

Legal Protection of Trademark Holders Against Imported Goods: A Contextual Framework under Islamic Economic Law

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Abstract: The increasing influx of imported goods in Indonesia has intensified market competition and created complex challenges in protecting the rights of local trademark holders. Weak enforcement mechanisms and limited public awareness have facilitated imitation and unfair competition, threatening economic sustainability and consumer confidence. This study examines the adequacy of Indonesia's trademark protection and reinterprets it through the ethical and normative framework of Islamic economic law. Using a normative juridical approach with statutory, conceptual, and comparative methods, the research analyzes Law No. 20 of 2016 on Trademarks and Geographical Indications alongside Islamic legal principles such as *maqāṣid al-sharī'ah* (objectives of Islamic law), *hifz al-māl* (protection of wealth), and *maṣlaḥah 'āmmah* (public interest). This analytical synthesis evaluates the harmony between positive law and Islamic ethics in regulating fair competition. The findings reveal that Indonesia's legal framework provides sufficient formal protection but remains ineffective due to weak implementation, inadequate sanctions, and the limited capacity of small and medium enterprises. Conversely, Islamic economic principles emphasize moral accountability, fairness, and transparency as essential to market justice. Integrating these ethical values into trademark regulation would not only strengthen compliance but also foster socially responsible trade practices. This study contributes to contextualized Islamic law by proposing an integrated model that harmonizes intellectual property protection with Islamic moral economy. It advances theoretical understanding by linking *fiqh mu'amalah* with modern IP law and offers policy recommendations for promoting ethical branding, fair competition, and sustainable economic protection for Indonesian industries.

Keywords: trademark protection, imported goods, Islamic economic law, *maqāṣid al-sharī'ah*, *hifz al-māl*, Indonesia.

Abstrak: Meningkatnya arus barang impor di Indonesia telah memperketat persaingan pasar dan menimbulkan tantangan kompleks dalam melindungi hak pemegang merek dagang lokal. Lemahnya mekanisme penegakan hukum dan rendahnya kesadaran publik membuka peluang bagi praktik peniruan dan persaingan tidak sehat yang mengancam keberlanjutan ekonomi dan kepercayaan konsumen. Penelitian ini menelaah efektivitas perlindungan hukum terhadap merek dagang di Indonesia dan menafsirkannya kembali melalui kerangka etika dan norma hukum ekonomi Islam. Dengan menggunakan pendekatan yuridis normatif yang memadukan metode perundang-undangan, konseptual, dan komparatif, penelitian ini menganalisis Undang-Undang Nomor 20 Tahun 2016 tentang Merek dan Indikasi Geografis serta prinsip-prinsip hukum Islam seperti *maqāṣid al-sharī'ah* (tujuan syariat), *hifz al-māl* (perlindungan harta), dan *maṣlaḥah 'āmmah* (kemaslahatan umum). Analisis ini menilai keselarasan antara hukum positif dan etika Islam dalam pengaturan persaingan usaha yang adil. Hasil penelitian menunjukkan bahwa perlindungan hukum terhadap merek di Indonesia secara formal sudah memadai, tetapi efektivitasnya lemah karena implementasi yang kurang optimal, sanksi yang tidak tegas, serta keterbatasan kemampuan usaha mikro, kecil, dan menengah. Sebaliknya, prinsip ekonomi Islam menekankan akuntabilitas moral, keadilan, dan transparansi sebagai unsur penting dalam keadilan pasar. Integrasi nilai-nilai etis ini dapat memperkuat kepatuhan hukum sekaligus menumbuhkan kesadaran sosial terhadap praktik perdagangan yang beretika. Penelitian ini berkontribusi pada pengembangan hukum Islam kontekstual dengan menawarkan model integratif yang mengharmonikan perlindungan kekayaan intelektual modern dengan ekonomi moral Islam, serta memberikan rekomendasi kebijakan untuk memperkuat branding etis, persaingan sehat, dan perlindungan ekonomi berkelanjutan bagi industri nasional.

Kata Kunci: perlindungan merek dagang, barang impor, hukum ekonomi Islam, *maqāṣid al-sharī'ah*, *hifz al-māl*, Indonesia.

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Introduction

The development of global and cross-border business and trade laws reflects the response to the increasingly integrated world economic dynamics, digitalization, and the complexity of transactions between countries.¹ Since its inception, international commercial law has evolved from customary practices (*lex mercatoria*) that are universal and consistently applied by the courts, to codification and nationalization in the legal systems of individual countries in the 18th and 19th centuries, as seen in the Code de Commerce in France and the Uniform Commercial Code in Germany.² However, this nationalization has reduced the uniform nature of international trade law, so that the need for harmonization arose to overcome the obstacles to differences in legal systems between countries.

Economic globalization and digitalization have accelerated the interconnection of markets, mobility of capital, labor, and goods, which demands the harmonization of business law regulations between countries so that international trade runs smoothly and fairly.³ This harmonization effort is not only carried out through a hard law approach (legally binding regulations), but also through soft law, namely guidelines, standards, and norms developed by international organizations such as the IMF, World Bank, OECD, and the United

Nations. The role of these organizations is significant in shaping the International Corporate Law (ICL) framework, which not only promotes investor protection, but also takes into account externality issues such as systemic risks, environmental damage, and human rights violations.⁴

In the digital era, business law challenges are increasingly complex with the emergence of new business models such as e-commerce, data protection and privacy, and intellectual property protection in the context of new technologies such as artificial intelligence and the Internet of Things (IoT).⁵ Regulations must continue to adapt in order to protect consumers while encouraging innovation. In addition, cross-border business law enforcement faces challenges related to compliance with international environmental and labor standards, cross-border dispute resolution, and law enforcement of adverse business practices.⁶ International collaboration and the development of an integrated regulatory framework are key to addressing these challenges, so that law enforcement can operate consistently and effectively.

