

Denpasar City Branding as Tourism Development Strategy: Law Branding Aspect Point of View



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ABSTRACT: One of the tour programs that have gained popularity for tourists in Bali is Denpasar City Tour. Denpasar is typically able to deliver persistence of heritage site in Gajah Mada and uniqueness of Badung and Kumbasari Market as places of interests, so it make this city as one of well-known places of interest, especially for its distinctive culture. Tourists' visit throughout the year make possible creation of small scale business for the city residents. This potential is strengthened by the motto of the city "Sewaka Dharma" or Serving is Duty. Therefore, it is really required law enforcement in order to promote the philosophy of its motto that inspire the people passion in creating a competitive advantage of Denpasar city branding. The aforementioned regulation is Law Number 15 of 2001 that can regulate it.

KEYWORDS: brand, heritage, places of interests, law aspect

I. INTRODUCTION

Abundant natural resources are a separate wealth for the Indonesian people. The characteristics of the region in the form of islands make the Indonesian nation rich in culture, customs and language (Rochwulaningsih et al, 2019; Nugraha & Sudirman, 2016). Hennekam & Bennett (2017) state that the nation's cultural diversity always conveys the original nuances of creating innovative products. By carrying out the slogan "Sewaka Dharma", Denpasar is able to become an icon of the city tour program which is so popular in Bali tourism (Prabawa & Pertiwi, 2020; Savira & Tasrin, 2018; Irianto; Satiadji, 2016). The success of the Municipality of Denpasar in offering a tourism concept according to its characteristics through a slogan or city branding is a sectoral success, not much has been done in several other regions (Oka et al, 2021; Wisudawati et al, 2020). The concern that arises is that the national tourism development system has not been maximized and has not been carried out holistically with a systematic development concept (Weaver, 2022; Ruhanen et al, 2019; Li et al, 2017). As a result, several Indonesian tourism sectors have not been properly explored, even though these tourist objects present natural beauty and cultural uniqueness that can actually be sold optimally (Belinda, 2020; Anwar et al, 2020; Muliani & Krisnawati, 2022; Halim, 2022). Identification of problems in the development of the tourism sector in Indonesia is related to marketing problems that have not been maximized so that significant improvements are needed (Irpan et al, 2021; Sudirtha et al, 2019; Cholik & SE, 2017).

In the development of the tourism business in the world, many countries have been successful in developing the tourism business with modern marketing patterns in the tourism industry (Sukmawati et al, 2022; Eidelman et al, 2020; Eidelman et al, 2018). An example of a country's success in creating an image for its country's tourism is Singapore (Didkovska & Falko, 2020; Eidelman et al, 2017; Eidelman & Fakhrutdinova, 2016). Singapore in the early 1970s was not yet a tourist destination for foreign tourists (Richter, 2018). Singapore's weaknesses at that time lay in two things, namely the image of Singapore's tourism as a weak tourist destination, and the urban modernization agenda that was not in accordance with the wishes of unique services for foreign tourists (Walton, 2018). These two weaknesses can be handled well by Singapore, in addition to issuing regulations that make it easier for the tourism climate in the country, on the foreign side Singapore also shows a very good image pattern (Dolezal et al, 2020; Hitchcock et al, 2018).

Singapore presents itself as "The Most Amazing Tropical Island in the World" (Tan & Kusumo, 2022; Tien et al, 2019). These slogans continue to appear on world television broadcasts every week of the year (Sidhu et al, 2018). It was even recorded that there were five kinds of advertisements with different variations and images which were published alternately in popular magazines every year (Bustomi & Avianto, 2022). In the end, it is as if Singapore is talking to the world about what it's like to travel there, so that the minds of potential tourists are finally focused on marketing the tourism potential it is developing (Almeyda-Ibáñez & George, 2017). City branding as a new concept in building tourism development has an important role in promoting tourism potential as a tourism business object (Jojic, 2018). Indonesia as a country that has natural and cultural potential that is able to present its tourism potential (Mafruhah, 2020; Andersson, I., & James, 2018).

