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Legal Politics of Protection and Ownership of Communal Intellectual Property: A Study of Traditional Medicine Knowledge

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ABTRACT - The protection of cultural property can have two meanings. It depends on the perspective of whether the cultural wealth is seen as a cultural heritage or resource. In the event that cultural wealth is a cultural heritage, protection means preservation. The rsults shown that all KIK is a common heritage is based on generalizations and is a misguided conclusion rather than an accurate fact. It is recognized that many traditional communities have a strong and high ethos of sharing and giving (a strong sharing ethos). Although some KIK, knowledge of traditional medicine, for example, has been opened and disclosed, this knowledge is protected by customary law practices which view traditional knowledge as knowledge that cannot be accessed and used freely by everyone. This is in accordance with the theory of ownership where private property is in the middle between the commons and the anticommons. Therefore, the holder of the right to private property can be the state, the community collective and individuals. The legal politics of protection and ownership of communal intellectual property must reflect and rely on Pancasila as the basis of the state, constitution and sociological facts in indigenous peoples. There must be a balance between individual interests and the interests of the common or communal groups of owners of traditional knowledge. The regulation of KIK should be specifically regulated (sui generis) in a complete statutory regulation by taking into account the ideal policy of protecting the ownership of Indigenous Peoples
Keywords: Communal, Legal politics, protection, Intellectual Property, Traditional Medicine

I. INTRODUCTION

We, the people of Indonesia, under any circumstances must be grateful to God Almighty. Since ancient times until now our motherland, the archipelago has remained superior. Indonesia is not only a country with the largest biodiversity (megadiversity) in the world. but it is also one of six countries that are centers of cultural diversity (a center of cultural diversity) (Daulay, 2020). The more unique, Indonesia has biodiversity and the level of endemism or the level of ecological uniqueness, and organisms in a very high geographical structure (Prijono, 2010). Likewise, with cultural diversity, Indonesia is the largest archipelagic country in the world, which is inhabited by various tribes, languages, and is rich in cultural arts. Culture is a means for people to maintain and develop their lives both in the natural and social environments (Margono, 2015). The personification of culture gives birth to cultural creations both in art, knowledge and applied technology. All of this is a cultural property for indigenous peoples. This is a comparative advantage that must be protected so that it can become the basic capital for development for sustainable prosperity.

The protection of cultural property can have two meanings. It depends on the perspective of whether the cultural wealth is seen as a cultural heritage or resource. In the event that cultural wealth is a cultural heritage, protection means preservation. In this sense, the ultimate goal to be achieved is how the cultural richness of a society can be sustained continuously from one generation to the next. It is not only limited to the cultural heritage of an indigenous people, but can be recognized as a common heritage of mankind. On the other hand, if cultural

property is seen as a resource, then the purpose of its protection is how the community that owns the cultural property gains economic benefits from the cultural property through the mechanisms regulated in the intellectual property law regime in general as well as the specific intellectual property law (sue generis).

Therefore, identification of the owner of intellectual property originating from the culture of indigenous peoples is an important factor in its protection. The concept of intellectual property ownership of indigenous peoples needs to be clarified, both academically and in the policy or legal politics that govern it. It is hoped that the protection will be oriented to human interests, namely indigenous peoples/indigenous people as bearers (Daulay, 2012). This is in line with Coombe's (2001) thinking which asserts that the ultimate goal to be achieved in protecting the intellectual property of indigenous peoples is the creation of human welfare itself, namely indigenous peoples through the protection of their most basic human needs (primary human being needs) (Coombe, 2005). In other words, the protection must rely on humans (human being centric).

Protecting the Intellectual Property of Indigenous Peoples is a constitutional obligation. The Preamble of the 1945 Constitution and its Body confirms and regulates this necessity. Likewise, several international treaties ratified by the government have also emphasized the importance of its protection. However, in reality, seen from the formality of the regulation, there is still a sharp disparity, if it is compared between the intensity of the regulation of KII and KIK protection nationally. Meanwhile, the practice of misappropriation of IP of Indigenous/Indigenous Peoples often occurs. At first glance, it seems that there is no partiality to the interests of indigenous/indigenous communities, both in terms of the quantity of the laws and regulations governing them and the substance of the protection of their ownership.