Historically, the evolution of international trade law has also been influenced by major world events such as the establishment of the GATT (General Agreement on Tariffs and Trade) after World War II, which became the foundation for the modern global trade law system.⁷ Over time, global business and trade

¹ R.A.P. Darajati, B. Santoso, and H.N. Widhiyanti, "The Legal Aspects of Venture Capital As an Alternative Financing," *Russian Journal of Agricultural and Socio-Economic Sciences* 133, no. 1 (2023): 41–46.

² David S Bloch, "Non-Fungible Tokens: A Solution to the Challenges of Using Blockchain Bills of Lading in the International Sales of Goods," *Journal of Law, Market & Innovation* 1, no. 1 (2022): 44–65.

³ Stefan Koos, "Digital Globalization and Law," *Lex Scientia Law Review* 6, no. 1 (2022): 33–68.

⁴ Sunardi Purwaatmoko, "The IMF Rice Liberalization Policy in Indonesia: The Case Study of Elite Behaviors in the Era of Gus Dur, Megawati, and SBY Government," *Borneo Journal Administrator* 18, no. 2 (2022): 187–200.

⁵ Mukhlis Yunus, Jumadil Saputra, and Zikri Muhammad, "Digital Marketing, Online Trust and Online Purchase Intention of e-Commerce Customers: Mediating the Role of Customer Relationship Management," *International Journal of Data and Network Science* 6, no. 3 (2022): 935–944.

⁶ Md Abdul Halim, "Does Crowdfunding Contribute to Digital Financial Inclusion?," *Research in Globalization* 9, no. 1 (2024): 1–13, <https://doi.org/10.1016/j.resglo.2024.100238>.

⁷ Elkhani Richard Sadik-Zada, Andrea Gatto, and Ibrahim Niftiyev, "E-Government and Petty Corruption in Public Sector Service Delivery," *Technology Analysis and Strategic Management* 1, no. 1 (2022): 1–17,

law has been increasingly influenced by the need to balance economic growth, financial stability, environmental protection, and social justice at the international level. Thus, the development of global business and trade law is a dynamic process that continues to adapt to the world's technological, economic, and geopolitical changes, and demands synergy between national and international regulations for the creation of a fair, efficient, and sustainable trading system.⁸

One of the impacts of international and cross-border trade is the exchange of a product from one country to another. Exports and imports are two main activities in cross-border trade that are very important for a country's economy.⁹ Export is the activity of sending goods and services abroad to be sold, while import is bringing goods and services from abroad to meet domestic needs.¹⁰ This activity not only encourages economic growth and increases the country's foreign exchange, but also creates jobs and expands the market for domestic products. In the context of cross-border trade, exports and imports often involve border areas, such as those between Indonesia and Malaysia, where people in border areas take advantage of the ease of trade to meet daily needs and improve a country's welfare.¹¹

Cross-border trade also faces various

challenges, such as regulatory differences, inadequate infrastructure, and the potential for smuggling due to weak border control. The Indonesian government continues to strive to adjust fiscal and customs policies to be more in line with international standards, for example through the implementation of the Indonesian Customs Tariff Book (BTKI) which refers to the HS code from the World Customs Organization (WCO) and the ASEAN Harmonized Tariff Nomenclature (AHTN).¹² This regulatory harmonization effort aims to facilitate the flow of goods, reduce logistics costs, and increase the competitiveness of national products in the global market.

Cross-border trade also provides great opportunities for business actors to export various superior products, such as agricultural, industrial, and mining products, which can compete in the international market in terms of price and quality.¹³ On the other hand, imports also play an important role in meeting the needs of industrial raw materials and consumer goods that cannot be produced domestically, thereby supporting the smooth running of national economic activities. Thus, exports and imports that run smoothly and regularly are one of the main pillars in strengthening Indonesia's position in global trade and improving people's welfare, especially in border areas that are the main gateway for

<https://doi.org/10.1080/09537325.2022.2067037>.

⁸ I Gede Agus Kurniawan et al., "The Business Law in Contemporary Times: A Comparison of Indonesia, Vietnam, and Ghana," *Substantive Justice International Journal of Law* 7, no. 2 (December 2024): 114–141.

⁹ Nikmatul Masrurroh et al., "The Halal Branding in International Trade of Edamame Soybean Agricultural Products," *Annals of Agri Bio Research* 26, no. 2 (2021): 243–248.

¹⁰ Wahyu Riawanti, Bambang Arwanto, and Email Id, "Political Economy Perspective on Social Development: Case Study of Rent Seeking on Rice Import Policy and Coal Mining Policy in Indonesia," *Journal of Economic Research & Reviews* 3, no. 3 (2023): 201–212.

¹¹ Johari AB Latief, "Halal Certification Procedure in Malaysia and Indonesia," *Petita: Journal of Legal and Sharia Studies* 5, no. 2 (2020): 121–132.