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Intellectual property rights are sorts of man-made creativity, which is related to the cultural dimensions, such as handicrafts as well as other things categorized into creative economy outcomes (Sulistianingsih et al, 2021). Indonesia has officially entered the globalization of trade with the enactment of the Convention Establishing convention of global trade agreement (Indra & Santiago, 2022). In fact, from law point of view that regulate about copy rights as it is stipulated in Law Number 15 of 2001, it should be able to accommodate justice for authors or creators of masterpieces (Calboli, 2021; Gangjee, 2016).

Although the law uses a trademark is a brand of goods because the mark is used on goods and is used as opposed to a service mark. Trademark rights are declared as exclusive rights because these rights are very personal rights for the owner and are given the right to use themselves or give permission to others to use them as they use them (Zappalaglio & Mikheeva, 2021). The granting of permission by the brand owner to other people is in the form of licensing, namely giving permission to other people during the life time (Parasecoli, 2017).

The problem of tourism development in the concept of city branding as a new phenomenon in the marketing system of the tourism business seen from the legal aspect of brands is an interesting matter to discuss. Based on the background mentioned above, the following problems can be formulated: (1) is the concept of City Branding legally protected according to Law No. 15 of 2001 concerning Trademarks?, (2) how is City Branding implemented in the Municipality of Denpasar, Bali Province as a world tourist destination in Indonesia in the Legal Aspect of Brands?

II. METHODOLOGY

This study was conducted in the municipal city of Denpasar as a popular city tour program in Bali. By applying descriptive qualitative research method, the data was collected through observation, interviews, and distributing questionnaires. The purposive sampling method is conducted in order to obtain representatives respondents. Qualitative analysis according to Cadena-Iniguez et al (2017) is a scientific research methods which concern about analyzing qualitative data instead of quantitative one. In this case, in spite of a bulk number of sample small quantity but it is significant is undertaken. Consequently, productive narration is needed to analyze the social phenomena. Furthermore, secondary data in the forms of documents, statistics, literature review, documentations can be used to support the analysis of the primary data. Additionally, formal analysis techniques is also applied through revealing tables and figures in the body of the discussion.

III. RESULTS AND DISCUSSION

3.1 A Brief History of Trademark Protection in Indonesia

Trademark protection in Indonesia was originally regulated in the Regulation *Industriële Eigendom Kolonien* 1912, which was later amended and replaced by Law Number 21 of 1961 concerning Company Marks and Commercial Marks (also known as the 1961 Trademark Law). The reason for the issuance of the 1961 Trademark Law was to protect the general public from imitations of goods using a brand they already know as a brand of good quality goods. Apart from that, the 1961 Trademark Law also intended to protect the first users of a mark in Indonesia. Furthermore, the trademark legal arrangements contained in the 1961 Trademark Law, a city that utilizes aspects of the creative industry as a regional attraction that is able to compete with cities in the world.

Jakarta with the jargon "Enjoy Jakarta" is known as the capital city by offering the sparkling entertainment and broadcasting industry that is full of innovation and creativity, Bandung is known with the jargon "Emerging Creative City" is known for the indie movement of local Bandung youth in utilizing all aspects of the creative industry, Jogjakarta with "Jogja Never Ending Asia" offers experiences that will never run out, especially creative industries based on traditional Javanese culture (Islamic Mataram Kingdom), and Bali with the jargon "Shanti, Shanti, Shanti", cities that have the appeal of creative industries based on culture local community combined with a high spiritual sense, this is not only seen in the Bali city branding logo but also supported by local activities such as dance performances, performing arts, decorative art as a complement to the interior and exterior, etc.

The implementation of regional autonomy in Indonesia causes each region to compete positively with other regions in gaining attention, influence, markets, business & investment destinations, tourists, residents), talented people (talents), implementation of activities (events). The establishment of regional autonomy requires creativity in an effort to obtain local revenue (PAD) and one of the efforts to market the region is through city branding activities. City branding activities require each region to compete to create a certain image in the minds of the wider community in representing the character of the city. In order to represent cities/regions in Indonesia, so far it is consciously or not always connected with the activities of the local creative industries in that area. Because it is these local things that have been able to differentiate one city/region from another.

