

Legal Protection of Traditional Culinary in the Development of Sustainable Gastronomy Tourism

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ABSTRACT

This research examines the legal framework governing the protection of traditional culinary heritage in the context of sustainable gastronomy tourism development in Indonesia, with the aim of proposing a comprehensive normative model that integrates intellectual property law, cultural heritage law, and sustainable tourism governance. A normative juridical methodology is employed, encompassing three complementary approaches: statutory analysis, conceptual analysis, and comparative legal analysis across four jurisdictions (Indonesia, EU, Republic of Korea, and Peru). Existing legal instruments including Law No. 28/2014 on Copyright, Law No. 20/2016 on Trademarks and Geographical Indications, Law No. 5/2017 on Cultural Advancement, the UNESCO Convention (2003), and the WIPO Treaty on Traditional Knowledge (2024) constitute foundational but incomplete protective mechanisms. Four principal legal challenges are identified: definitional ambiguity, registration barriers, enforcement deficits, and the tension between protection and accessibility. A five-pillar normative framework is proposed, encompassing legislative consolidation, institutional capacity development, enforcement strengthening, benefit-sharing mechanisms, and international diplomatic engagement, providing a policy roadmap for Indonesia to achieve world-class protection of its traditional culinary heritage.

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Introduction

The global landscape of tourism has undergone a significant paradigmatic transformation over the past two decades, with gastronomy tourism emerging as one of the most rapidly growing segments of the tourism industry. The United Nations World Tourism Organization (UNWTO) defines gastronomy tourism as "a type of tourism activity which is characterized by the visitor's experience linked with food and related products and activities while travelling" (UNWTO, 2019). This form of tourism transcends

mere culinary consumption, encompassing the exploration of food culture, agricultural heritage, preparation techniques, and the sociocultural narratives embedded within traditional food practices.

Traditional culinary heritage represents a vital dimension of a nation's intangible cultural heritage (ICH), embodying collective knowledge, historical memory, and cultural identity passed across generations. As UNESCO's 2003 Convention for the Safeguarding of the Intangible Cultural Heritage articulates, such living heritage "constitutes an indispensable component of human creativity and cultural diversity" (UNESCO, 2003). Empirical evidence from UNESCO's Intergovernmental Committee's nineteenth session in December 2024 demonstrates growing international recognition, with ten foodways-related elements inscribed on the Representative List of the Intangible Cultural Heritage of Humanity, spanning practices from Thailand's Tom Yum Kung to Brazil's artisan Minas cheese production (UNESCO ICH, 2024).

Indonesia, as a nation endowed with extraordinary culinary diversity encompassing thousands of traditional dishes reflecting the cultural richness of its more than 300 ethnic groups stands at a critical juncture. The increasing commercialization of gastronomy tourism, while creating significant economic opportunities, simultaneously generates multifarious legal challenges. These include the misappropriation of traditional culinary knowledge by commercial enterprises, the unauthorized use of geographical indications associated with iconic dishes such as Rendang, Soto, and Tempeh, the adulteration of authentic recipes for market standardization, and the gradual displacement of traditional culinary practitioners by large-scale tourism operators.

The intersection of intellectual property law, cultural heritage law, and sustainable tourism development creates a complex normative landscape that has not been comprehensively addressed in existing legal scholarship. While scholars have examined geographical indications (Crescenzi et al., 2022; Harding et al., 2024), the protection of traditional knowledge (Lai, 2025; Nurfitri et al., 2025), and sustainable gastronomy tourism (Sujood et al., 2024; Yong et al., 2022) as separate domains, an integrated legal framework that synthesizes these dimensions remains insufficiently developed.

This article addresses this scholarly gap by examining the following research questions: (1) What is the current legal framework for the protection of traditional culinary heritage in the context of gastronomy tourism development in Indonesia?; (2) What are the principal legal challenges and vulnerabilities in the existing protective mechanisms?; and (3) What normative framework is required to achieve effective and sustainable legal protection of traditional culinary heritage within gastronomy tourism?