¹² Nisa Aurellia and Kholis Roisah, "Legal Protection against Unregistered Marks and Unfair Competition Practices (Comparative Study of Indonesia and the United States)," *International Journal of Social Science and Human Research* 06, no. 06 (2023): 3818–3821.

¹³ Antonius Felix and Glisina Dwinoor Rembulan, "Analysis of Key Factors for Improved Customer Experience, Engagement, and Loyalty in the E-Commerce Industry in Indonesia," *APTISI Transactions on Technopreneurship* 5, no. 2Sp (2023): 196–208.

cross-border trade activities.¹⁴

The problem of international trade and its relation to exports and imports is related to local traders of a country who have the potential to be threatened by free competition with foreign products. This problem is especially for domestic products that have trademark rights which then carry out free competition with products from other countries.¹⁵ The protection of brand holders in the face of imported goods is an important issue in line with the increasing flow of global trade and the ease of access to foreign products to the domestic market. In Indonesia, trademark protection is expressly regulated in Law No. 20 of 2016 concerning Trademarks and Geographical Indications, which adopts a constitutive registration system, meaning that the right to a trademark is obtained after being officially registered with the Directorate General of Intellectual Property.¹⁶ This raises legal problems in the form of protection of trademark holders in dealing with imported goods, especially from the perspective of Islamic economic principles. Islamic economic principles strongly emphasize justice, balance, and ethics in all economic activities, including cross-border trade. In the context of international trade, Islamic economics teaches that transactions must be carried out fairly, transparently, and without harming one party.

From the description above, this study aims to answer two legal issues, namely: (i) the

urgency of protecting trademark holders in dealing with imported goods in Indonesia and (ii) future arrangements for the protection of trademark holders in dealing with imported goods in Indonesia reviewed from Islamic economic principles.

Method

This research is a normative legal research with legal issues in the form of contextual analysis based on Islamic economic principles related to the protection of trademark holders in dealing with imported goods in Indonesia.¹⁷ As a normative legal research, the focus of the analysis is on legal products related to brands. The primary material used is Law Number 20 of 2016 concerning Trademarks and Geographical Indications. The secondary legal materials used are journal articles, books, and research results that discuss trademark rights protection, cross-border trade, and Islamic economic principles. Non-legal material is a legal dictionary. The approach used is a conceptual and legislative approach.¹⁸

The analytical framework follows three stages: (1) identifying positive legal norms governing trademark protection; (2) evaluating their implementation in the context of imported goods; and (3) contextualizing these norms using Islamic economic principles derived from *maqāṣid al-sharī'ah*. Within this framework, the principles of *hifz al-māl*, *maslahah 'āmmah*, and prohibition of

¹⁴ Weiwen Qian and Yinguo Dong, "Comparative Study on the Geographical Indication Protection between China and the European Union – From the Perspective of the China-EU Geographical Indications Agreement," *Agricultural Economics (Czech Republic)* 69, no. 5 (2023): 185–201.

¹⁵ Ayup Suran Ningsih, "Sustainability of Indonesia Trademark Law As Umbrella Law in Resolving Domain Names Dispute in Indonesia," *Law Pulpit - Faculty of Law, Gadjah Mada University* 32, no. 2 (2020): 193.

¹⁶ Muh. Ali Masnun, Dicky Eko Prasetyo, Eny Sulistyowati,

Mohd Badrol Awang, "Reconstructing Indonesia's Trademark Registration System through the Lens of General Principles of Good Governance to Realize Substantive Justice," *Journal of Law and Legal Reform* 5, no. 3 (2024): 891–912.

¹⁷ Rahmadi Indra Tektana Efendi, A'an, Dyah Ochtorina Susanti, *Doctrinal Law Research* (Yogyakarta: LaksBang Justitia, 2019).

¹⁸ I Made Pasek Diantha, *Normative Legal Research Methodology*, Print to. (Jakarta: Prenadamedia Group, 2017).

gharar (uncertainty) serve as evaluative tools to assess whether existing regulations align with the ethical foundations of Islamic economics. This method allows for a critical synthesis between statutory law and Islamic normative values.

Result and Discussions

The Urgency of Trademark Holder Protection in Dealing with Imported Goods in Indonesia

Trademarks are one of the important parts of intellectual property rights (IPR) that function as a distinguishing mark used to distinguish goods or services produced by a company from similar products or services owned by other companies.¹⁹ A brand not only serves as the identity of a product or service, but also serves as a quality assurance that gives confidence to consumers that the product has certain consistent qualities.²⁰ In a highly competitive business world, brands are a valuable asset because they are able to increase competitiveness and highlight products in the midst of fierce market competition, as well as acting as an effective promotional tool because consumers are familiar enough to recognize the product without having to look at other details.²¹ In addition, the trademark also indicates the origin of the goods or services produced, thus providing legal protection to the owner so that the exclusive right to use the trademark is not

abused by other parties.

This protection is important to maintain the economic value of the brand as a company asset and prevent counterfeiting or plagiarism that can harm producers and consumers. In the context of IPR, trademarks are legally regulated so that the registered trademark owner acquires the exclusive right to use the trademark for a certain period of time and can extend it, and can grant licenses to other parties to use the trademark in exchange for royalties.²² Thus, brands not only serve as an identity and marketing tool, but also as a source of competitive advantage, legal protection, and potential financial benefits for business actors. Therefore, brands must be protected as part of intellectual property rights in order to protect the interests of producers and consumers in a balanced manner and support the creation of a climate of healthy business competition and new product innovation in the market.

