

Legal Protection of Batik Paseban Kuningan: Copyright Law Perspectives

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Abstract : internationally. Since 2009, batik was recognized as a human, verbal and intangible cultural heritage by UNESCO (United Nations Educational, Scientific and Cultural Organization). Batik Tulis (literally meaning written batik) Paseban is a symbol embodiment of Sundanese cultural artifacts that naturally arise from environmental cultural values, including local archaeological ideas. In maintaining its sustainability, intellectual property rights (IPR) are highly crucial. Particularly, in encouraging the improvement of the global economy. The ultimate goal is to bring prosperity to the Indonesian people. For this reason, Indonesia becomes the highest biodiversity country in the world. This study aims to analyze Batik Paseban Kuningan, West Java, as a traditional cultural expression seen from a copyright law perspective. The study employed normative legal methods. The findings indicate appropriate technology—the visual literacy is needed to maintain the preservation of culture and intellectual property. It adds values to expand cultural arts and give the meaning and philosophy of Batik Tulis Paseban. In addition, the government must give continuous support by making various efforts in maintaining and preserving traditional knowledge and traditional cultural expressions.

Keywords: Batik Paseban, copyright, intellectual property, traditional cultural expressions

Perlindungan Hukum Batik Paseban Kuningan ditinjau Berdasarkan Undang-Undang Hak Cipta

Abstrak : Indonesia sebagai negara dengan banyak pulau mempunyai beragam kesenian dan kebudayaan, salah satunya adalah batik yang sudah dikenal dunia internasional. Batik telah diakui sebagai warisan budaya manusia, verbal, dan takbenda oleh UNESCO (*United Nations Educational, Scientific and Cultural Organization*) sejak tahun 2009. Batik Tulis Paseban merupakan perwujudan simbol artefak budaya Sunda yang muncul secara alami dari nilai-nilai budaya lingkungan, termasuk ide-ide arkeologi pemikiran lokal. Dalam menjaga kelestariannya, hak atas kekayaan intelektual (HAKI) sangat krusial dalam mendorong peningkatan ekonomi global yang tujuan akhirnya adalah kemakmuran bagi bangsa Indonesia. Hal ini yang kemudian menjadikan Indonesia sebagai negara dengan keanekaragaman hayati yang tertinggi di dunia. Penelitian ini bertujuan untuk menganalisis Batik Paseban, Kuningan Jawa Barat sebagai Ekspresi Budaya Tradisional ditinjau dari UU Hak Cipta. Metode penelitian menggunakan metode penelitian hukum normatif. Hasil penelitian yaitu menunjukkan bahwa dalam rangka mempertahankan kelestarian budaya dan kekayaan intelektual, maka diperlukan teknologi tepat guna melalui literasi visual dapat memberikan nilai tambah untuk mengembangkan seni budaya sehingga makna dan filosofi Batik Tulis Paseban. Selain itu, pemerintah juga harus terus mendukung dengan melakukan berbagai usaha dalam rangka menjaga dan melestarikan pengetahuan tradisional dan ekspresi budaya tradisional.

Kata kunci: Batik Paseban, Ekspresi Budaya Tradisional, Hak Cipta, Kekayaan Intelektual

INTRODUCTION

In Indonesia, the cultural and intellectual heritage of traditional communities (indigenous peoples) consists of traditional practices and lifestyles that are unique to the general population. The unique variety of information, arts, common practices, beliefs, and philosophies to each indigenous culture comprises traditional knowledge. Traditional knowledge is known as an intellectual work that grows in the past, future, and is passed on to the next generation. In general, traditional knowledge is passed down orally from generation to generation by stories, legends, folklore, rituals, songs, and even laws. Traditional knowledge refers to the innovation and creation of a work containing

traditional values which come from the results of intellectual studies, such as industrial, scientific, academic, artistic, and literary contexts. Nevertheless, most traditional knowledge has been neglected by the rich intellectual community until recently. Even today, it is recognized that the value of traditional knowledge can be further enhanced by the use of the Intellectual Property Law regime.¹