The significance of this research is amplified by recent international developments, including the adoption of the WIPO Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge in May 2024 the first international treaty addressing traditional knowledge (WIPO, 2024) and the increasing recognition of culinary practices as intangible cultural heritage by UNESCO, most recently with the inscription of Italian

cuisine in December 2025. These developments signal a global momentum toward more robust and institutionalized protection of traditional culinary knowledge that Indonesia must strategically engage with.

Method

This research employs a normative juridical methodology, which focuses on the examination, interpretation, and systematic analysis of legal norms, doctrines, and principles. Normative legal research is appropriate given that the primary objective of this study is to construct and evaluate a normative framework for the legal protection of traditional culinary heritage. Three complementary legal approaches are employed:

First, the statutory approach (statute approach) is applied through the systematic analysis of relevant legislative instruments, including Indonesian national law (Law No. 28/2014 on Copyright; Law No. 20/2016 on Trademarks and Geographical Indications; Law No. 5/2017 on Cultural Advancement; Law No. 10/2009 on Tourism) and international legal instruments (the UNESCO 2003 Convention; the WIPO Treaty on Traditional Knowledge 2024; the TRIPS Agreement).

Second, the conceptual approach is applied through the analysis of legal doctrines and theories relevant to the protection of intangible cultural heritage, intellectual property, and sustainable tourism governance. Key theoretical constructs include the Theory of Law as a System (Friedman, 1975), the Sui Generis Protection Theory for traditional knowledge, and the Triple Bottom Line theory of sustainable development (Elkington, 1994).

Third, a comparative legal approach is employed to examine how analogous legal systems in other jurisdictions particularly the European Union's Geographical Indications Regulation (EU) 2024/1143, the Republic of Korea's cultural heritage protection framework, and Peru's national traditional knowledge protection system address the legal protection of traditional culinary heritage.

Primary legal materials consist of statutory instruments, international treaties, and judicial decisions. Secondary legal materials include academic journal articles, legal commentaries, and institutional reports from UNESCO, UNWTO, and WIPO published between 2022 and 2025. The analysis employs prescriptive and analytical reasoning to derive normative conclusions and policy recommendations.

1. Operational Definition of Variables

Table 1. Operational Definition of Research Variables

Variable Type	Variable Name	Definition	Indicator / Measurement
Independent Variable (X ₁)	Legal Protection Framework	The totality of formal legal instruments, registration mechanisms, and enforcement procedures available under Indonesian and international law for the protection of traditional culinary heritage.	Presence/adequacy of statutory provisions; GI registration rate; enforcement case volume

Independent Variable (X ₂)	Community-Based Protection Mechanisms	Participatory legal mechanisms that vest intellectual property rights in traditional culinary communities collectively, enabling self-governance and benefit-sharing.	Number of community GI registrations; benefit-sharing agreements in force; community legal aid access
Intervening Variable (Z)	Institutional Capacity & Governance Quality	The administrative efficiency, inter-ministerial coordination, and institutional resources dedicated to implementing legal protection for traditional culinary heritage.	Processing time for GI applications; inter-ministerial coordination index; dedicated enforcement units
Dependent Variable (Y ₁)	Preservation of Traditional Culinary Heritage	The measurable maintenance of authentic traditional culinary practices, knowledge transmission, and intergenerational continuity in the face of commercialization pressures.	UNESCO ICH nominations; active practitioners per culinary tradition; authenticity indices
Dependent Variable (Y ₂)	Sustainable Gastronomy Tourism Development	The development of gastronomy tourism that generates equitable economic benefits while preserving cultural integrity and environmental sustainability of culinary heritage.	Gastronomy tourism revenue distribution; SDG indicator scores (SDG8, 11, 12); tourist satisfaction with authenticity

2. Conceptual Framework

The conceptual framework of this research is structured around the causal and mediated relationship between three clusters of variables, as visualized in Figure 1 below. The independent variables (X₁) Legal Protection Framework and (X₂) Community-Based Protection Mechanisms exert direct effects on the dependent variables of culinary heritage preservation (Y₁) and sustainable gastronomy tourism development (Y₂), mediated through the intervening variable (Z) of institutional capacity and governance quality. The overarching normative context is defined by the international legal environment, comprising the UNESCO Convention (2003), the WIPO Treaty (2024), and the TRIPS Agreement, which collectively constrain and enable national legal responses.