Brands have a very important role in the industry because they serve as an identity that distinguishes a company's products or services from its competitors in a highly competitive market.²³ In the context of the industry, a brand is not just a name or logo, but a valuable asset that reflects the reputation, quality, and value inherent in the product, so as to build consumer trust and loyalty.²⁴ A strong brand

¹⁹ M Khoiron, "Trademark Policy for Small and Medium Industries in Indonesia," *International Journal of Management and Industrial Science* 1, no. 1 (2022): 13–16.

²⁰ Tasya S. Ramli et al., "Artificial Intelligence as Object of Intellectual Property in Indonesian Law," *Journal of World Intellectual Property* 26, no. 2 (2023): 142–154.

²¹ Daliane Teixeira Silva et al., "Coffee Production and Geographical Indications (GI): An Analysis of the World Panorama and the Brazilian Reality," *Journal of Sustainable Development* 16, no. 3 (2023): 47.

²² Egi Reksa Saputra, Fahmi Fahmi, and Yusuf Daeng, "Royalty Payment Mechanism for Commercial Interests Based on Law Number 28 of 2014 concerning Copyright,"

Tambusai Education Journal 6, no. 3 (2022): 13658–16378.

²³ Puspa Melati Hasibuan, Zulfi Chairi, and Aflah Aflah, "Implementation of Legal Protection of Brand Rights for Micro, Small, and Medium Enterprises (Msmes) According To Law Number 20 Year 2016 Concerning Marks and Geographic Indications," *Jhss (Journal of Humanities and Social Studies)* 6, no. 2 (2022): 156–160.

²⁴ Sofian Syaiful Rizal, Fatima Omer Alnoor, and Khofiyatul Laily, "Education on the Legal Aspects of Consumer Protection in Buying and Selling Transactions in the Electronic-Based Millennial 5.0 Era (E-Commerce)," *IJECA (International Journal of Education and Curriculum Application)* 5, no. 2 (2022): 196.

presence makes it easier for consumers to recognize and choose products they already trust, thus increasing the likelihood of repurchase and maintaining a stable demand in the market. In addition, brands also become strategic tools in marketing and corporate imagery, helping companies stand out in the midst of fierce competition and creating emotional associations with consumers that can be a long-term competitive advantage. In the industry, brands also provide important legal protection for companies through exclusive rights to use the brand, thus preventing counterfeiting or unauthorized use that can damage the company's reputation and reduce the company's profits.²⁵ With registered and protected brands, companies can be more confident in investing resources to improve product quality and develop innovation, as they are a guarantee that their business results are not easily replicated by competitors.²⁶ Furthermore, brands can be an additional source of income through licensing or franchising, as well as strengthening a company's bargaining position in the eyes of consumers and financial institutions.²⁷ Therefore, in the industry, brands are not just symbols, but important foundations that support business sustainability, build customer loyalty, strengthen the company's image and reputation, and create sustainable economic value for companies and other stakeholders.

In Indonesia, the types of trademarks that

are recognized as part of intellectual property rights consist of two main categories, namely trademarks and geographical indications, both of which have different functions and legal protections but are equally important in supporting business actors and preserving regional products.²⁸ A trademark is a mark used to distinguish goods or services produced by a company from other products, usually in the form of a name, logo, symbol, or a combination of graphic elements that give identity and reputation to the product. The trademark gives the owner the exclusive right to use the mark in trade activities, so that it can protect against counterfeiting and abuse by other parties. Meanwhile, a geographical indication (IG) is a sign that indicates the origin of a product from a certain area whose quality, reputation, or characteristics are greatly influenced by geographical environmental factors, whether natural, human, or a combination of both.²⁹

Products with geographical indications have characteristics that cannot be found in products from other regions, so IG serves as a certification that protects the region's typical products from counterfeiting and increases their economic value in the local and international markets. Examples of geographically indicated products in Indonesia are very diverse, ranging from Gayo Arabica coffee in Aceh, Kintamani coffee in Bali, to Pekalongan batik and Balinese handicrafts which all have uniqueness that is closely

²⁵ Syamsul Hidayat Mukhyidin, Mukhyidin, Ade Ifan Muiyanto, "Analysis of Consumer Satisfaction of Electric Bicycles of the Goda Brand," *Management and Business Economics* 2, no. 2 (2024): 255–264.

²⁶ Nur Rohim Yunus Annissa Rezki, Rr Dewi Anggraeni, "Legal Policy In The Resolution Of Trademark Rights Disputes Between Two Trade Companies From Different Countries," *The American Journal Of Humanities And Social Sciences Research* 4 6, no. 06 (2021): 9.

²⁷ Elsa Benia, "Analysis of Legal Protection of Trade Secrets in Franchise Agreements Based on Law Number

30 of 2000 concerning Trade Secrets," *The Law Review* 10, no. 2 (2022): 1–14.

²⁸ Anak Agung Gede Agung Indra Prathama, Ketut Rai Marthania Onassis, and I Gusti Agung Made Dwi Komara, "Legal Protection of Communal Intellectual Property Rights in Balinese Society," *Raad Kertha Scientific Journal* 6, no. 1 (2023): 21–33.

