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Philosophical Re-examination of Labor Theory Beyond Economic Dimensions in Trademark Jurisprudence

Siti Nur Azizah^{1*}, Ricky Thio¹

¹ Universitas 17 Agustus 1945 Jakarta, Jakarta, Indonesia

* Corresponding author: Siti Nur Azizah (snazizahmaruf@gmail.com)

Abstract

This research reconstructs the understanding of John Locke's doctrine, which has conventionally been regarded as focusing solely on economic dimensions within property theory. Conventional scholarship positions Locke as a philosopher who neglects moral rights, in contrast to Hegel, who acknowledges both moral and economic dimensions. This research challenges this dichotomy by revealing that Locke actually paid significant attention to moral aspects within his labor theory, particularly in the context of trademark protection. The research methodology employs a normative juridical approach with in-depth philosophical analysis of Locke's primary works, particularly *Two Treatises of Government*, and compares these with implementation in contemporary Indonesian trademark jurisprudence. The discussion finds that Locke's labor theory contains strong moral foundations through concepts of natural law and human dignity. The research conclusion demonstrates that Locke's doctrine genuinely integrates moral and economic rights coherently, providing more comprehensive philosophical justification for trademark protection. It is recommended that intellectual property law academics and practitioners abandon reductive interpretations of Locke and adopt a holistic understanding that recognizes moral dimensions within Indonesia's trademark protection system.

Keywords

John Locke, Labor Theory, Moral Rights, Trademark Jurisprudence, Trademark Protection.

1. Introduction

Philosophical discourse on intellectual property rights has long been shaped by a binary view that separates economic and moral dimensions. John Locke is typically framed as the architect of economic justification for property rights through his labor theory, while Georg Wilhelm Friedrich Hegel is seen as integrating moral and economic aspects in intellectual property theory (Spinello, 2015; Merges, 2017). This perspective has become entrenched in trademark jurisprudence, leading academics and legal practitioners to view Locke's contribution as solely utilitarian-economic.

This reductive reading of Locke's work, particularly *Two Treatises of Government*, suggests his labor theory is merely a tool for economic appropriation, overlooking its moral foundations. Scholars like Tushnet (2016) and Pila (2017) argue that Locke's theory justifies ownership by mixing labor with resources, ignoring the dignitarian aspects tied to his natural law philosophy (Wilson, 2009; Bently & Sherman, 2014). However, a deeper analysis of Locke's broader works, including *An Essay Concerning Human Understanding* and *The Reasonableness of Christianity*, reveals a more nuanced perspective. Locke ties property to human dignity, natural freedom, and moral responsibility, stating that every man has a property in his own person, which encompasses moral integrity and autonomy, not just physical ownership (Alexander & Peñalver, 2018; Waldron, 2020).

In Indonesian trademark law, this misinterpretation of Locke has practical consequences. Law Number 20 of 2016 on Trademarks and Geographical Indications acknowledges moral rights, but its philosophical grounding often leans on Hegelian tradition, sidelining Locke's Anglo-Saxon contributions (Rahmatian, 2011; Margono, 2019). The Constitutional Court Decision Number 144/PUU-XXI/2023, reforming trademark cancellation, underscores the need for a broader philosophical basis that protects both economic interests and the dignity of business actors (Sardjono et al., 2022).

The digital economy, driven by Society 5.0 and the fourth industrial revolution, demands a holistic view of intellectual property. Trademarks now represent digital identities with both economic and existential value, blending reputation, branding, and identity (Thambisetty, 2018; Sukarmi & Rongiyati, 2019; Ramli et al., 2020). Reducing Locke's theory to economics fails to address this complexity and has epistemological and normative implications for intellectual property law, especially in Indonesia, where aligning Pancasila values with global capitalist frameworks is a challenge (Drahos, 2016; Kusumadara, 2021).