Therefore, as an introduction to the discussion, on this occasion the main topics of discussion will be presented, first, a theoretical study of ownership and practice in indigenous/indigenous communities; second, the legal protection policy for KIK's communal intellectual property.

II. DISCUSSION

2.1 Communal Property and Intellectual Property Concept

From a legal perspective, property is a concept of a number of rights in relation to other people. Property is related to the right to own, use, give and even dispose of an object, both tangible and intangible. The right to property continues to grow following the times and the level of progress of the country that regulates it. Society develops laws to limit and at the same time give freedom to use and exclude others from a property (Marlin-Bennett, 2004).

Property rights differ from each other according to the type of property itself. Nancy K. Kubasek (1996), distinguishes these properties into three types, namely (i) “real property”, namely rights to immovable objects such as rights to land and buildings; (ii) “personal property”, namely the right to personal property, both tangible such as rights to cars, furniture and so on or intangible such as bank accounts, shares and insurance policies. Because it is intangible it must be proven in writing; (iii) intellectual property, which is a right that arises as a result of mental work known as "mental product" (Kubasek, 1996).

Intellectual property is an intangible property that is the result of creativity. In other words, it can be formulated that Intellectual Property is a right, namely exclusive rights granted by the state arising from the results of thought processes that produce a product or process that is useful for humans. The rights are granted to the subjects as related to their creations or intellectual works (Direktorat Jenderal Kekayaan Intelektual Kementerian Hukum Dan HAM RI, 2019).

Regarding Communal Intellectual Property (KIK) there is no complete understanding given as a concept. However, if referring to the understanding of intellectual property above, in general it can be said that Communal Intellectual Property (KIK) is "the result of intellectual creativity of a group of indigenous peoples that has (potential) commercial value (can be traded)" which consists of Traditional Knowledge (PT) and Traditional Cultural Expressions (Direktorat Jenderal Kekayaan Intelektual Kementerian Hukum Dan HAM RI, 2019).

However, if you look at the regulations, namely the Regulation of the Minister of Law and Human Rights Number 13 of 2017 concerning Communal Intellectual Property Data, the KIK concept is not a conceptual formulation. Article 1, paragraph 1, only formulates that "Communal Intellectual Property, hereinafter abbreviated as KIK, is intellectual property in the form of traditional knowledge, traditional cultural expressions, genetic resources and potential geographical indications". Thus, this provision does not explain the meaning or concept of “communal” intellectual property owned by indigenous/indigenous communities. This provision only refers to traditional intellectual property, namely traditional knowledge (PT), traditional cultural expressions (EBT), genetic resources (SG) and potential geographic indications (GI).

2.2. Communal Intellectual Property: To Whom?

It is not easy to answer the questions above. The answer is not simple, because this question is not only related to the theory of ownership and the concept of intellectual property, it also seems far-fetched. It has been clearly stated that "Communal" Intellectual Property is, why is it asked who "owned" again? This is where one of the problems lies, namely whether the word "communal" is to indicate that "communal intellectual property" is intellectual property belonging to indigenous/traditional/indigenous people or to state that intellectual property is "common"? Even though it can be assumed that not all intellectual property of the indigenous peoples is “common”, some are private with sole/individual or collective ownership. Therefore, in order to understand the academic issues above, this section will briefly discuss some basic academic matters, namely a). Meta Norms for Intellectual Property Protection; b). Moral, Ethical and Juridical Foundation for Communal IP Protection; c). Ownership Theory and Its Practice in Indigenous Peoples in Mentawai.

a) Meta Norms for Intellectual Property Protection

Talking about KIK protection cannot be separated from questioning what the theoretical basis for its protection is outside the applicable legal norms. As stated earlier that KIK protection must be drawn into universal interests and avoid the trap of interests. Therefore it must be based on the basics of an academic objective. So that the claim of indigenous/indigenous peoples as the main stakeholders of KIK is strong because in fact they are the owners of Traditional Knowledge, Cultural Expressions and Geographical Indications.