3.2 Brand Overview According to Indonesian Legal Instruments and International Law

A mark is a sign in the form of a picture, name, word, letters, numbers, arrangement of colors or a combination of these elements which has distinguishing features and is used in the activities of trading in goods or services (article 1 point 1 of Law Number 15 of 2001). Marks as regulated in this Law include Trademarks and Service Marks (Article 2 of Law Number 15 of 2001). A mark must have sufficient distinguishing power (capable of distinguishing), meaning the power to distinguish the goods or services of one company's products from those of other companies. In order to have Distinguishing power, the brand must be able to provide

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Law Number 15 of 2001 concerning Trademarks since it was enacted in August 2001 only regulates the definition of marks in Article 1, namely: other regulations. Efforts to get a definition of what is meant by city branding can only be obtained from a few academics and practitioners. According to Jaszal Chaniago, a practitioner from West Sumatra, city branding is an attempt to legalized icon of the city that is be able to construct image of it for the visitors who have spent their time seeing and enjoying it. The criteria underlying the assessment of whether a slogan and logo are city branding or not must include such an iconic identity possessed by the city elements that is not copy paste from other places or it is able to give a distinctive features, which may not be found elsewhere. Due to its uniqueness, it can invite anyone who visit and visit again (repeater), even people seek to live instead of staying only. This case has been happened in Bali nowadays where lots of people both nationally and internationally to buy or rent property in the island as their hometown to live.

Bali has so far been considered the center of Hindu Nusantara culture, because its people have continued to practice the Hindu religious system since the collapse of the Majapahit kingdom in Java in the 14th century and from Java to Sumatra the people embraced Islam which is thick with imperial characteristics. The Island popularity portrays its beauty in nature as well as its cultural uniqueness. Hindu religion as the predominant followers of the population is inspiring the Balinese culture. Every aspects of daily practices is not separated from rituals for wishing the Almighty God blessing for instance before building houses, planting rice, catching fishes, or even when drivers of tourists' transportation conducting tours throughout the islands they put offering on upper front cars' dashboard. All of those are done for asking guidance and protection and safety.

3.3 Implementation of the Denpasar City Branding Tour program in the Province of Bali

The development of tourism in the Province of Bali is inseparable from the concern and support of regional head officials from the era of Governor Ida Bagus Mantra in the past to I Wayan Koster today, by making the tourism industry one of the mainstays of regional development. The tourism industry in question is Cultural Tourism in accordance with the Bali Provincial Regulation Number 2 of 2012 Junto Bali Provincial Regulation Number 3 of 1991, Bali Provincial Regulation Number 3 of 1974. Bali as a tourism destination that is well known abroad utilizes culture as the basic capital in tourism development. Therefore, Bali has rich resources for tourism, both resources rooted in natural and cultural wealth. The tropical climate and diverse topography as well as cultural collections as relics from our ancestors in the past which are stored in museums such as the Bali Museum, Denpasar are assets for tourism. In addition, the relationship between cultural live practices and tourism is also an asset that makes Bali a very famous international tourist destination. Despite the mass tourism that is developing in Bali, the local community does not face serious problems because of the strong customs and traditions.

The most updated regional regulation is Bali Provincial Regulation Number 5 of 2020 concerning Balinese Cultural Tourism Standards which reinforces the commitment to tourism based on Balinese culture. The Bali culture-based tourism regulation is quality-oriented, so the Balinese ought to obey the province government policy of "Nangun Sad Kertih Loka Bali" vision that manage to protect the local wisdom form unexpected globalization impacts as it is shown in the diagram of figure 1.