²⁹ Silva et al., "Coffee Production and Geographical Indications (GI): An Analysis of the World Panorama and the Brazilian Reality."

related to their home region.³⁰ The registration of geographical indications provides significant benefits for local producers and communities, such as increased competitiveness, legal protection of genuine products, and strengthening regional identity and reputation. Law³¹ Number 20 of 2016 concerning Trademarks and Geographical Indications is the legal basis that regulates the protection of these two types of trademarks, ensuring that the rights to trademarks and geographical indications are legally recognized and protected. Thus, trademarks and geographical indications as part of intellectual property rights not only play a role in protecting the interests of business actors, but also maintain the authenticity and quality of Indonesian products rooted in regional cultural and natural wealth, while encouraging economic growth and broader market development.

Based on available data, the number of trademark applications registered with the Directorate General of Intellectual Property (DJKI) Indonesia has increased significantly from 2022 to 2025. In 2022, there were 117,083 trademark applications that entered the DJKI, as part of a total of 257,335 intellectual property applications overall. In 2023, the number of trademark applications received by the DJKI increased to 114,130 applications, with details of as many as 83,752 applications and service marks as many as 30,274 applications for design registrations.³² Overall, this trend reflects the increasing interest and awareness

of the public and business actors in Indonesia to protect their brands through official registration with DJKI, supported by various service innovations that accelerate the registration process and improve the quality of brand checks in Indonesia.

The majority of registered brands in Indonesia come from Micro, Small, and Medium Enterprises (MSMEs), which are indeed the backbone of the national economy with a large contribution to labor absorption and Gross Domestic Product (GDP). MSMEs in Indonesia dominate the business world with a total of around 64.2 million units, or around 99.99% of the total business actors, so it is not surprising that most of the brand registrations at DJKI come from this sector.³³ Branding for MSMEs is very important as product identities that help them build consumer trust, increase competitiveness, and expand the market, both locally and nationally. However, many MSMEs still face challenges in terms of understanding and managing brands, so the government and various institutions continue to encourage training and mentoring so that MSMEs are able to utilize brands as strategic assets for their business. In addition, the government also provides support through financing programs such as People's Business Loans (KUR) and interest subsidies to strengthen MSME capital, so that they can more easily register their brands and develop their businesses. On the other hand, there are also efforts to register collective brands involving MSME groups or local governments, such as the collective brand

³⁰ Ibid.

³¹ A. D. Ingole et al., "Geographical Indication of Fruit Crops in India and Its Protection Abroad," *International Journal of Environment and Climate Change* 13, no. 11 (2023): 1026–1043.

³² DJKI, "Achievements of the Directorate of Brands and Geographical Indications Exceed Targets," 2023, [https://www.dgip.go.id/index.php/artikel/detail-artikel-](https://www.dgip.go.id/index.php/artikel/detail-artikel-berita/capaian-direktorat-merek-dan-indikasi-geografis-melampaui-target?kategori=agenda-ki)

[berita/capaian-direktorat-merek-dan-indikasi-geografis-melampaui-target?kategori=agenda-ki](https://www.dgip.go.id/index.php/artikel/detail-artikel-berita/capaian-direktorat-merek-dan-indikasi-geografis-melampaui-target?kategori=agenda-ki).

³³ Raimon Efendi Ratih Agustin Wulandari, "Brand Function and Legal Protection for MSME Actors in the Covid-19 Era," *International Journal of Management and Business* 5, no. 1 (2020): 81–97, <https://brage.bibsys.no/xmlui/handle/11250/216770>.

"Rendang Payakumbuh," which aims to protect regional products while strengthening the identity and reputation of MSME products together. Thus, trademark registration by MSMEs not only serves as legal protection but also as an important tool to improve quality, expand marketing networks, and encourage intellectual property-based economic growth in Indonesia.

Brands in Indonesia face major challenges due to the increasing development of imported products, especially in the last years until 2025. Imported products that enter the Indonesian market are often offered at very competitive prices, even much lower than local products, so consumer interest in domestic products has the potential to decrease.³⁴ This condition forces local business actors to no longer only compete in terms of price, but must focus on product differentiation and strengthen brand advantages that imported products do not have, such as cultural uniqueness, distinctive quality, and superior customer service. In addition, the flood of imported products also makes consumers more selective and difficult to convince, so local business actors must be more creative in building brand communication and increasing consumer loyalty through a more personalized and authentic experience. On the other hand, the import regulations that are constantly updated by the Indonesian government aim to protect the domestic industry by implementing stricter quality and safety standards, especially on products such as cosmetics and skincare which are widely imported from countries such as South Korea,

the United States, Japan, and China.³⁵ However, challenges remain large due to the uncertainty of global trade policies, increased import tariffs in several Indonesian export destination countries, and competition from imported products that are also increasingly innovative and supported by advanced digital marketing technology. In the face of this situation, local brands must be able to innovate sustainably, utilize digital technology to strengthen branding, and prioritize added value that is relevant to the preferences of Indonesian consumers, such as products that are healthy, environmentally friendly, and have local cultural value. With the right strategy, Indonesian brands can survive and even grow in the midst of increasingly heavy import product pressure, while strengthening their position in the domestic and international markets.