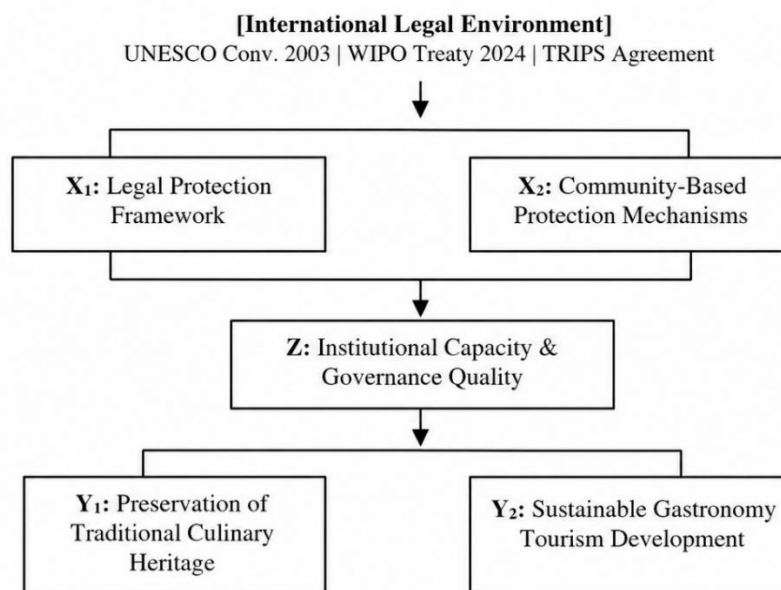


Figure 1. Conceptual Framework

3. Theoretical Framework

a). Theory of Legal Protection of Intangible Cultural Heritage

The theoretical foundation for the legal protection of traditional culinary heritage draws upon the nexus of intangible cultural heritage (ICH) protection theory and intellectual property law doctrine. UNESCO's 2003 Convention, as the principal international instrument for ICH protection, defines intangible cultural heritage as including "practices, representations, expressions, knowledge, skills — as well as the instruments, objects, artefacts and cultural spaces associated therewith — that communities, groups and, in some cases, individuals recognize as part of their cultural heritage."¹ Traditional culinary practices — encompassing cooking techniques, recipes, food preparation rituals, and the use of local ingredients — squarely fall within this definition.

However, the conventional framework of intellectual property law, rooted in individualistic Western legal traditions, presents fundamental tensions with the communal, collective, and intergenerational nature of traditional culinary knowledge. As Lai (2025) observes in her analysis of the WIPO Treaty on Traditional Knowledge (2024), the primary challenge in protecting indigenous and local communities' knowledge lies in the irreconcilability between IP law doctrines premised on individual authorship and the communal ownership structures inherent to traditional knowledge systems (Lai, 2025). The WIPO Treaty, adopted by member states on 24 May 2024, represents a significant advance by requiring patent applicants whose inventions are based on genetic resources and/or traditional knowledge to disclose the source of such knowledge.

For traditional culinary protection, a *sui generis* legal framework — one specifically designed for the unique characteristics of traditional knowledge — is theoretically more appropriate than the application of conventional copyright or patent doctrines. This framework recognizes the collective, evolving, and place-specific character of culinary heritage, while simultaneously providing effective deterrence against unauthorized appropriation.

b). Geographical Indications as a Legal Protection Mechanism

Geographical indications (GIs) constitute one of the most applicable intellectual property instruments for the protection of traditional culinary heritage, given their capacity to link product quality, reputation, and authenticity to a specific geographical origin (Crescenzi et.al, 2022). The GI system, regulated internationally under Articles 22–24 of the TRIPS Agreement and domestically under Indonesia's Law No. 20/2016, provides legal protection for names of products whose qualities, reputation, or other characteristics are essentially attributable to their geographical origin.

