

The application of intellectual property rights to the processing of haminjon resin into perfume products

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ABSTRACT

This article discusses the application of Intellectual Property Rights (IPR), especially patent protection, to the results of processing haminjon sap into perfume products as a form of innovation based on local wisdom. Haminjon sap, a non-timber forest product typical of North Sumatra, has high economic potential if processed into value-added products, such as perfume. However, the protection of this innovation still faces various legal and practical obstacles. Based on Law Number 13 of 2016 concerning Patents, every invention that meets the elements of novelty, inventive steps, and can be applied in industry is entitled to legal protection. However, the implementation of this protection in the small business sector is still limited due to low IPR literacy, minimal access to information, and relatively high patent registration costs for small businesses. This condition causes many small business actors to not understand the importance of exclusive rights to their inventions, thereby risking losing ownership rights and the economic value of the results of their innovations. Therefore, efforts are needed to increase legal awareness, technical assistance, and affirmative policies from the government to facilitate access to patent protection for local products such as perfume made from haminjon sap, so that they can compete sustainably in the national and international markets.

Keywords: Intellectual Property Rights, Haminjon Sap, Perfume, Legal Protection.

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1. INTRODUCTION

A strategic issue that arises is the weak legal literacy regarding IPR among local entrepreneurs in the region. This lack of understanding results in the loss of economic potential and the absence of exclusive rights over their inventions (Prisandani, 2024). IPR protection can provide both economic rewards and legal protection to prevent plagiarism or unauthorized exploitation by foreign parties. For instance, many innovations based on Indonesia's natural resources have been claimed by other countries due to the absence of sufficient legal protection domestically (Suhaeruddin, 2024).

The urgency of IPR protection for local products, such as perfumes made from *getah haminjon*, is becoming increasingly important amid waves of trade liberalization and technological advancement. Locally sourced natural products developed through technological innovation can meet the criteria of an invention as defined in Law No. 13 of 2016 concerning Patents (Mirawanty et al., 2025). In this context, every invention that is novel, involves an inventive step, and is industrially applicable, is entitled to legal protection. However, in reality, only a few innovations based on local materials have been registered for patent protection (Manurung, 2022).

First, the concept of intellectual property rights is discussed. Intellectual Property Rights arise from human intellectual creativity in the fields of science, art, technology, and culture. Based on Gautama's review and approach, intellectual property is an absolute right derived from human capability. Therefore, creators can be recognized through a special license known as intellectual property rights. This enhanced status will increase the economic value of the product (Amin et al., 2024). This licensing will allow for the broadest and most expansive freedom of innovation, resulting in extraordinary creative capabilities that will be recognized by the global community as something worthy of control and accountability (Pasaribu & Harianja, n.d.).

We have several roles about IPR In Indonesia likely: (1) Law No. 13 of 2016 on Patents, (2) Law No. 20 of 2016 on Trademarks and Geographical Indications, (3) Law No. 28 of 2014 on Copyright, (4) Law No. 31 of 2000 on Industrial Designs

Second, the legal tradition and its implementation in Indonesia. The legal system in Indonesia is based on civil law, which serves as an umbrella for all related regulations. This provides certainty and a clear legal force in establishing intellectual property rights. Based on the civil law approach used, the process of acquiring intellectual property rights in Indonesia is very complicated and convoluted, resulting in a lengthy process (Saputri, 2024). This process will slow the growth of innovation and creativity among Indonesian resources/entrepreneurs, as conveyed directly by officials at the Directorate General of Intellectual Property (DJKI). Compared to some countries, such as the United States and the United Kingdom, which can claim intellectual property rights automatically and quickly, Korea is slower. Different legal approaches create different obstacles, causing this slowdown. Indonesia has extraordinary potential in terms of natural and human resources, which can generate extraordinary innovation. This innovation often stalls due to the difficulty of the copyright and intellectual property rights claim process (Latifiani et al., 2022).

Third, the economic value of local knowledge. From an economic perspective, IPR functions as an instrument that transforms knowledge into an economic asset (Fajar Handi Mamonto et al., 2024). For instance, if a perfume made from *getah haminjon* were to obtain a geographical indication such as "*Haminjon Tapanuli*", the product would gain global competitiveness, much like "*Lavender Provence*" in France, which is renowned for its authenticity (Arief et al., 2025).

Patent Protection (Law No. 13 of 2016). Law No. 13 of 2016 is a source of legal standing to help people like the Bataks sociality to take affilate about the *getah haminjon*. Protect the procedur from the first until finishing produk parfum is number one if want to up the economic local (Zahra et al., 2025).