Legal protection of trademarks in Indonesia plays a very crucial role, especially in facing challenges arising from the rapid development of imported products entering the domestic market. Imported products that often offer lower prices and diverse variations can threaten the sustainability of local brands, so strong legal protection is the main tool for maintaining the existence and competitiveness of domestic brands. With adequate legal protection, registered trademark owners acquire the exclusive right to use their trademarks, which provides legal certainty while preventing unauthorized use or imitation by other parties that may be economically and reputationally harmful. This is very important

³⁴ Mohammad Akmal Taris, Veronica Cynthia Putri Purwana, and Nadia Marsya Ramdhani, "Strengthening the Standardization of Imported Products in E-Commerce in Indonesia in Overcoming Predatory Pricing (A Comparative Study of Anti-Monopoly Policy with Japan)," *Research Forum Law Journal* 1, no. 03 (September 2024):

45–59.

³⁵ Muthia Sakti and Dwi Aryanti Ramadhani, "Halal Certification of Micro and Small Enterprises' Food Products for Consumer Protection," *Amsir Law Journal* 5, no. 1 (2023): 23–36.

for business actors, especially Micro, Small, and Medium Enterprises (MSMEs), which are the majority of brand owners in Indonesia, because this protection provides a sense of security and confidence in running their business without fear of their brand being misused by imported products that do not have permits or imitation of local brand identities.

Legal protection also allows trademark owners to take repressive legal action, such as filing civil and criminal lawsuits against trademark infringement, thereby providing a deterrent effect for infringers and maintaining market integrity. Effective brand protection also contributes to the creation of a healthy and fair business competition climate, where companies can focus on innovation and product quality improvement without worrying about the risk of imitation or infringement of trademark rights. Thus, legal protection of trademarks not only maintains the sustainability and value of the brand itself, but also supports national economic growth through strengthening the position of local brands in the face of increasingly fierce global competition due to the entry of imported products. Efforts to increase awareness and ease of access to trademark registration and consistent law enforcement are key so that brand protection can provide optimal benefits for business actors in Indonesia, so that local brands can survive and thrive in the midst of changing market dynamics.

Future Arrangements for Trademark Holder Protection in Dealing with Imported Goods in Indonesia Reviewed from Islamic Economic Principles

Law Number 20 of 2016 concerning Trademarks and Geographical Indications in Indonesia comprehensively regulates legal protection for trademark holders, including in dealing with the challenge of imported goods that have the potential to violate local trademark rights.³⁶ This law affirms that a trademark is a mark consisting of an image, logo, name, word, letter, number, or color arrangement that distinguishes goods or services from certain business actors, and gives the registered trademark owner the exclusive right to use the trademark for a certain period of time, namely 10 years from the date of receipt of registration, with the possibility of extension.³⁷ In the context of imported goods, trademark protection is very important because Indonesia adheres to the "first to file" system, so that the owner of the trademark who first registers his trademark has legal rights to the trademark, so imported goods that use the same or similar brand without permission can be subject to legal sanctions.³⁸

Law No. 20 of 2016 provides legal certainty and protection guarantees for trademark holders through the trademark registration and certification mechanism, which is the basis for rejecting or taking action against imported goods that violate registered trademark rights.³⁹ In this case, the government through

³⁶ Tubagus Dicky Faldy Syahid Noor, Yulia Nurendah, and Weman Suardy, "The Application of Business Law as an Effort to Stimulate MSME Performance from a Marketing Perspective," *Scientific Journal of Unit Management* 9, no. 3 (2021): 627–640.

³⁷ Yusuf Gunawan, "Legal Analysis of Ambiguity of Trademark Registration in Indonesia," *Nurani* 23, no. 1 (2023): 163–170.

³⁸ Anis Mashdurohatun and Susanto Limbong Ferry,

"Legal Protection of Trademarks Based on the Justice Value," *International Journal of Innovation, Creativity and Change* 12, no. 3 (2020): 1211, <https://www.ijicc.net/index.php/volume-12-2020/169-vol-12-iss-3>.

³⁹ Trisa Rembonita, Fokky Fuad Wasitaatmaja, and Article History, "Public Domain As Indonesia's Trademark Law In The Utilitarian's Perspective," *International Journal Multidisciplinary Science* 3, no. 2 (2024): 9–19.

related agencies can carry out supervision and administrative actions to delay the issuance or loading of imported goods that are suspected of violating trademark rights, thereby providing preventive protection for trademark holders in the face of unfair business competition. This law also regulates criminal and civil sanctions for trademark rights violators, and allows trademark owners to file lawsuits against parties who use their trademarks illegally, including manufacturers or importers of counterfeit or infringing goods.⁴⁰

Law No. 20 of 2016 accommodates brand protection in the framework of global trade and information technology developments, thereby providing adequate legal certainty for domestic business actors to compete fairly with imported goods. It is important to maintain the reputation and brand image, which is a strategic asset in the business world, while protecting consumers from imported goods that do not meet standards or violate intellectual property rights. Thus, Law Number 20 of 2016 has become the main legal basis in regulating the protection of trademark holders in Indonesia, especially in facing the challenges of imported goods, through a strict registration system, effective supervision, and strict law enforcement against trademark rights infringement.