Recent scholarship has examined GIs through the lens of common knowledge governance. Drawing on Ostrom's theory of commons management, geographical indications function as a form of global knowledge commons that enables collective action among producers sharing a geographical origin (JoIE, 2023). This theoretical reframing is particularly significant for traditional culinary products, where the "collective terroir" — the combination of soil, climate, local varieties, and human expertise embedded in a specific territory — constitutes the essential source of culinary distinctiveness.

The European Union has recently consolidated and modernized its GI framework through Regulation (EU) 2024/1143 of 11 April 2024, which introduced a unified and enhanced protection system for wine, spirit drinks, and agricultural products, including traditional culinary specialties.² At the national level, Indonesia has registered several traditional food products as GIs, including Kopi Arabika Gayo (which received EU recognition in 2023), Rendang Padang, and various regional specialty products. However, as Harding et al. (2024) demonstrate, significant gaps remain in the systematic registration of culinary GIs (Harding et.al, 2024).

c). Sustainable Development Theory in the Context of Gastronomy Tourism

The conceptual framework of sustainable gastronomy tourism is grounded in Elkington's (1994) Triple Bottom Line theory, which identifies three interdependent pillars of sustainability: economic viability, environmental integrity, and social-cultural equity.³ In the context of gastronomy tourism, these three dimensions manifest as: (1) the economic empowerment of local culinary producers and communities; (2) the environmental sustainability of food production practices and supply chains; and (3) the preservation and valorization of cultural food heritage and traditional culinary knowledge.

Sujood et al. (2024) argue that sustainability issues related to gastronomy tourism should be prioritized to advance the UN Sustainable Development Goals (SDGs), particularly SDG3 (Good Health and Well-being), SDG8 (Decent Work and Economic Growth), SDG11 (Sustainable Cities and Communities), and SDG12 (Responsible Consumption and Production) (Sujood et.al, 2024). The UNWTO World Forum on Gastronomy Tourism (2023) similarly emphasized gastronomy tourism's role as an instrument for the protection of culinary traditions and the promotion of sustainable agricultural practices (UNWTO, 2025).

The socio-cultural sustainability dimension of gastronomy tourism is of particular relevance to legal protection frameworks. As Fusté-Forné (2022) observes, culinary tourism contributes to cultural identity formation and social capital development by linking tourist consumption to authentic destination culture (Forné, 2022). However, unregulated commercialization risks producing what scholars term "culinary commodification" — the transformation of living culinary heritage into static, decontextualized tourist products,

thereby undermining the very cultural authenticity that makes gastronomy tourism valuable.

Results and Discussion

1. The Current Legal Framework for Traditional Culinary Protection in Indonesia

Indonesia's legal framework for the protection of traditional culinary heritage is distributed across multiple legislative instruments, creating a fragmented but potentially comprehensive normative structure. This framework encompasses intellectual property law, cultural heritage law, tourism law, and food law.

In the realm of intellectual property law, Law No. 20 of 2016 on Trademarks and Geographical Indications (hereinafter "Law MIG 2016") constitutes the primary instrument for the protection of traditional culinary products linked to specific geographical regions.ⁱ Article 53 of Law MIG 2016 defines geographical indications as "a sign that indicates the place of origin of goods and/or products that, due to geographical environmental factors including natural, human factors or a combination of both factors, give reputation, quality and characteristics to the goods and/or products." This definition encompasses traditional food products whose quality or reputation derives from their territorial origin.

Law No. 28 of 2014 on Copyrightⁱⁱ provides a secondary layer of protection for the creative expressions embedded in traditional culinary practices, including traditional recipes when they take the form of literary or artistic works. However, as Kusuma and Roisah (2022) correctly note, the application of copyright law to traditional culinary knowledge is severely limited by the requirement of individual authorship and the absence of clear provisions for communally owned creative expressions (Roisahm 2022).

Law No. 5 of 2017 on Cultural Advancementⁱⁱⁱ represents a significant advance in the protection of traditional culinary heritage through a cultural governance framework. Article 5 of this law explicitly lists traditional culinary (kulinier tradisional) as one of fourteen recognized forms of cultural expression entitled to state protection and advancement. This cultural law approach complements the intellectual property framework by recognizing the communal and living character of culinary heritage.