Trademarks and Geographical Indication Protection (Law No. 20 of 2016). Reality system about managemen *getah haminjon*, taken a crucial position about inovation di indonesia especially north Sumatera. Perfume products that use *haminjon* are anonymous or without authorization. Indonesia must stand in front to protect this product.

Industrial Design and Copyright Protection. Regarding marketing, the bag in the product, whether plastic, paper, or cover, can be protected under Law No. 31 of 2000. This is one step to care the unique product from the origin or autor so the value will be protecting and country must be attending in front of the copyright international system (Rizqita et al., 2022).

The current position of IPR in processing haminjon sap into perfume lies in a system that is not just a legal issue but also an interest in improving regional economic development based on local innovation. The state must be present in taking care of patents as an integral part of the downstream and green economy policies and the preservation of traditional wisdom (Giovani & Entoh, 2024). The quality of IPR literacy among small entrepreneurs in North Sumatra requires different approaches, including: (1) legal education through integrated training in haminjon-producing regions, (2) government-supported assistance in IPR registration, and (3) economic incentives for local products that obtain IPR certification.

Indonesia needs to promote competition as a form of collaboration between institutions and levels of society in the country. This can be reviewed in terms of stakeholder involvement, and ability will be measured and appreciated in depth. This step is right to prevent the erosion of all Indonesian products and sources of local wealth (Salim & Saputra, 2025).

2. METHOD

This study uses a normative empirical methodology according to Law No. 13 of 2016, Law No. 20 of 2016, Law No. 31 of 2000, and Law No. 28 of 2014. Using this law will be make sense where is source of obstacle the IPR take a growth in North Sumatra understand and to know about the process of registration also position of the law in this situation. Studies on local culture (social) and economy are key to understanding the implementation of laws. Kualitatif approach will describe about the center of the problems and how to solve ore the true recomendation (Salam Tarigan et al., n.d.).

3. RESULT AND DISCUSSION

3.1 National Legal Framework for the Protection of Intellectual Property Rights on Local Products Based on Haminjon Resin in Indonesia

3.1.1 National Legal Framework for IPR Protection on Local Products

The protection of Intellectual Property Rights (IPR) for local products is a key aspect of developing a knowledge-based economy. In Indonesia, IPR regulations are grounded in several fundamental laws, namely (Suhaeruddin, 2024): (1) Law No. 13 of 2016 on Patents, (2) Law No. 20 of 2016 on Trademarks and Geographical Indications, and (3) Law No. 28 of 2014 on Copyrights.

These laws form the national legal system designed not only to protect individual creators or inventors but also to safeguard cultural expressions and traditional knowledge embedded in local communities (Manurung, 2022). One tangible example of such local innovation is the processing of haminjon resin—a natural resin from the incense tree—into perfume products. This resin has been integral to Batak traditions in North Sumatra for centuries and is used in spiritual, ritual, and economic contexts. With the rise of the creative industry, haminjon resin has been transformed into a high-value perfume product that combines local traditional knowledge with modern chemical innovation (Kasih et al., 2021). From a legal perspective, this innovation may qualify for patent protection, as stated in Article 1(1) of Law No. 13 of 2016, which defines a patent as an exclusive right granted by the state to an inventor over their invention in the field of technology, for a certain period, to independently implement the invention or grant permission to others to do so. Thus, the chemical formula of haminjon-based perfume may be registered as a patent if it fulfills the criteria of novelty, inventive step, and industrial applicability (Giovani & Entoh, 2024).

A major challenge in implementing patent protection at the local level is the low IPR literacy among small entrepreneurs and indigenous communities. Many are unaware that innovations in the

processing of traditional materials can be legally protected. Consequently, the economic potential of haminjon resin is often underutilized and vulnerable to biopiracy, the exploitation of genetic resources without consent. To prevent such cases, the Indonesian government ratified the Nagoya Protocol through Law No. 11 of 2013, ensuring that any use of genetic resources and traditional knowledge requires Prior Informed Consent (PIC) from the local community and must include fair benefit-sharing mechanisms (Latifiani et al., 2022).