The theoretical basis as the basis for the rights to KIK is based on normative justification. This theory was put forward by John Lock. According to Lock (1689) in the state of nature, everything in nature is common property because it is a gift from God. God created it for mankind but it cannot be enjoyed in its natural state. One has to convert it into private property by using energy, power and effort (Huges, 1988). Locke's teachings are known as "labor theory". By using normative interpretation (normative interpretation), this theory asserts that "labor should be rewarded". In other words, every effort, power and effort made by a person must be given a "tegen prestatie" or reward, namely in the form of property rights. Referring to the meta norm stated above, the indigenous people are the bearers of the rights to KIK. They have nurtured, developed, nurtured and maintained it from generation to generation. The process of claiming this resource has been going on for a long time.

a) Pragmatic Ethical Foundation for Communal IP Protection

   Communal IP protection is not only based on juridical norms but also has a pragmatic ethical basis. Thus, it has a strong foundation. Consideration of propriety (equity) is an ethical reason that is often put forward in the proposal for KIK protection. In relation to the protection of Traditional Knowledge, for example, indigenous/indigenous people who have provided power and effort in its development are appropriate, fair and just to get recognition and compensation for the economic value contained in such knowledge.

   Scientifically, indigenous/indigenous people are recognized as having a science of medicine known as ethnopharmacology. Utilization of this knowledge has helped a lot in finding commercially viable materials. Through the use of this knowledge, it will be able to save costs rather than using the usual random selection technique (Muhtaman,

1997). In this case, do indigenous people not deserve to get economic value for the use of their knowledge that adds economic value to others who use it? According to Correa (2001) the protection of Traditional Knowledge needs to be done immediately to provide balance and propriety in the midst of an unfair and unbalanced relationship, as he puts it, “The protection of TK would, therefore, be necessary to bring equity to essential unjust and unequal relation" (Correa, 2001). Furthermore, the ethical aspect as the basis for KIK protection is also related to the practice of “Bio-piracy”. In the current era of advanced technology, the practice of bio-pirace is not uncommon. Bio-piracy is an act of exploiting traditional knowledge or genetic resources and/or patenting inventions derived from knowledge of indigenous people's resources without rights and authority (Eeckkhaute, 2000). In softer terms, Sardjono (2004) uses the term “misappropriation” to describe a condition of a foreign researcher who conducts research on Traditional Knowledge, including Knowledge of Traditional Medicine. Then he recognized the knowledge as his invention and registered in his country to obtain protection rights through the IPR regime (Sardjono, 2004).

Bio-piracy actions are common. This case is not only against the knowledge of indigenous people abroad but also against the knowledge of the people in Indonesia. The patent case against kava for example, which has been patented as a drug that can be prescribed by a doctor for the treatment of stroke, insomnia and Alzheimer's disease. The patent holders for this drug are two German companies, namely WIliem Schwabe Krewel-Werke. Kava has also been approved as a dietary supplement in the United States. Furthermore, several inventions in the field of medicine have also been registered by several companies in Japan. It is strongly suspected that the invention is Traditional Knowledge that has been practiced in society in Java (Sardjono, 2004).

Likewise, the case experienced by the Benuaq Dayak tribe, who has knowledge of traditional medicine against cancer using certain types of plants (Siswandi, 2002). These actions are not only against morals but also violate the human rights of the people whose knowledge is hijacked (Dutfield, 2004).

Lastly, Protecting Traditional Knowledge means protecting and increasing indigenous people's sources of income. According to Coombe (2001) indigenous people who live in poverty rely 85% of their basic needs such as clothing, food, shelter and medicine on local natural resources (Coombe, 2001). Based on WHO estimates, 80% of the world's population depends on traditional medicine in order to meet basic needs in health (Biber-Klemm & Berglas, n.d.).

Likewise, in the food sector, not only do one-half of the world's population rely on Traditional Knowledge and wheat for their food supply, but the 1.4 billion rural population also need safe plant seeds and only with Traditional Knowledge, this can be met (Coombe, 2001).

b) Ownership Theory and Its Practice in Indigenous/Indigenous Peoples

To determine the right legal solution to protect the property rights of Indigenous/Indigenous people over KIK, the nature of ownership must first be known and carefully identified. The nature of ownership is directly correlated with the normative modality attached to each type of property of the indigenous peoples who own it.