At the international level, Indonesia is a party to the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (2003)^{iv} and a member of WIPO. Indonesia's obligations under these instruments require the development of appropriate national legislative measures to safeguard intangible cultural heritage, including traditional culinary practices. The adoption of the WIPO Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge in May 2024 — signed by thirty countries — creates additional international normative pressure for strengthening national TK protection frameworks.

2. Legal Challenges and Vulnerabilities in the Existing Framework

Notwithstanding the existence of the aforementioned legislative framework, a systematic analysis reveals four principal categories of legal challenges that impede the

effective protection of traditional culinary heritage in the context of gastronomy tourism development.

First, the challenge of definitional ambiguity and regulatory fragmentation. Existing legal instruments employ inconsistent definitional criteria for "traditional culinary heritage," creating interpretive uncertainty in both registration and enforcement contexts. The Law MIG 2016 focuses primarily on products linked to geographical origin without specifically addressing the broader knowledge system — including preparation techniques, ritual contexts, and intergenerational transmission practices — that constitutes culinary heritage.

Second, the challenge of registration barriers. The geographical indication registration process under Law MIG 2016 and its implementing regulations imposes substantial administrative, technical, and financial requirements that create practical barriers for traditional culinary communities. Almusawir et al. (2022) document analogous challenges in the context of protection of the economic rights of geographical indication holders under Indonesian law, highlighting the need for simplified registration pathways for community-based cultural products (Juliati et.al, 2022).

Third, the challenge of enforcement deficits. Even where traditional culinary products are successfully registered as geographical indications or protected under copyright law, enforcement remains systemically deficient. The misappropriation of traditional culinary names, recipes, and presentation styles by commercial tourism operators frequently occurs without detection or legal sanction.

Fourth, the challenge of balancing protection and accessibility. A fundamental tension exists between protecting traditional culinary heritage as a form of collective intellectual property and ensuring that this heritage remains accessible for innovation, adaptation, and the living cultural practices of communities. As UNESCO's Intergovernmental Committee has emphasized, the goal of ICH safeguarding is not the preservation of static cultural artifacts but the support of living communities in continuing their heritage practices.⁴

3. Comparative Legal Perspectives

Table 2. Comparative Legal Analysis: Traditional Culinary Protection across Four Jurisdictions

Aspect / Aspek	Indonesia	European Union	Republic of Korea	Peru
Primary Legal Instrument	Law No. 20/2016 (MIG); Law No. 5/2017 (Cultural Advancement)	Regulation (EU) 2024/1143; Council Directive 2001/110/EC	Act on the Protection and Promotion of Intangible Cultural Heritage (2016)	Legislative Decree No. 1372 (TK Registry); Andean Decision 391
GI Protection Scope	Product quality/reputation	PDO, PGI, TSG — also covers non-	Certification marks + GI integrated with ICH	National TK Registry + origin disclosure in

	linked to geographic origin	geographical traditional specialties	protection	patent law
Traditional Knowledge Mechanism	Limited; no explicit sui generis TK law	TSG for traditional recipes regardless of geography	Collective marks for traditional craft/food knowledge holders	Explicit TK registry; disclosure of origin requirement
Community Participation	Applicant groups may register GIs; no formal community veto	Producer groups have legal standing; enhanced rights (2024)	Community practitioners recognized as "intangible cultural property holders"	Indigenous/local communities hold TK rights collectively
Enforcement Mechanism	Civil litigation + DGIP administrative enforcement; limited capacity	Customs enforcement; online platform monitoring; criminal sanctions	Cultural heritage authority + IPO joint enforcement	INDECOPI specialized unit; criminal penalties for biopiracy
Benefit-Sharing	Not explicitly regulated	Indirect (GI premium prices); some national schemes	Revenue sharing with registered ICH holders	Mandatory benefit-sharing contracts for TK commercial use
Gastronomy Tourism Integration	Tourism Law No. 10/2009; fragmented coordination	EU Farm to Fork Strategy; GI integration in agri-tourism	Korea Tourism Organization ICH-tourism programs	PromPeru: culinary GI tourism branding (e.g., Pisco Route)
Novelty / Recent Development	No recent consolidation; reform agenda pending	Regulation 2024/1143 unified and strengthened GI system (2024)	Digital ICH registry launched 2023	UNESCO ICH inscription of ceviche (2023); Pisco GI expansion