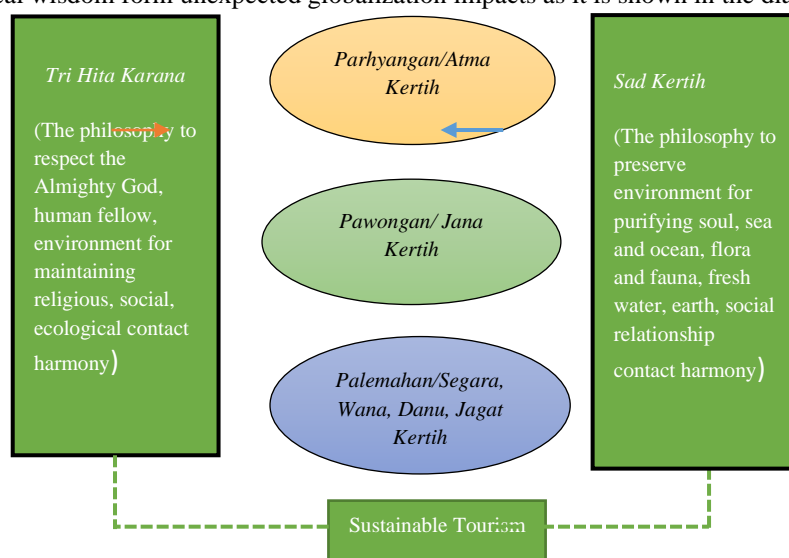


Figure 1. The philosophical concept of vision "Nangun Sad Kertih Loka Bali"

Source: Astuti et al (2019)

A specific regulation for the municipal city of Denpasar is stipulated in Regional Regulation of Denpasar City Number 3 of 2019 concerning Regional Tourism Development Master Plan, 2018 – 2029. Table 1 shows the list of related regulations that in line with the city regulation that regulate the master plan of Denpasar tourism development.

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Table 1. Some regulations inspired the Denpasar City Regional Regulation Number 3 of 2019

No	Regulation	Stipulation	Scope
1	Law Number 10 of 2009, Article 9 Paragraph (3)	Tourism needs to form a Regional Regulation regarding the Tourism Development Master Plan Region 2018-2029	National
2	Law Number 1 of 1992	Formation of the Municipality of the Level II Region of Denpasar (State Gazette of the Republic of Indonesia of 1992 Number 9, Supplement to the State Gazette of the Republic of Indonesia Number 3464)	National
3	Law Number 10 of 2009	Tourism (State Gazette of the Republic of Indonesia Year 2009 Number 11, Supplement to the State Gazette Republic of Indonesia Number 4966)	National
4	Bali Provincial Regulation Number 2 of 2012	Bali Cultural Tourism (Regional Gazette Province of Bali Year 2012 Number 2, Supplementary Gazette Bali Province Region Number 2)	Regional
5	Bali Provincial Regulation Number 5 of 2020	Balinese Cultural Tourism Implementation Standards	Regional

To maintain the preservation of cultural heritage, a good management of cultural heritage is needed. On the one hand the management must be able to carry out conservation and on the other hand it must be able to promote the cultural heritage for tourism purposes. Cultural heritage management is a concept that has developed in line with the growth of a new industry, namely the cultural heritage industry. Therefore, the development of cultural tourism such as the Denpasar City Tour program which carries the cultural tourist attraction of the city of Denpasar deserves to be a destination branding for Bali tourism. Think in mind when an area claims a certain brand positioning, then visitors from abroad come and it turns out that the local community does not reflect what has been claimed in that positioning, what will happen? Destination branding should be externally different and internally inspiring. The ability to produce a unique destination branding certainly does not only consider external conditions and competition

3.4 Efforts to Register and Implement Denpasar City Tour Branding

The effort to register city branding is actually a follow-up to the emergence of a brand whose meaning is regulated in Article 1 paragraph (1) to Article 1 paragraph (4). Law Number 15 of 2001 concerning Trademarks only regulates trademarks that cannot be registered and are rejected. Both are regulated in Articles 4 to 6. Article 4: Marks cannot be registered on the basis of an application which is an imitation or resembles an official sign or stamp or stamp used by the state or government agency, except with written approval from the competent authority.

Bali, which is known as the "Island of a thousand temples" has been well-known as a world tourist destination and also as a gateway to promote other regions in Indonesia through the 10 new Bali program in accordance with one of the themes of the Bali Beyond Travel Fair (BBTF) which is held annually in BNDCC, Nusa Dua, Bali. The large number of tourist objects scattered throughout the province of Bali and the culture of the people who still adhere to these cultural values is what makes Bali very attractive from a tourism standpoint.