Law Number 20 of 2016 concerning Trademarks and Geographical Indications, although it has become the main legal basis for providing protection for trademark holders in Indonesia, faces a number of significant

problems in its implementation, especially in dealing with imported goods. One of the main problems is that there are still legal loopholes that allow counterfeit or counterfeit brands to pass the trademark registration process, so that the trademark gets legal protection even though it harms the owner of the original brand. This is due to the absence of clear brand philosophy requirements and the existence of multiple interpretations in the determination of well-known brand criteria as well as the underlying similarities of brands, which leads to legal uncertainty and difficulties in trademark enforcement.⁴¹ In addition, the implementation of this law in the field has not been running optimally, where there are still many cases of violations in the form of imitation of registered brand logos that have not been effectively acted upon by law enforcement officials, due to lack of public awareness, limited supervision, and obstacles from local governments.

Law Number 20 of 2016 concerning Trademarks and Geographical Indications also faces challenges in terms of supervision after the issuance of trademark certificates, because the Directorate General of Intellectual Property tends to focus on the registration and certification process without conducting adequate monitoring of the use of these trademarks in the market, so that the use of trademarks that are not in accordance with the certificate still occurs and has the potential to harm the original trademark holders.⁴² In addition, socio-cultural factors and lack of socialization regarding the importance of

⁴⁰ Oktora Tri Wanida Dian Latifiani, Alya Fatimah Azzahra, "The Importance of Intellectual Property Rights as Property Rights for Copyright or Company Brands," *Rule of Law* 31, no. 1 (2022): 66–74.

⁴¹ Lukman Hakim and Nalom Kurniawan, "Protection of Citizens' Economic Constitutional Rights through Patent Rights in Indonesia," *Constitution Journal* 17, no. 3 (2020):

582–604.

⁴² Sunny Ummul Firdaus Rian Saputra, Pujiyono, "Un Synchronized Registration Regulation Of Geographic Indications In Indonesia On Products Traditional Alcoholic Drink," *Journal of Legal, Ethical and Regulatory Issues* 25, no. 4 (2022): 1–13.

trademark registration and legal protection are obstacles to the effectiveness of this law, where many business actors have not registered their trademarks so that they do not obtain strong legal protection, especially in the face of competition with imported goods that use similar or identical brands.

Another problem that arises is the weak coordination and enforcement of imported goods that violate trademark rights, so that supervision of imported goods that have the potential to violate intellectual property rights is still not optimal. Thus, even Although Law Number 20 of 2016 has provided a legal framework for trademark protection, in practice there are still various obstacles ranging from administrative aspects, law enforcement, to public legal awareness that hinder effective protection for trademark holders in dealing with imported goods in Indonesia.

Referring to the principles of Islamic economics, the protection of trademark holders in dealing with imported goods in Indonesia emphasizes that trademark rights are part of property (al-mal) that must be protected absolutely because they have economic value and identity that must be protected from harmful abuse and imitation.⁴³ From a sharia perspective, the protection of trademark rights is based on the principle of justice and the prohibition of taking or using other people's property unlawfully, as affirmed in the Qur'an and hadith, and is strengthened by the fatwa of the Indonesian Ulema Council (MUI) which prohibits all forms of infringement

of intellectual property rights, including trademarks without the owner's permission.⁴⁴

This principle also demands strict and consistent legal protection to create a deterrent effect for violators, thereby maintaining the common good and preventing losses that can be suffered by brand owners. In addition, the principles of maqasid sharia which emphasize the goal of justice and benefit (maslahah) are the basis for brand protection in order to maintain the sustainability and competitiveness of local brands, especially in the midst of increasingly fierce competition for imported products.⁴⁵ Thus, brand protection in the Islamic economy is not only legal formal, but also contains moral and ethical values that govern business relationships so that they are fair and just, while encouraging business actors, especially MSMEs, to respect and maintain intellectual property rights as important assets in the national economy.

The principles of maqashid sharia are very relevant and necessary in the regulation of the protection of trademark holders facing imported goods in Indonesia because maqashid sharia aims to realize benefits and prevent damage in various aspects of life, including in the protection of intellectual property rights such as brands. From the perspective of sharia maqasid, brand protection is closely related to the purpose of safeguarding property (hifdz al-maal), which is to protect the valuable assets of the brand owner from misuse, plagiarism, and counterfeiting that can be economically and socially detrimental.⁴⁶ Trademark rights

⁴³ Agus Riwanto and Sukarni Suryaningsih, "Realizing Welfare State and Social Justice: A Perspective on Islamic Law," *Volkgeist: Journal of Law and Constitution* 5, no. 1 (2022): 41–51.

⁴⁴ Dede Nurwahidah, Yadi Janwari, and Dedah Jubaedah, "The Concept of Economic Thought and Sharia Maqashid from the Perspective of Imam Al-Syathibi," *MAMEN: Journal of Management* 3, no. 3 (July 27, 2024): 175–189, <https://journal.literasisains.id/index.php/mamen/article/view/3918>.

⁴⁵ Nurbalqis Rahmatul Fadhil, "Analysis of Cash Waqf Linked Sukuk (CWLS) in the Perspective of Maqashid Ash-Syarf'ah," *al-Mizan* 5, no. 2 (2021): 1–18.