The theory used to analyze this problem is the concept of M.A. Heller on the Boundries of Private Property. If KIK is a "common property" then the normative modality will be different from "private property" or "anticommon property" (Munzer, 2005).

(Heller, 1998) mapped that private property is between two ownership zones, namely between the commons and the anticommons. The dividing line between each of these zones is marked by the normative modalities that apply to each zone. The following describes the characteristics and boundaries of each of these zones (Munzer, 2005).

Commons is a resource) in which certain normative modalities are attached. There are three normative modalities contained in commons resources, namely (Munzer, 2005)*:*

1. everyone has the right to freedom to use it;
2. no one has the normative authority to exclude (to exclude) others from using it;
3. No one also has an obligation to refrain from exploiting it.

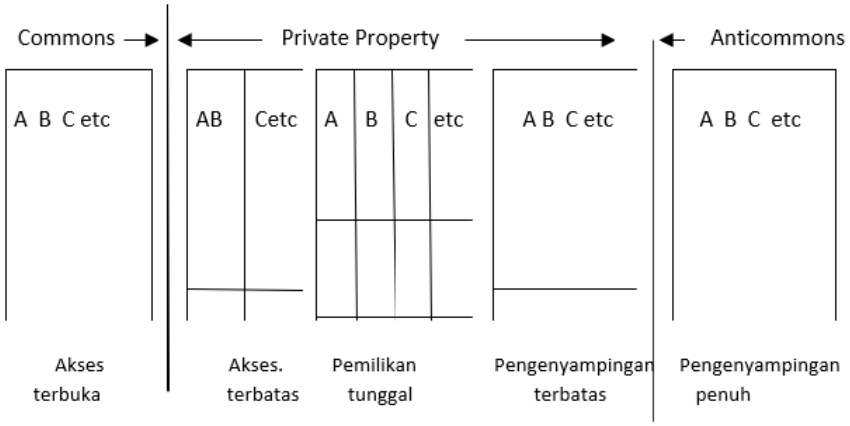
Viewed from the point of view of utilization, commons can be divided into two types, namely first, open access resources and second, collective property resources. In the case of open access resources, anyone can come and take some of the resources but no one or any group of people can sell and manage them. One of the open access resources is the ocean area (high seas) for fisheries. Furthermore, in the event that the resource is collective property, group members individually have the right to enter and exit, and collectively have the right to manage or sell it and exclude other people who are not members (Munzer, 2005). On the other hand, Heller (1998) explains that the anticommons property is the opposite of the commons property, namely "as a mirror image of the commons property" (Safrin, 2004). Anticommons property is a resource in which the following normative modalities are attached (Munzer, 2005):

1. Everyone has normative power to exclude others; and
2. No one has the right to freedom to use it without the permission of the other.

In other words, anticommons is a property regime in which many people have the effective right to exclude others using a limited resource. The tragedy of the anticommons (the tragedy of the anticommons) will occur when individuals or related entities exercise their right to veto the use of existing resources so that it becomes redundant or useless. These resources are not utilized optimally (underconsumption) (Heller, 1998). Furthermore, in contrast to the commons and anticommons, in private property there is a normative modality, where the holder of property rights has the freedom to use the resources they have and at the same time has the authority to exclude others from the use of these resources (Heller, 1998). Thus the concept of private property is in the middle between the commons and anticommons concepts. The more open access for other people to a resource, the more private ownership of the property shifts towards the commons. On the other hand, the greater the power of property rights holders to exclude others, the nature of their ownership moves towards anticommons. The holder of private property rights can be the state, collective or individual.

Furthermore, in contrast to the commons and anticommons, in private property there is a normative modality, where the holder of property rights has the freedom to use the resources they have and at the same time has the authority to exclude others from the use of these resources (Heller, 1998). Furthermore, in contrast to the commons and anticommons, in private property there is a normative modality, where the holder of property rights has the freedom to use the resources they have and at the same time has the authority to exclude others from the use of these resources.