The history of Bali tourism is inseparable from the history of national tourism, which has been seriously managed since the independence of the Republic of Indonesia. Tourism activities in Bali have been going on for a long time along with the increasingly strategic role of this region in the struggle for Indonesian independence. In the Dutch colonial era, namely in 1935 the Dutch were already familiar with tourist attractions and kept trade, tourists, investors, developers and organizations from around the

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world to remain in Bali. With this brand image, Bali will embrace the world and the world will be enthusiastically welcomed to Bali (Bali shall intimately embrace the world and the world will enthusiastically welcome Bali).

Nationally, the research index produced by the World Economic Forum shows Indonesia's weak competitiveness, not only in the tourism industry, but also in business (including investment and trade) which should be a whip for this nation to immediately take initiatives. However, in the current era of globalization, competition between countries is like business competition to get money from customers. This can be referred to the world tourism industry. The World Travel & Tourism Council projects that the world tourism market will reach US\$ 13 trillion in 2017. Indonesia only controls 0.6% of the total market share. In 2006, visits by Indonesian tourists contributed around 20% of the total visits to Singapore. Indonesia is ranked first as a foreign tourist contributor to Singapore, followed by China, Australia, India and Malaysia. Total foreign exchange earnings of US\$ 13.6 billion or Rp 123 trillion.

Behind all these efforts, it must be admitted that one of the drawbacks is the loss and lack of focus on Indonesia's brand positioning and brand identity. This certainly affects the areas that are product brands. Like a company, Indonesia is a corporate brand that represents 33 provinces as a product brand. Without the Denpasar City Tour package program. Meanwhile, the Bali Museum, which is located in the heart of Denpasar and next to the Jagatnatha Temple, was established in 1925. However, as one of the main objects of the Denpasar City Tour program, the collection of objects that have been collected or owned is considered inadequate, so as long as there is not enough more than 7 years (1925 – 1932) the existing main building functioned for periodic exhibitions. The Bali Museum was originally handled by the Bali Museum Foundation and was officially opened on December 8, 1932 under the name Bali Museum. Subsequent management by the Bali Museum Foundation was handed over to the Government of the Republic of Indonesia on January 5, 1966.

It is from the Bali Museum that Balinese culture is widely known, also in books in Dutch by producing something different, but also finding internal uniqueness that has taken root and become the soul of the local community. How to balance external and internal analysis is one of the most important elements in determining the success of destination branding. Another legendary tourist object on the Denpasar City Tour program is Badung Market which is the center of the city's economy and is the largest market in the city of Denpasar. Badung market is located on Jalan Gajah Mada as a cultural heritage area in the city of Denpasar.

This area, which is the largest commercial and business center in the city of Denpasar, has a long history. The Jalan Gajah Mada area in Denpasar is more towards the concept of an urban city. There is concern that the old buildings that dominate along Jalan Gajah Mada will disappear under the growth of the area. Various efforts have been made to maintain this heritage area. The goal is to protect the civilization of the old city from the sporadic development of big cities, especially the city of Denpasar. Buildings that are categorized as heritage buildings in the heritage area of Jalan Gajah Mada have aesthetic value from their exteriors and interiors that need to be preserved. This area has a backdrop of old buildings that function as shops. This row of shops on Jalan Gajah Mada shows the triumph of the area as the largest trading center in Denpasar City to date.

In the 80s, the Jalan Gajah Mada area in Denpasar was synonymous with the hangouts of the capital's youth. Its popularity also experienced ups and downs. If one hears the word Gajah Mada Denpasar, it might evoke memories for certain circles, especially the generation that grew up in the 70s and 80s. Since 2008, a sign similar to an inscription has been installed in this area that reads "Heritage Area Jalan Gajah Mada, Denpasar". This is done because this area has a history and culture that should be preserved.