3.1.2 Economic and Socio-Cultural Value of Haminjon Resin and Its Relevance to Traditional Cultural Expressions (TCEs)

The Batak people place a high cultural value on the haminjon resin. Beyond its ceremonial application, it represents holiness and harmony between the natural world and humans. From a sociocultural standpoint, turning haminjon resin into contemporary fragrances symbolizes the revitalization of traditional knowledge, enabling indigenous communities to actively participate in the economy rather than merely preserve traditions (Landes & Posner, 2003). Article 38 of Law No. 28 of 2014 on Copyrights mandates that the state must protect Traditional Cultural Expressions (TCEs) intellectual creations that live, grow, and are inherited within society, such as oral expressions, music, dance, fine art, and handicrafts, among others. Although raw resin is not a TCE, the traditional knowledge surrounding its tapping, drying, and usage processes qualifies as traditional knowledge deserving of protection. Internationally, the World Intellectual Property Organization (WIPO) through its Traditional Cultural Expressions Framework (Giovani & Entoh, 2024), emphasizes that IPR protection must not solely benefit individual inventors but also safeguard the collective rights of originating communities. Therefore, protection for haminjon-based perfume should be both communal and individual, acknowledging Batak communities as the holders of traditional knowledge and inventors as innovators who develop it scientifically. Comparable success stories include (Saputri, 2024): (1) Provence Lavender Perfume (France), protected under Geographical Indications (GI), ensuring only products from that region meeting quality standards can use the label “*Lavande de Provence*” (Suhaeruddin, 2024); (2) Agarwood (Gaharu) in Malaysia, which is protected through national IPR systems and genetic resource regulations, ensuring equitable benefit-sharing with local producers (Directorate General of IPR, 2022).

Hence, the haminjon perfume industry in Indonesia should adopt a similar model—patent protection for the perfume formula, geographical indication for raw materials, and TCE protection for Batak cultural knowledge.

3.1.3 Patent Protection for the Haminjon Perfume Chemical Formula

Under Law No. 13 of 2016 on Patents, the chemical formula of a haminjon-based perfume qualifies as an invention if it meets the requirements of novelty, inventive step, and industrial applicability. The perfume-making process integrates traditional Batak distillation techniques with modern scientific methods, such as fractional distillation and ethanol-based aromatic formulation, resulting in a new invention distinct from simple resin extraction. Thus, the legal protection covers the chemical formula and technological process, not the natural raw material itself, in line with the principle that natural products cannot be patented unless technically transformed to create new functionality (Boldrin & Levine, 2013).

Patent protection also requires inventions to comply with moral standards and public order (Article 9(d) of Law No. 13, 2016). Once registered, the inventor or regional research institution gains exclusive commercial rights, including the right to license its use. Importantly, such licensing should include benefit-sharing agreements with Batak communities as traditional knowledge holders, consistent with the principles of the Nagoya Protocol (2010).

3.2 Modern Legal Theories: Reward Theory and Incentive Theory

From the perspective of modern IPR legal theory, two major frameworks explain why creativity and local knowledge must be protected: (1) Reward Theory argues that IPR serves as a form of recognition or *reward* for inventors or creators for their intellectual labor, reflecting distributive justice; everyone deserves the benefits of their creativity; (2) Incentive Theory, on the other hand, views IPR as a public policy tool that provides incentives for individuals and communities to innovate.

The state must ensure that its IPR system supports not only large corporations but also regional innovators and local communities (Zhou et al., 2024). This aligns with Article 33(4) of the 1945 Constitution, which emphasizes economic democracy, justice, sustainability, and independence. Applying Reward and Incentive Theory within the national IPR framework becomes crucial for promoting socially just local innovation (Edyson & Rafi, 2024).

3.3 Socio-Legal Approach: Interaction of Law, Local Knowledge, and Community Behavior

The socio-legal approach views the effectiveness of law not merely within the context of Intellectual Property Rights (IPR) protection for haminjon resin-based perfume. This approach highlights the existing gaps between legal norms and social realities. Although legal frameworks provide various instruments of protection under national IPR laws, the level of legal literacy among the Batak community and small-scale entrepreneurs is limited.

The socio-legal approach emphasizes the necessity of community-based legal education and collaboration among research institutions, local governments and Indigenous communities. Legal outreach programs, regional IPR clinics, and simplified patent incentives are practical strategies to enhance local legal awareness and participation. Law, therefore, must be understood not only as a normative text but as a living social instrument that interacts with values, structures, and community behavior (Harahap et al., 2024).

3.4 Biopiracy Issues and the Implementation of the 2010 Nagoya Protocol

Ratified through Law No. 11 of 2013, it provides an international legal framework to address such practices. It establishes the Access and Benefit Sharing (ABS) mechanism, which requires any party seeking to use genetic resources to obtain official authorization from the source country and to ensure equitable benefit distribution with indigenous owners (Masic, 2012).