Gambar 1: Garis Batas Normatif



b) Possession of Knowledge of Traditional Medicine in Original

The ownership of knowledge of traditional medicine in indigenous peoples is very interesting to observe. The following will present the results of research and analysis of ownership of knowledge using Heller's Normative Boundary Line theory.

Legal subjects as owners of medicinal knowledge in indigenous peoples are diverse. In the indigenous peoples of the Mentawai and Sabah (Daulay, 2012), knowledge of medicine is not only owned by the community and certain groups such as tribes and healers (kerei) as a legal subject in the form of a legal person (recht person) but knowledge of medicine is also owned by individuals as legal subjects in the form of a natural person. Whereas in the indigenous people of Sabah, knowledge of medicine is only owned by the community (community) and the group of healers as legal subjects in the form of legal persons. In the Kadazandusun community, there are no tribes and individuals who have knowledge of medicine as in the indigenous people of the Mentawai.

Referring to Hohfeld's theory of "the bundle of rights analysis", it turns out that each owner of the drug knowledge mentioned above has ownership rights in the form of different modalities. This is because each indigenous community and each group of knowledge owners, both tribes and groups of healers have their own rules regarding ownership rights which are reflected in the normative modalities that exist in each owner of drug knowledge.

Furthermore, to determine the nature of ownership of medicinal knowledge in indigenous peoples, it is necessary to find the boundaries of the zone of ownership by identifying and categorizing the normative modalities contained therein. M.A. Theory Heller on the Boundries of Private Property is used to analyze this problem.

Referring to Heller, the three existing property zones (common, anticommon and private property) are marked by the normative modalities contained in each of these property zones. Within the common zone, at least 3 (three) of the following normative modalities are attached (i) everyone has the right to freedom to use them; (ii) no one has the normative authority to exclude others from using it; and (iii) no one also has an obligation to refrain from exploiting it. As for the anticommon zone, there are at least 2 (two) normative modalities as follows, (i) everyone has normative power to exclude others; and (ii) no one has the right to freedom to use it without the permission of the other.

Furthermore, the property's private zone is between the common and anticommon property zones. The normative modality of private property is that the holder of property rights has the freedom to use the resources they have and at the same time has the authority to exclude others from the use of these resources (Daulay, 2012). In other words, the more open access for other people to a resource, the more private ownership of the property shifts towards the commons zone. Conversely, the greater the power of property rights holders to exclude others, the nature of their ownership moves towards the anticommons zone.

The boundaries of the three property zones above are used to determine the nature of ownership of medicinal knowledge in indigenous peoples. For this reason, the first step that must be taken is to identify the normative modalities contained in each group of drug

knowledge owners. As discussed above, the groups of knowledge owners in indigenous communities are (i) the community; (ii) certain groups, namely tribes and healers; and (iii) individuals.

2.3. Legal Politics of Communal Intellectual Property Protection: Expectations and reality

Legal politics is not law. Legal politics is in the territory of de lege frenda, which is at the level of state policy in organizing, regulating and embodies ideal values to realize the goals of the state and the mandate of the constitution. On the other hand, law is a political product of state law, which is dogmatic in nature which regulates all aspects of life in society. One of these areas of life is related to the protection and ownership of indigenous/indigenous peoples of their intellectual property. Therefore, legal politics is one of the main determinants for determining good law. Furthermore, juridical philosophical and sociological aspects are decisive elements in legal politics. The regulation of intellectual property in general and the intellectual property of indigenous peoples in particular cannot be separated from discussing these aspects.

In general, the legal politics of KI in Indonesia must be based on Pancasila as the philosophical foundation, the 1945 Constitution as the juridical basis and the social reality of the Indonesian nation as the sociological basis. These three become filters and touchstones in the regulation of Indigenous/Indigenous people's intellectual property. Therefore, whenever there is a contradiction or discrepancy, it is necessary to re-analyze the legal politics related to its body, including carrying out legal harmonization actions (Irawan, 2012).

From a philosophical point of view, the protection of KI in many countries in the world is strongly influenced by a view of life that relies on exalting individual interests (individualism) rather than common interests. This can be understood because historically, the beginning of the arrangement came from European countries. All things can be owned and controlled by individuals (relying on subjective aspects). The individual is the central point of all legal arrangements that give rise to the concept of subjective rights in western law.