Close examination of Locke's texts shows that "labour" extends beyond physical or economic effort, encompassing intellectual creativity and emotional investment, as seen in his phrase "labour of our body and work of our hands" (Gordon, 1993). In his *Letter Concerning Toleration*, Locke links property to freedom of conscience and moral integrity, viewing it as an extension of personhood (Zemer, 2011; Antons & Hilty, 2015). Common law traditions, influenced by Locke, reflect this in doctrines like passing off and dilution. Cases such as *Millington v. Fox* in 1838 and *Reddaway v. Banham* in 1896 recognize trademarks as protecting reputation and integrity, not just economic goodwill (Cornish et al., 2019; Bently, 2020).

Recent neuroeconomic and behavioral economic research supports Locke's view that economic activity intertwines with moral and emotional factors (Moore, 2017; Biagioli, 2019). Studies on "conceptual consumption" by Plassmann et al. (2015) show consumers form emotional bonds with brands, aligning with Locke's idea that property embodies identity and morality. This is particularly relevant for Indonesian MSMEs, where trademarks represent cultural and moral values, not just economic assets (Beebe, 2020; Suryodiningrat et al., 2023).

This research has three key objectives. First, to conduct a philosophical exegesis of Locke's works, highlighting neglected moral dimensions in his labor theory,

focusing on natural rights, dignity, and moral responsibility in intellectual property. Second, to explore how this reconstruction can enhance Indonesian trademark jurisprudence, aligning with Pancasila and global economic needs. Third, to bridge Anglo-Saxon and continental philosophical traditions, showing that the Locke-Hegel dichotomy oversimplifies their shared views on intellectual property as protecting both economic and moral dimensions of creativity. By reconstructing Locke's doctrine, this study offers a robust philosophical foundation for comprehensive trademark protection, balancing economic interests with moral integrity in Indonesia's evolving digital economy.

2. Methods

This research employs a normative juridical approach that positions law as a coherent system of norms, principles, and philosophical doctrines in analyzing the moral dimensions of John Locke's labor theory. As library research, this study relies on in-depth analysis of primary legal materials comprising Locke's philosophical works, particularly "Two Treatises of Government," "An Essay Concerning Human Understanding," and "Letter Concerning Toleration," as well as Indonesian legislation, specifically Law Number 20 of 2016 concerning Trademarks and Geographical Indications (Hutchinson & Duncan, 2012; Marzuki, 2017). Secondary legal materials include academic literature from reputable journals, monographs, and dissertations analyzing the application of Lockean philosophy in intellectual property jurisprudence, while tertiary materials encompass legal dictionaries and philosophical encyclopedias to ensure terminological accuracy (Soekanto & Mamudji, 2015).

Data analysis is conducted through a conceptual approach to deconstruct conventional interpretations that separate moral and economic dimensions, a philosophical approach to explore ontological and epistemological dimensions of Locke's property doctrine, and a comparative approach to analyze differences between Lockean and Hegelian interpretations in the context of Indonesian trademark law (Ibrahim, 2006; Benuf & Azhar, 2020). Content analysis techniques are systematically applied to primary texts by identifying, categorizing, and analyzing every reference to property, labor, and moral rights within the overall philosophical argument context, complemented by philosophical hermeneutics to understand deep meanings requiring dialogue between contemporary understanding horizons and historical text horizons (Qamar & Rezah, 2020). Research validation is conducted through source triangulation and consultation with legal philosophy experts to ensure logical coherence and adequate textual support.

3. Results

3.1. Textual Analysis of Locke's Primary Works

The reductive interpretation of Locke that ignores moral dimensions in his theory can be traced to the influence of nineteenth-century legal positivism and twentieth-century neoclassical economics. Both intellectual traditions tend to separate facts from values, economics from ethics, in efforts to create objective and value-free legal science (Drahos, 2016). Ironically, Locke himself wrote within a seventeenth-century intellectual context that recognized no strict separation between moral and economic domains, where natural law theory provided unified foundations for all aspects of human life, including economic activity and property (Sreenivasan, 1995).