The EU's Geographical Indications system, recently consolidated under Regulation (EU) 2024/1143, provides the most sophisticated GI protection framework currently operative.⁵ The Regulation introduces a category specifically designed for Traditional Specialties Guaranteed (TSG) — protecting traditional culinary products by their traditional composition, recipe, or method of production without requiring a geographical link, thereby addressing a gap in geographically-linked GI systems.

The Republic of Korea's legal framework demonstrates the complementary use of ICH law and intellectual property law, recognizing that trade secrets, certification marks, collective marks, and GI certification marks can collectively contribute to the promotion of intangible cultural heritage, creating a multi-layered protection architecture.

Peru presents a particularly instructive model for developing countries with rich traditional culinary heritage. Peru has established a national traditional knowledge registry, implemented disclosure of origin requirements in its patent law (which influenced the WIPO Treaty discussions), and developed specific regulatory frameworks for the protection of its traditional culinary heritage, including the internationally recognized GI protection for Pisco and the UNESCO ICH inscription of ceviche preparation techniques in 2023.

4. The Integration of Legal Protection and Sustainable Gastronomy Tourism

The sustainable development of gastronomy tourism and the legal protection of traditional culinary heritage are not competing objectives but mutually reinforcing imperatives. An effective legal protection framework creates the institutional foundation for sustainable gastronomy tourism by: (i) establishing legal certainty regarding the authenticity and geographical origin of culinary products; (ii) providing economic incentives for culinary communities to maintain and transmit traditional knowledge; (iii) preventing the commodification and dilution of culinary heritage that undermines long-term destination sustainability; and (iv) supporting the fair and equitable distribution of benefits derived from culinary tourism.

The UNWTO's World Forum on Gastronomy Tourism (2023) explicitly linked the protection of culinary traditions, geographical indications, and rural sustainability as interconnected dimensions of a comprehensive gastronomy tourism governance framework.⁶ The Forum's deliberations emphasized that gastronomy tourism can serve as an engine of growth and diversification for destinations supporting the Sustainable Development Goals, provided that appropriate legal and policy frameworks govern the equitable use of culinary heritage.

The valorization of traditional culinary heritage through GI registration and ICH recognition has demonstrated positive economic and cultural outcomes in multiple contexts. UNESCO research demonstrates that following the inscription of the art of Neapolitan Pizzaiuolo on the Representative List of ICH, pizza-making courses increased by 65.3% and the number of accredited schools by 33.5% (UNESCO, 2025). This evidence suggests that formal recognition and legal protection of culinary heritage can generate significant tourism and economic multiplier effects while simultaneously stimulating greater attention to authentic culinary transmission.

5. A Normative Framework for Comprehensive Legal Protection

Based on the foregoing analysis, this article proposes a five-pillar normative framework for the comprehensive legal protection of traditional culinary heritage in the context of sustainable gastronomy tourism development:

First, Legislative Consolidation and Reform. Indonesia requires the development of a unified Traditional Culinary Heritage Protection Law (or a comprehensive amendment to existing IP and cultural heritage laws) that provides: (a) a clear and inclusive definition of traditional culinary heritage encompassing recipes, preparation techniques, ingredient knowledge, serving practices, and ritual contexts; (b) a sui generis registration system specifically designed for communal traditional culinary knowledge that reduces administrative barriers; (c) a tiered protection structure distinguishing between GI protection, collective mark protection, and national heritage designation.

Second, Institutional Capacity Development. Effective legal protection requires dedicated institutional mechanisms, including: (a) a National Traditional Culinary Heritage Registry administered jointly by the Ministry of Law and Human Rights (DJKI) and the Ministry of Education and Culture; (b) dedicated legal aid and technical assistance programs; (c) enhanced inter-ministerial coordination between the Ministry of Tourism and Creative Economy, Ministry of Trade, and Ministry of Agriculture.