The concept of subjective rights is the concept of individual ownership of wealth. Individuals have full sovereignty over their wealth and are free to use it as they wish. The birth of individualism in Greece begins with Protagoras' statement that man is the measure of everything. Individualism developed influenced by Christian teachings and Roman thought. The worship of the individual is getting higher when the development of democracy and human rights in Western countries. This is contrary to the philosophy of people's lives in other parts of the world (East and other than the West) which relies on the glorification of common interests (communalism). The concept of KI protection derived from western philosophy can be applied in Indonesia, but before it is adopted into law and applied it must first be tested with Pancasila or at least adapted to the values of Pancasila.

Philosophically, the legal politics of protection and ownership of communal intellectual property must be a reflection of Pancasila as the basis of the state. This means that the notion of communalism is above individual interests, without neglecting individual rights, while maintaining a balance between individual interests and common interests or communal groups possessing traditional knowledge. Philosophically, it is impossible for individual KI rules to be enforced on the protection of Communal KI because of the different goals and objectives of the regulation.

In accordance with the theory of truth coherence, every statutory regulation made juridically must be based on the provisions of the 1945 Constitution. The constitution contains the ideals of the Indonesian state and constitutional means to achieve the ideals of the state. The national interest must be above all interests, including the protection of Intellectual Property, including the interests of the Indigenous Peoples which are guaranteed constitutionally.

The existence of indigenous/indigenous peoples is recognized constitutionally, but the state has not yet formulated a clear derivative of this form of protection for indigenous/indigenous peoples. Providing protection for Communal KI means protecting the

rights of indigenous peoples and protecting the ownership of the communal KI which is legally joint ownership of the indigenous/native community, but so far there have always been conflicts when customary law is faced with positive law. There is a need for recognition of the legality of the state against indigenous/indigenous communities and their communal rights.

It is time for the state to carry out the constitutional mandate with social engineering efforts through appropriate legal instruments against indigenous/indigenous people. In the constitutional order, indigenous peoples are designed to grow with the recognition of their existence. However, they still fail and are still running away in capturing the implementation of the constitutional mandate. Of course in the future it will also have a direct impact on the protection of Communal KI which is part of the rights of indigenous/indigenous people.

KIK has not been regulated in an integrated manner in a comprehensive law. KIK arrangements are still in the national IP law in general. Whereas in reality, sociologically the right strategy is needed in order to protect the Communal KI of traditional communities. There are many things that require a special approach to identify the culture, customs, laws, customs, religions and beliefs that must be respected and appreciated from the perspective of the community. Therefore, an ideal policy is needed that takes into account the principles that live in indigenous peoples to regulate the ownership of their intellectual property as a form of recognition of basic rights that are constitutionally regulated in Indonesia.

III. CONCLUSION

The assumption that all KIK is a common heritage is based on generalizations and is a misguided conclusion rather than an accurate fact. It is recognized that many traditional communities have a strong and high ethos of sharing and giving (a strong sharing ethos).

Although some KIK, knowledge of traditional medicine, for example, has been opened and disclosed, this knowledge is protected by customary law practices which view traditional knowledge as knowledge that cannot be accessed and used freely by everyone. This is in accordance with the theory of ownership where private property is in the middle between the commons and the anticommons. Therefore, the holder of the right to private property can be the state, the community collective and individuals.

The legal politics of protection and ownership of communal intellectual property must reflect and rely on Pancasila as the basis of the state, constitution and sociological facts in indigenous peoples. There must be a balance between individual interests and the interests of the common or communal groups of owners of traditional knowledge. The regulation of KIK should be specifically regulated (sui generis) in a complete statutory regulation by taking into account the ideal policy of protecting the ownership of Indigenous Peoples.

REFERENCES

Biber-Klemm, & Berglas, D. S. (n.d.). Problems and Goals. In S. Biber-Klemm & T. Cottier (Ed.), *Rights to Plant Genetic Resources and Traditional Knowledge: Basic Issues and Perspectives*. Switzerland.

Coombe, R. J. (2001). The Recognition of Indigenous Peoples and Community Traditional Knowledge in International Law. *St. Thomas Law Review*, *14*.