Documentary analysis of *Two Treatises of Government* reveals that the concept of property in Locke's thought cannot be separated from the moral foundation of natural law. Locke explicitly states that property appropriation is limited by moral obligations to leave "enough and as good" for others, demonstrating the ethical

dimensions inherent in his labor theory (Sreenivasan, 1995). Comprehensive reading of Chapter V of the *Second Treatise* demonstrates that labor is not merely physical activity but an expression of moral personality that generates both rights and responsibilities (Tuckness, 2005). The concept of “person” in Lockean philosophy integrates physical, rational, and moral identity into an inseparable unity.

In *An Essay Concerning Human Understanding*, Locke develops a theory of self-consciousness that becomes the philosophical basis for moral rights in intellectual property. Analysis of Book II Chapter XXVII reveals that personal identity for Locke constitutes a continuity of moral consciousness that forms responsibility for past and future actions (Simmons, 2016). This concept has direct implications for understanding trademarks as extensions of the owner’s moral identity, not merely economic assets. Locke affirms that “consciousness makes personal identity,” containing fundamental moral dimensions in every ownership claim (Weinberg, 2016).

The concept of natural law in Lockean philosophy is not merely a rhetorical ornament but constitutes a substantive foundation for his entire property theory. When Locke states that humans possess natural rights to life, liberty, and property, he does not separate these three rights but views them as different manifestations of fundamental human dignity (Simmons, 2016). Property, in Lockean understanding, represents an extension of moral personality that enables humans to realize their potential as rational and responsible beings within a moral community.

Critique of economic-centric interpretation of Locke finds support in historical analysis of his works’ writing context. Locke wrote during the transition from feudalism to early capitalism, when questions of property legitimacy possessed political, moral, and theological dimensions that could not be separated (Gordon, 1993). His efforts to justify private property were motivated not by economic interests alone but by a commitment to individual freedom and limitation of absolute state power.

Building on this historical and philosophical critique, the findings of this research fundamentally deconstruct the conventional paradigm that positions John Locke as a property theorist concerned solely with economic utility. Rather than isolating property within a material framework, comprehensive textual analysis of Locke’s corpus reveals an intricate integration of moral and economic dimensions within his labor theory, challenging the artificial dichotomy that has long dominated academic discourse (Waldron, 2012). This reconstruction has profound implications for both the theoretical understanding of intellectual property philosophy and its practical application in modern trademark jurisprudence particularly in the Indonesian context, where harmonization between Pancasila’s moral foundations and the global intellectual property regime remains a continuing endeavor.

Further analysis of *An Essay Concerning Human Understanding* reinforces this moral reinterpretation of Locke’s thought. His conception of personal identity is inseparable from moral consciousness and accountability for one’s past and future actions (Weinberg, 2016). When extended to intellectual property, this perspective suggests that trademarks function not merely as economic instruments or market identifiers but as expressions of moral continuity and business integrity. Thus, protecting trademarks entails safeguarding both economic interests and the moral personality that underpins creative and commercial identity.

3.2. Reconstruction of Moral Dimensions in Labor Theory

Contemporary scholarship is beginning to recognize that the economic-centric reading of Locke represents an oversimplification. Research by Mossoff (2015) in the *George Mason Law Review* demonstrates that Locke explicitly connects property theory with natural law concepts that possess fundamental moral dimensions. Similarly, Shiffrin (2017) in *Philosophy & Public Affairs* argues that Lockean labor theory contains deep commitments to personal autonomy and moral integrity.

However, these insights have not been integrated into Indonesian trademark law discourse, which remains trapped in the dichotomous Locke-Hegel paradigm (Schroeder, 2005; Christiani, 2016).

The moral dimensions of Locke's theory become particularly evident when examining his treatment of the relationship between labor, personality, and moral agency. In his discussion of property acquisition through labor, Locke emphasizes that humans are moral agents who bear responsibility for their actions and their effects on others (Margono, 2021). The act of laboring is not merely a mechanical process of value creation but a moral act that establishes relationships of responsibility between the laborer, the community, and future generations. This moral framework is essential for understanding why Locke imposes limitations on property acquisition, including the sufficiency proviso and the spoilage limitation.