Third, Enforcement Mechanism Strengthening. The enforcement framework requires significant enhancement through: (a) the establishment of specialized intellectual property enforcement units with specific expertise in traditional culinary cases; (b) the criminalization of systematic misappropriation of culinary heritage under an aggravated category; (c) the development of an online monitoring system for detecting unauthorized use of registered GI names in digital commerce platforms.

Fourth, Benefit-Sharing Mechanisms. A robust legal protection framework must ensure economic benefits accrue equitably to traditional culinary communities through: (a) mandatory benefit-sharing provisions in commercial licenses; (b) the establishment of community trust funds financed through a percentage of gastronomy tourism revenues; (c) preferential economic incentives (tax credits, procurement preferences) for tourism enterprises demonstrating genuine partnership with traditional culinary communities.

Fifth, International Diplomatic Engagement. Indonesia should pursue active engagement with international normative processes, including: (a) ratification and full implementation of the WIPO Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge (2024);⁷ (b) strategic use of UNESCO's ICH nomination processes for priority traditional culinary practices; (c) bilateral and regional agreements with trade partners for mutual recognition of GIs protecting traditional culinary products.

Conclusion

Traditional culinary heritage constitutes a living, dynamic, and invaluable dimension of national cultural identity that simultaneously functions as a strategic asset for sustainable gastronomy tourism development. The legal protection of this heritage represents both a cultural imperative and a developmental necessity, yet Indonesia's current legal framework presents significant gaps and vulnerabilities that leave traditional culinary knowledge exposed to misappropriation, commodification, and erosion.

This article has demonstrated that the normative challenge of protecting traditional culinary heritage requires a fundamentally integrated approach that transcends the conventional boundaries of intellectual property law, cultural heritage law, and tourism governance. The existing framework — comprising Law No. 20/2016 on Trademarks and Geographical Indications, Law No. 28/2014 on Copyright, Law No. 5/2017 on Cultural

Advancement, and Indonesia's obligations under international instruments — provides a foundational but incomplete protective architecture.

The normative framework proposed in this article encompassing legislative consolidation, institutional capacity development, enforcement mechanism strengthening, benefit-sharing mechanisms, and international diplomatic engagement provides a comprehensive and actionable roadmap for Indonesia to develop a world-class legal protection system for its extraordinary traditional culinary heritage. Implementation of this framework will not only serve the interests of justice and cultural preservation but will also create the legal certainty and community empowerment necessary for Indonesia to realize the full economic and cultural potential of its gastronomy tourism sector.

Future research should examine the empirical implementation outcomes of specific protective mechanisms in pilot regions, assess the effectiveness of community-based protection models in the Indonesian legal context, and explore the potential of digital technologies including blockchain-based provenance systems and AI-powered authenticity verification in augmenting traditional legal protection mechanisms for traditional culinary heritage in the era of digital gastronomy tourism.

References

- Almusawir, A., Kamsilaniah, K., & Juliati, J. (2022). Protection of the Economic Rights of Geographical Indication Holders in the Indonesian Trademark and Geographical Indication Law. *Scholars International Journal of Law, Crime and Justice*, 5(3), 128–141. <https://doi.org/10.36348/sijlcj.2022.v05i03.006>
- Crescenzi, R., De Filippis, F., Giua, M., & Viñeiro-Piñeiro, C. (2022). Geographical Indications and local development: The strength of territorial embeddedness. *Regional Studies*, 56(3), 381–393. <https://doi.org/10.1080/00343404.2021.1946970>
- Elkington, J. (1994). Towards the sustainable corporation: Win-win-win business strategies for sustainable development. *California Management Review*, 36(2), 90–100.
- European Commission. (2024). Regulation (EU) 2024/1143 of the European Parliament and of the Council of 11 April 2024 on geographical indications for wine, spirit drinks and agricultural products. *Official Journal of the European Union*.
- Friedman, L. M. (1975). *The legal system: A social science perspective*. Russell Sage Foundation.
- Fusté-Forné, F. (2022). Culinary tourism and sustainable gastronomy. *International Journal of Gastronomy and Food Science*, 29, 100558.
- Harding, D., Lukman, K. M., Palar, M. R. A., & Kohsaka, R. (2024). Geographical indication in Indonesia: A review on the spatial distribution and classification of geographical indication-registered products and related publications. *The Journal of World Intellectual Property (early-view)*. <https://doi.org/10.1111/jwip.12332>
- Indonesia. (2009). Law No. 10 of 2009 on Tourism (Undang-Undang Nomor 10 Tahun 2009 tentang Kepariwisata). *State Gazette RI Year 2009 No. 11*.