The next tourist attraction that is no less unique and worth visiting in the Denpasar City Tour program is the Art Center which is a large building complex with the best style of traditional Balinese architecture. This Cultural park complex was opened in 1973 and is a tradition of the Bali Art Festival which is held for a full month every year with traditional dances, craft exhibitions and other cultural activities. The noble aim of the annual Bali Art Festival event is based on the idea of Prof. Ida Bagus Mantra (during his term as Governor of Bali) to preserve and stimulate the artistic creativity of artists in Bali to continue to support the dynamics of cultural development and to be able to continue to take part and maintain their unique characteristics identity in the midst of the swift global influence brought by tourists. Nowadays, the theme of each Bali Arts Festival is changing which carries the preservation and purification of Bali's nature as stated in the Directions and Policies of the Governor of Bali for 2018 with the Vision "Nangun Sad Kertih Loka Bali", such as the Bali Art Festival 2022 which carries the theme "Danu Kerthi: Huluning Amerta" which means glorifying water as a source of life.

The latest tourist attraction is the Bali People's Struggle Monument which is also known as "Bajra Sandhi" because its shape resembles a bajra or bell used by Hindu Priests in chanting the Vedas (mantras) at religious ceremonies. This monument was built in 1987, inaugurated by President Megawati Soekarno Putri on June 14, 2003. The purpose of building this monument is to perpetuate the soul and spirit of the struggle of the Balinese people, as well as explore, maintain, develop and preserve Balinese culture to be passed on to future generations as capital step towards treading a world that is increasingly loaded with challenges and obstacles.

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Figure 2. The iconic of places of interest in Denpasar city

Source: Personal collection

Talking about Denpasar City Tour branding in Bali, after conducting field observations and then conducting interviews with relevant agencies it was said that the brand image of Denpasar City, namely Denpasar: “Sewaka Dharma” or Service is Duty. “Sewaka Dharma” is a concept that consists of two elements, namely “Sewaka” and “Dharma”. First, the word "sewaka" (read: sewaka) in the Sanskrit-Indonesian Dictionary (Astra, et al., 1986: 530 in Ginaya, 2018)) means to occupy, inhabit, practice, serve, respect, and worship. Thus, the word "Sewaka" in Old Javanese books also has a meaning that is more or less the same as the meaning in Sanskrit, namely, “sewaka” means service or devotion.



Figure 3. Logo of Denpasar: “Sewaka Dharma” or Service is Duty

Source: Indonesia Hindu Society (<https://phdi.or.id/>)

Meanwhile, in the realm of life praxis, dharma means obligations, laws, rules, norms, and values that embody truth, purity, and virtue. Dharma for humans, both as individuals and socially can be grouped into two, namely the dharma of religion and the dharma of the state. The dharma of religion is that every human being has an obligation to explore, live, and implement the teachings of the religion he adheres to in relation to God, fellow human beings, and nature including the environment. Meanwhile, the state dharma is that every human being has an obligation to participate in the success of national development carried out by the government. So, “Sewaka Dharma” means that service (*sewaka*) is an obligation (*dharma*). However, it is only an image to strengthen the position of tourism promotion for the Municipality of Denpasar itself and was not registered by the Director General of Property Intellectual Rights. As explained in the previous section, the government has not specifically regulated what and how city branding is.

IV. CONCLUSION AND SUGGESTION

Talking about city branding, cannot be separated from the existence of a city, such as Denpasar as a municipal city and also the capital city of Bali Province as the barometer of tourism development in Indonesia. Denpasar has been the capital of the Province of Bali since 1960 where it used to be the capital of the Badung kingdom which controlled the southern part of Bali Island from the late 18th century until it was conquered by the Dutch in 1906. The development of the city of Denpasar is quite rapid, especially since the tourism industry boom around 1960s. Before the malls (shopping centers) were built, Jalan Gajah Mada, the main street in this city, was a shopping center. At the end of this road, “Catur Muka” or a four-faced statue was built that oversees the four cardinal directions.

In conclusion, the motto “Sewaka Dharma” or Denpasar: Service is Duty, only limited to the Denpasar City brand image and not registered at the Director General of Intellectual Property Rights so that it has not received city branding protection as the brand concept in Law Number 15 of 2001 concerning Brands.

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