-2002-38.html>, accessed on 19 July 2020.
- West R., 1984. *An excursion into pharmacology: curare in medicine*, *Medical History* 28: 391-405.
- Pandey, Garima., 2017. *Leveraging Traditional Knowledge for Drug Discovery*, *J Tradit Med Clin Natur* 6: e130, doi 10.4172/2573-4555.1000e130.
- Huhtaniemi, Ilpo T, Laukkanen, Jari A., *Endocrine effects of sauna baths*. <https://doi.org/10.1016/j.coemr.2019.12.004>.
- Zhuo, Min., Li, Jiahua., 2018. William, Jeffrey H., *Sauna Induced*. <https://doi.org/10.1016/j.ekir.2018.08.008>.

- Hari Hananto, Pulung Widhi., Prananda, Rahandy Rizki., 2019. *The Urgency of Geographical Indication as a Legal Protection Instrument Toward Traditional Knowledge in Indonesia*, Reformasi Hukum, Volume 15.
- Escudero, S., 2019. *International Protection of Geographical Indication and Developing*, <https://www.southcentre.org>
- Wawancara dengan Pegawai UKM Dinas Koperasi Perindustrian Perdagangan Kabupaten Karo, 7 Februari 2020.
- Wawancara dengan beberapa Pelaku Usaha oukup di Jalan Jamin Ginting Medan, 8-2-2020
- Moelon, Lexy j. *Dasar-dasar penelitian hukum normative*, Raja Grafindo Persada.
- Ibrahim, Jhony., 2008. *Teori dan Metodologi Penelitian Normatif*, Surabaya Bayumedia.
- Soekanto, Soerjono., 1990. *Ringkasan Metodologi Penelitian Hukum Empiris*, Ind-Hill-Co.
- Gede, Dewa Putu., 2019. *Kegiatan Pendampingan Inventarisasi Kekayaan Intelektual Komunal*, Kantor Wilayah Kementerian Hukum & HAM Sumut.
- Tim Linsey., 2011. *Hak kekayaan intelektual suatu Pengantar*, Alumni, Bandung.
- Saidin., 2016. *Aspek-aspek Hak Kekayaan Intelektual*, Raja Grafindo Persada.
- Saidin., 2016. *Hak Cipta, Sejarah dan Politik Hukum*, Raja Grafindo Persada.
- Edger, Rob., 2009. "Collective Rights". *Saskatchewan law review*, Vol. 72. University of Saskatchewan.
- Djulaeka., 2014. *Konsep Perlindungan Hak Kekayaan Intelektual, Persepektif Kajian Filosofis HaKI Kolektif/Komunal*, Setara Press Malang.
- Kesepakatan Anggota WTO sebagai bagian dari HKI berbasis pada hak masyarakat.
- Soepomo., 2003. *Bab-bab Tentang Hukum Adat*, Cet. 16 Pradya Paramita.
- Nurul Barizah., 2010. *Intellectual Property Implications on Biological Resource, Indonesia's Adoption of International Intellectual Property Regimes and the Failure to Adequately Address the policy Challenges in the Area of Biological Resource*, Nagara, mKakarta,
- Wiranata, I Gede A.B., 2005. *Hukum Adat Indonesia, perkembangannya dari masa kemasa*. Citra Aditya Bakti.
- Sudiyat, Iman., 1993. *Hukum Adat, Sketsa Asaa, Liberty, Yogyakarta Terjemahan Alan Watson, Legal Transplant an approach to comparative law, Second edition*, The university of Georgia Press, Athens and London.