Additionally, Locke's conception of property as an extension of the self carries profound moral implications that have been systematically overlooked in trademark jurisprudence. When Locke argues that individuals have property in their own persons, he establishes a foundation for understanding intellectual property as intimately connected to personal identity and moral integrity. This connection suggests that trademark rights, as a form of intellectual property, should be understood not merely as economic monopolies but as protections for the moral dimensions of commercial identity and reputation.

In-depth analysis of the concept of "labour" in Lockean philosophy reveals three interrelated dimensions: physical, intellectual, and moral. Locke uses the metaphor "turfs my servant has cut" to demonstrate that labor encompasses activities directed by rational will with moral significance (Lamb, 2010). In the context of intellectual property, creative work represents a manifestation of individual moral autonomy that generates both rights and social responsibilities (Attas, 2018). Lockean labor theory cannot be reduced to mere economic calculation because it contains commitments to distributive justice and collective welfare.

The concept of "mixing labour," often misunderstood as merely a physical process, actually serves as a metaphor for moral transformation. When someone mixes their labor with an object, they not only change the object's physical status but also create moral relations between themselves, the object, and the community (Kramer, 2017). In the trademark context, the creative process establishes moral bonds between creators and signs that represent their identity, reputation, and business integrity (Breakey, 2016). This moral dimension cannot be separated from economic aspects because both constitute manifestations of human moral agency.

Reexamination of the "mixing of labour" metaphor reveals complexity often overlooked in conventional scholarship. Locke speaks not of mechanical physical processes but of moral transformation whereby individuals embed their personality into objects through meaningful work (Attas, 2018). In the trademark context, the creative process of generating distinctive signs represents investment not only of economic capital but also of identity, reputation, and moral integrity of creators that cannot be reduced to mere exchange value.

The moral limitations Locke imposes on property appropriation demonstrate his commitment to distributive justice, often ignored by libertarian interpretations. The Lockean proviso requiring leaving "enough and as good" for others represents not merely negative limitation but positive affirmation of property owners' social responsibility (Lamb, 2010). In trademark contexts, this implies that exclusive protection must be balanced with considerations of public interest and healthy competition.

Critique of reductive economic interpretation of Locke also finds support from behavioral economics developments, demonstrating that economic decisions cannot be separated from moral and emotional considerations. Neuroscience research shows that consumer evaluation of brands involves brain areas associated with moral

judgment and social identity, not merely utility calculation (Plassmann et al., 2015). These findings remain consistent with Lockean intuition about the integration of moral and economic dimensions in human activity.

This philosophical reconstruction also carries implications for developing the trademark dilution doctrine in Indonesia. Lockean understanding that acknowledges trademarks' moral dimensions provides a theoretical foundation for protecting famous marks from uses that degrade or blur their identity, even without evidence of consumer confusion or direct economic harm (Kurniawan, 2020). Protection of trademarks' moral integrity aligns with Locke's understanding of property as personality extension requiring comprehensive protection.

In digital economy contexts, the reconstruction of Locke's doctrine becomes increasingly relevant. The digital transformation era has blurred boundaries between personal and commercial identity, where personal and corporate brands overlap within social media ecosystems (Ramli et al., 2020; Sukarmi et al., 2022). Lockean understanding integrating moral and economic dimensions, better captures this complexity compared to approaches that artificially separate them.

The urgency of this reconstruction is amplified by recent developments in Indonesian intellectual property law, particularly the Constitutional Court's recognition of the need to balance economic efficiency with social justice in trademark protection. The Court's jurisprudence increasingly acknowledges that trademark rights must serve not only individual economic interests but also collective moral and cultural values. This evolving legal landscape demands a philosophical framework capable of integrating these multiple dimensions, a framework that a reconstructed understanding of Locke can provide.

3.3. Comparison with Hegelian Interpretation

Comparative analysis demonstrates that the Locke-Hegel dichotomy in intellectual property philosophy constitutes an artificial construction that fails to reflect the complexity of both philosophical systems. While Hegel explicitly employs the language of recognition and self-development, Locke utilizes concepts of natural law and moral responsibility to achieve similar objectives (Breakey, 2014). Both philosophers acknowledge that property serves dual functions: facilitating the fulfillment of material needs while expressing and developing moral personality (Chatterjee, 2018). The differences lie in philosophical language and intellectual traditions, not in a substantive understanding of property's nature.