Coombe, R. J. (2005). Protecting Traditional Environmental Knowledge and New Social Movement in the America: Intellectual Property, Human Right, or Claims to an Alternative Form of Sustainable Development. *Florida Journal of International Law*, *17*.

Correa, C. M. (2001). *Traditional Knowledge and Intellectual Property: Issues and Options Surrounding the Protection of Traditional Knowledge*. Geneva: Quaker United Nations Office.

Daulay, Z. (2012). Konsep Perlindungan Hukum Terhadap Pengetahuan Tradisional Masyarakat Asli tentang Obat di Indonesia. *Jurnal Media Hukum*, *19*(2).

Daulay, Z. (2020). *Pengetahuan Pengobatan Tradisional: Kajian Teoritis-Empiris dan Tawaran Perlindungan Hukum*. Jawa Barat: Raja Grafindo Persada.

Direktorat Jenderal Kekayaan Intelektual Kementerian Hukum Dan HAM RI. (2019). *Modul Kekayaan Intelektual Bidang Kekayaan Intelektual Komunal*.

Dutfield, G. (2004). *Intellectual Property, Biogenetic Resources and Traditional Knowledge*. Earthscan.

Eeckkhaute, J. C. Van. (2000). Legal Concerning Traditional Knowledge Protection on International Agenda: The EU Approach. In F. W. Grosheide & J. J. Brinkhof (Ed.), *Articles on the Legal*

Protection of Cultural Expressions and Indigenous Knowledge.
Heller, F. (1998). Influence at Work: A 25-Year Program of Research. *The Tavistock Institute*, *51*(12).
Huges, J. (1988). The Philosophy of Intellectual Property. *The Georgetown Law Jurnal*, *77*(287).
Irawan, C. (2012). *Politik Hukum Hak Kekayaan Intelektual Indonesia Kritik Terhadap Wto/Trips Agreement Dan Upaya Membangun Hukum Kekayaan Intelektual Demi Kepentingan Nasional*. Bandung: CV. Mandar Maju.
Kubasek, N. K. (1996). The Law of Property: Real, Personal, and Intellectual. In N. K. Kubasek, B. A. Brennan, & M. N. Browne (Ed.), *The Legal Environment of Business: Critical-Thinking Approach*. New Jersey: Printice Hall.
Margono, S. (2015). *Hukum Hak Kekayaan Intelektual (KI) Mencari Konstruksi Hukum Kepemilikan Terhadap Pengetahuan Dan Seni Tradisional Dalam Sistim Hak Kekayaan Intelektual (KI) Di Indonesia*. Bandung: Pustaka Reka Cipta.
Marlin-Bennett, R. (2004). *Knowledge Power: Intellectual Property, Information, and Privacy*. London: Lynne Reinner Publisher.
Muhtaman, D. R. (1997). *Akses Pemanfaatan Sumberdaya Keanekaragaman Hayati Indonesia*. Bogor: Latin.
Munzer, S. R. (2005). The Commons and the Anticommons in the Law and Theory of Property. In M. P. Golding & W. A. Edmundson (Ed.), *Philosophy of Law and Legal Theory*. Oxford: Blackwell Publishing.
Prijono, S. N. (2010). Indonesia Negara Mega Biodiversity di dunia. Diambil 1 Juli 2022, dari http://lipi.go.id/berita/indonesia-negara-mega-biodiversity-di-dunia-/518
Safrin, S. (2004). Hyperownership in a Time of Biotechnological Promise: The International Conflict to Control the Building Blocks of Life. *The American Journal of International Law*, *98*(641).
Sardjono, A. (2004). *Pengetahuan Tradisional, Studi mengenai Perlindungan Hak Kekayaan Intelektual Atas Obat-Obatan*. Program Pascasarjana Fakultas Hukum Universitas Indonesia.
Siswandi, A. G. C. (2002). Perlindungan Hukum Terhadap Kekayaan Intelektual Pengetahuan Tradisional. In *Roundtable Discussion tentang Perlindungan Hukum terhadap Pengetahuan Tradisional di Indonesia, Kerjasama INRIK, UNPAD dan BPP*. Bandung.