⁴⁶ Abdi Widjaja et al., "The Implementation of E-

protection also includes the protection of reason (*hifdz al-'aql*) which encourages creativity and innovation by recognizing and protecting the intellectual work of the brand owner. Furthermore, the principle of benefit (*maslahah*) in the sharia maqasid emphasizes that brand protection not only benefits the owner, but also maintains fairness in trade and provides benefits to consumers and the national economy as a whole.⁴⁷ Thus, the implementation of brand protection that is in line with the sharia maqashid can create a healthy and fair business competition climate, while strengthening the position of local brands in facing the challenges of imported products. This approach also requires consistent law enforcement and education for business actors, especially MSMEs, so that awareness of the importance of brand protection increases, so that the purpose of sharia in maintaining the benefits of property and preventing damage can be optimally achieved.

Future arrangements related to the protection of trademark holders in dealing with imported goods in Indonesia, if reviewed from the principles of Islamic economics, must prioritize the values of justice, honesty, and protection of property rights which are the main foundations in Islamic law. In Islamic economics, a brand is not only a trade symbol, but also an asset that has material value and benefits that must be maintained (*hifdz al-maal*) so that there are no losses due to counterfeiting or imitation that harm the brand owner, especially MSME actors who are vulnerable to unfair competition from

imported goods. Therefore, future arrangements need to strengthen the trademark registration system with transparent procedures and strict verification to prevent false trademark registration, while optimizing strict supervision and legal enforcement against trademark rights infringement, in accordance with the principle of prohibition of *gharar* (obscurity) and fraud in Islamic business transactions.

The arrangement must accommodate global technological and trade developments by integrating adaptive international brand protection, so that Indonesian brand holders can be comprehensively protected. The principles of sharia maqasid, which emphasize benefits (*maslahah*) and damage prevention (*mafsadah*), also require education and socialization of business actors so that they understand the importance of brand protection as part of maintaining rights and obligations in doing ethical business. Clear and firm sanctions against trademark rights violators should be enforced to create a deterrent effect, in line with the principles of justice and law enforcement in Islam. Finally, the ease of access to and use of public services in the process of registration and enforcement of trademark rights through information technology needs to be improved to be more efficient and transparent, supporting the principles of public benefit and social justice. Thus, future brand protection arrangements based on Islamic economic principles can strengthen the competitiveness of local brands, protect consumers, and create a healthy, fair, and sustainable business climate

Commerce Consumer Option Rights (*Khiyar*) in Realizing Transaction Justice: A Study of Maqasid Al-Shariah," *Al-Manahij: Journal of Islamic Law Studies* 17, no. 1 (2023): 69–82.

⁴⁷ Faradilla Chairunnisa and Agus Supriyanto, "Analysis of

the Benefits of the Supreme Court's Decision on WajiBah Wills in the Granting of Inheritance Rights for Non-Muslims (An Analysis Study on Supreme Court Decision No. 51.K/AG/1999)," *Maslahah: Journal of Islamic Law and Sharia Banking* 11, no. 1 (2020): 1–12.

in the midst of competition for imported goods in Indonesia.

Conclusion

The legal protection of trademarks in Indonesia plays a crucial role in sustaining the existence, integrity, and competitiveness of local brands amid the rapid influx of imported products. Effective protection not only ensures exclusive rights for trademark owners—particularly micro, small, and medium enterprises (MSMEs)—but also safeguards brand identity, prevents economic exploitation, and strengthens market confidence. Robust enforcement mechanisms, accessible registration procedures, and heightened legal awareness are essential to optimize the benefits of trademark protection, enhance market integrity, and promote fair business competition. Strengthening these aspects will enable local brands to remain resilient and adaptive within the dynamics of global trade.

From the perspective of Islamic economic law, future trademark protection frameworks must be grounded in the values of justice (*'adl*), honesty (*ṣidq*), and protection of property (*hifẓ al-māl*). Trademarks, as valuable economic assets, should be preserved from counterfeiting and imitation to uphold the ethical and equitable principles of commerce. Therefore, it is necessary to reinforce the registration system through transparent procedures, strict verification, and consistent supervision based on the Islamic prohibitions of *gharar* (uncertainty) and *tadlīs* (fraud).

Integrating *maqāṣid al-sharī'ah*—which emphasizes public benefit (*maṣlaḥah*) and the prevention of harm (*dar' al-mafāsīd*)—provides an ethical foundation for formulating adaptive policies that align with technological and global

trade developments. Public education and digital access to brand registration services must also be expanded to promote transparency and efficiency. Through this value-based approach, trademark protection rooted in Islamic economics can strengthen local brand competitiveness, protect consumers, and foster a fair, ethical, and sustainable business environment within Indonesia's increasingly open market.

Credit Authorship Contribution

Elfi Haris conceptualised the research idea, formulated the main objectives, and drafted the introduction and conclusion of the manuscript. OK Saidin developed the theoretical and legal framework, analyzed the relevant national and international trademark regulations, and refined the conceptual arguments. Ningrum Natasya Sirait contributed to the research design, reviewed key legal references, and provided critical insights on the interpretation of Islamic economic law. Maria Kaban collected and analyzed statutory and empirical data, assisted in the synthesis of findings, and supported the methodological validation of the study. uetaitip Chansrakao conducted comparative legal analysis from a regional and international perspective, contributed to editing and academic refinement, and ensured the paper's alignment with global scholarly standards. All authors collaboratively revised and approved the final version of the manuscript for publication.

Declaration of Competing Interest

The authors declare that they have no known financial, institutional, or personal conflicts of interest that could have influenced the research findings or interpretations presented in this study.

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