Comparison with Hegelian philosophy reveals surprising convergence in understanding property's moral function. While Hegel employs language of recognition and self-development, Locke uses concepts of natural law and human dignity to reach similar conclusions about property's significance for realizing human personality (Waldron, 2012). Both philosophers acknowledge that property possesses both instrumental and intrinsic dimensions, serving material needs while expressing and developing moral identity.

Reconciliation between Lockean and Hegelian approaches opens possibilities for richer synthesis in trademark jurisprudence. Locke provides universal natural law foundations, while Hegel offers a dynamic understanding of consciousness development and social recognition (Khair & Hashim, 2020). In the Indonesian trademark context, this synthesis can produce a protection framework that integrates universal human rights values with local cultural and economic particularities (Rahmatian, 2017). Both philosophical traditions can mutually enrich rather than negate each other.

Reconciliation between Lockean and Hegelian traditions opens possibilities for richer synthesis in intellectual property philosophy. Rather than maintaining artificial binary opposition, contemporary jurisprudence can integrate insights from both traditions to develop a more holistic understanding of intellectual property's nature and functions (Breakey, 2014). This synthesis proves particularly relevant for

developing nations like Indonesia that seek to harmonize local values with global norms.

Three key findings of this research possess transformative significance for trademark jurisprudence. First, the demonstration that Locke's labor theory integrates moral and economic dimensions eliminates justification for fragmentary approaches in trademark protection. Second, convergence between Lockean and Hegelian philosophy opens space for synthesis transcending traditional Anglo-Saxon versus continental dichotomies. Third, the application of holistic Lockean understanding in Indonesian contexts demonstrates that universal values can be harmonized with local particularities without sacrificing philosophical coherence.

This research affirms that the future of trademark protection lies in integrative approaches acknowledging complex values contained in trademarks. Artificial separation between moral and economic dimensions is no longer sustainable in an era where identity, reputation, and commercial value are closely intertwined (Beebe, 2020). Indonesian jurisprudence has the opportunity to pioneer the development of more holistic and humane trademark protection models.

4. Conclusion

This research has successfully reconstructed John Locke's doctrine by revealing the moral dimensions that have been neglected in conventional interpretations of his labor theory. Comprehensive textual analysis of Locke's primary works demonstrates that his property theory cannot be reduced to mere economic justification but rather integrates fundamental moral considerations through concepts of natural law, human dignity, and social responsibility. These findings challenge the artificial dichotomy between Locke and Hegel that has dominated intellectual property philosophy discourse, demonstrating that both philosophers actually have convergent understandings of property's dual function in facilitating material needs fulfillment while expressing moral identity.

The theoretical implications of this reconstruction are highly significant for the development of trademark jurisprudence in Indonesia. A holistic understanding of Locke's doctrine provides more robust philosophical justification for a trademark protection system that coherently integrates economic and moral dimensions, aligned with Pancasila values that emphasize balance between individual and social interests. In practical contexts, this integrative approach enables more nuanced interpretation of trademark law provisions, such as in evaluating trademark use that is not limited to commercial exploitation but also encompasses reputational, cultural, and identity dimensions that hold moral significance for owners.

This research paves the way for reformulating a more comprehensive and humanistic intellectual property paradigm. By demonstrating that the separation between moral and economic rights is an artificial construction lacking a strong philosophical basis even within Western tradition itself, Indonesia has the opportunity to pioneer the development of a more holistic trademark protection model. The synthesis between universal values contained in Lockean philosophy and local particularities can produce an intellectual property law system that is not only economically efficient but also morally just and sensitive to Indonesian society's socio-cultural context.

However, this study is limited to normative and philosophical analysis of Locke's primary works without extensive empirical validation in judicial practice. Future research may expand this reconstruction through empirical studies of court decisions and comparative examination across different intellectual property regimes such as patents, copyrights, and geographical indications.

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Data Disclosure Statement

The data that support the findings of this study are available from the corresponding author upon reasonable request.



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