- Indonesia. (2014). Law No. 28 of 2014 on Copyright (Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta). State Gazette RI Year 2014 No. 266.
- Indonesia. (2016). Law No. 20 of 2016 on Trademarks and Geographical Indications (Undang-Undang Nomor 20 Tahun 2016 tentang Merek dan Indikasi Geografis). State Gazette RI Year 2016 No. 252.
- Indonesia. (2017). Law No. 5 of 2017 on Cultural Advancement (Undang-Undang Nomor 5 Tahun 2017 tentang Pemajuan Kebudayaan). State Gazette RI Year 2017 No. 104.
- Journal of Institutional Economics. (2023). Geographical indications as global knowledge commons: Ostrom's law on common intellectual property and collective action. *Journal of Institutional Economics*, 19(4), 494–510. <https://doi.org/10.1017/S1744137423000036>
- Kusuma, P. H., & Roisah, K. (2022). Perlindungan Ekspresi Budaya Tradisional dan Indikasi Geografis: Suatu Kekayaan Intelektual dengan Kepemilikan Komunal. *Jurnal Pembangunan Hukum Indonesia*, 4(1), 107–120.
- Lai, A. (2025). Intellectual property at a crossroads: The knowledge and resources of indigenous peoples and local communities. *The Journal of World Intellectual Property*. <https://doi.org/10.1111/jwip.12359>
- Marzuki, P. M. (2017). *Penelitian Hukum (Edisi Revisi)*. Kencana Prenada Media Group.
- Nurfitri, D., Bustani, S., & Yunari, S. B. (2025). Protecting genetic resources and traditional knowledge in indigenous communities and government through inclusive moral rights. *Scholars International Journal of Law, Crime and Justice*, 8(7), 160–167. <https://doi.org/10.36348/sijlcj.2025.v08i07.002>
- Sujood, S., et al. (2024). *Challenges and Future Directions for Promoting Sustainable Gastronomy Tourism*. IGI Global.
- UNESCO. (2003). *Convention for the Safeguarding of the Intangible Cultural Heritage*. United Nations Educational, Scientific and Cultural Organization.
- UNESCO Courier. (2025). Food and intangible heritage, a flavourful relationship. <https://courier.unesco.org/en/articles/food-and-intangible-heritage-flavourful-relationship>
- UNESCO ICH. (2024). Foodways: Growing recognition and reinforced safeguarding measures. <https://ich.unesco.org/en/news/foodways-growing-recognition-and-reinforced-safeguarding-measures-13541>
- UNWTO. (2019). *Gastronomy Tourism — Sustainable Tourism Programme*. World Tourism Organization.
- UNWTO. (2023). UNWTO Strengthens Links Between Agriculture, Gastronomy and Tourism. <https://www.untourism.int/news/unwto-strengthens-links-between-agriculture-gastronomy-and-tourism>
- WIPO. (2024). *Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge*. World Intellectual Property Organization. Adopted 24 May 2024.

- Yong, A. C. Y., Khoo-Lattimore, C., & Yang, E. C. L. (2022). A systematic review on sustainable gastronomy tourism. *International Journal of Gastronomy and Food Science*, 28, 100514.
- Yulia, Malahayati, & Mukhlis. (2022). The role of the government in the management of knowledge of traditional food and traditional medicine in Indonesia. *Sriwijaya Law Review*, 6(2), 249–266.
-