First, comparative analysis with international practices A comparison with other countries reveals effective models for the protection of traditional knowledge. In France, the protection of Provence lavender perfume operates under a Geographical Indication (GI) regime, which is strictly regulated by national and European Union laws. This protection guarantees the reputation and quality of products originating exclusively from the Provence region and ensures that economic benefits are distributed to the local community. In Malaysia, agarwood resin (gaharu) has received legal protection through both IPR systems and forestry regulations, ensuring sustainable management and fair benefit sharing for local producers.

Second, the synthesis and future direction of local IPR legal policy. The primary challenges are the low level of IPR literacy, limited implementation of the Nagoya Protocol, and lack of integration between communal and individual protection mechanisms within a unified policy structure.

A reformulation of the local wisdom-based IPR legal policy is necessary to enhance its effectiveness. Several strategic steps are recommended (Suhaeruddin, 2024): (1) Integration of patent, (2) Establishment of local communal rights institutions, (3) Capacity building for small and medium enterprises (SMEs), (4) International cooperation with WIPO and UNESCO.

These initiatives ensure that the law evolves beyond a formal legal structure to become an instrument of social and economic transformation, guaranteeing justice and sustainability for the local communities.

3.5 Requirements and Preventive Strategies for Intellectual Property Rights (IPR) Protection on the Patent of Haminjon Resin-Based Perfume in the Context of Legal Protection and Local Economic Empowerment

The implementation of Intellectual Property Rights (IPR) in the processing of *Haminjon* resin into perfume products requires both substantive and administrative requirements to ensure effective and sustainable legal protection (Harahap et al., 2024). First, the requirement concerns the fulfillment of the elements of novelty, inventive step, and industrial applicability, as stipulated in Article 3 of Law No. 13 of 2016 concerning Patents. Second, the requirement emphasizes the clarity of raw material origin and production documentation. In the context of international law, particularly after the adoption of the WIPO Treaty on Intellectual Property, Genetic Resources, and Associated Traditional Knowledge. Third, the requirement involves the existence of a benefit-sharing agreement between business entities and indigenous communities or *Haminjon* resin tappers. Fourth, the requirement pertains to product quality and safety standards, encompassing laboratory testing of active compounds, skin safety, and volatile compound concentration.

A series of preventive actions must be implemented to strengthen patent protection for *Haminjon* perfume under IPR enforcement (Adawiyah & Rumawi, 2021). First, intellectual property audits must be conducted to identify the legal status. Second, multilayer IPR registration should be pursued, encompassing patents and trademarks. Third, traditional knowledge documentation must be conducted collaboratively with local communities. Fourth, local governments should provide legal assistance and IPR training programs. Fifth, a market was established to monitor the use of the name *Haminjon* Tapanuli. Sixth, cooperatives or collective legal entities are essential to act as patent holders. Seventh, cross-sectoral collaboration among government bodies, academia, and industry.

Through compliance with these requirements and the consistent implementation of preventive measures, *Haminjon* resin-based perfume products will achieve strong global competitiveness while remaining protected against patent infringement and the unauthorized exploitation of Indonesia's biological and traditional knowledge assets.

4. CONCLUSION

The emergence of Haminjon Resin in perfume products is an indication that legal policy and potential available in Indonesia can form a national law system that affects the position of businesspersons on account to (the) law. This innovation will grow in society, trusting Law No. 13 of 2016 on Patents attached to a sovereign country that has a clear and strong legal umbrella regarding the expression of indigenous cultural issues in the community. Perfume by the haminjon is an excellent breakthrough for better reinforcement of culture and conservation of ideas and modern innovation in generating the local economy. This leads to enhanced legal protections that encompass both the individual rights to newfound knowledge and the collective rights of the Batak people as guardians of ancestral knowledge. The presence of laws serves as a means to safeguard economic interests and cultural continuity, especially within communities.

Ethical Approval

Ethical approval was not required for this study.

Informed Consent Statement

This study did not involve human participants; therefore, informed consent was not required for this study.

Authors' Contributions

WS contributed to the conceptualization of the study, legal analysis, data collection, and drafting of the manuscript. He also served as the corresponding author, coordinating communication during the submission and review process. MA contributed to the refinement of the theoretical and legal framework, validation of interpretations, and critical review of the manuscript to ensure accuracy, coherence, and scholarly rigor.

Disclosure Statement

No potential conflict of interest was reported by the author(s).

Data Availability Statement

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