Indonesia, an archipelagic country, offers a multiplicity of arts and civilizations, such as the world-famous batik. Batik has been recognized by UNESCO (United Nations Educational, Scientific and Cultural Organization) as a masterpiece of human oral and intangible cultural heritage since 2009. Therefore, intellectual property rights (IPR) are greatly important in fostering the global economy, which in turn brings wealth to mankind. Indonesia has one of the greatest levels of biodiversity in the world. Furthermore, our country is home to diverse cultures and traditional crafts. Many domestic foreign assets and intellectual property are registered as foreign property without any knowledge. Thus, Indonesia suffered tremendous losses due to insufficient understanding of the importance of an intellectual property.² In Indonesia, the subject of intellectual property is not something new. Indonesia has had an Intellectual Property Law since the days of the Dutch East Indies Government. It was implementing the Dutch East Indies government regulations applied in the Netherlands and principles consistency applied in Indonesia as a Dutch colony. At that time, Indonesia's intellectual property sector only had three new recognitions, namely copyright, trademark, and patent. Following the TRIPS Agreement, Indonesia expanded its legislation in the area of intellectual property rights.³

In Indonesia, the Intellectual Property Law System, trademarks, such as copyrights, patents, industrial designs, integrated circuit layout designs, trade secrets, plant varieties, and geographical indications, are all considered as intellectual properties. Intellectual property rights are a unique structure in modern living that bind countries signed for Agreement on the World Trade Organization known as the WTO. TRIPS or Agreement on Trade-Related Aspects of Intellectual Property Rights is part of the WTO agreement. It regulates intellectual property rights. The TRIPS Agreement is a global rule that regulates norms and standards for the protection of intellectual property rights. In particular, the scope and procedures for obtaining and carrying out intellectual property infringement and establishing obligations or full compliance under respective national laws (Roisah, 2019). Indonesia is a member of the WTO Agreement. This is based on Law Number 7 of 1994, the agreement ratification for the establishment of WTO. According to Law Number 28 of 2014, copyright is an exclusive right that rises automatically after the creation of tangible work. This is based on declarative principles without reducing legal limitations. According to the declarative principle, the creator's exclusive rights arise spontaneously. Declarative statements are short and concise statements. Based on declarative principles, this exclusive right usually arises or immediately exists for the art creator. Generally, some works have not been registered by the Ministry of Law and Human Rights. The declarative principle in this copyright law is different from those in other intellectual works.⁴

As explained in Article 40 of Law Number 28 of 2014, batik is protected artwork due to its artistic value of images, patterns, and color compositions. Batik Tulis Paseban is a symbol embodiment of Sundanese cultural artifacts that arise naturally from environmental cultural values. It includes local archaeological ideas. Religion, manners (ethics), good and right (ethics), kinship, and beautiful ideas are all included in the local archeology ideas (aesthetics). Batik Tulis Paseban

¹ Candra Irawan, "Protection Of Traditional Knowledge: A Perspective On Intellectual Property Law In Indonesia," *Journal Of World Intellectual Property* 20, No. 1–2 (2017): 57–67.

² Bangkit Pamungkas, "Perlindungan Hukum Seni Batik Motif Kontemporer Berdasarkan Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta (Studi Di Kampung Batik Laweyan Kota Surakarta)" *Vi*, No. 2 (2018): 185–190.

³ Imam Wicaksono, "Politik Hukum Pelindungan Hak Kekayaan Intelektual Di Indonesia Pasca Di Ratifikasinya Trips Agreement," *Pena Justisia: Media Komunikasi Dan Kajian Hukum* 18, No. 1 (2020): 37–47.

⁴ Delinama Telaumbanua, "Analisis Putusan Judex Facti Tentang Hak Cipta," *Jurnal Education And Development Stkip Tapanuli Selatan* Vol. 6, No. No. 5 (2017): 13–21.

emerged from the idea of three patterns, the Paseban philosophy known as *Tri Panca Tunggal*. Paseban comes from the words Seba, which means a gathering place, and Tri, which means the three elements known as Sir, Taste, and Thought. Panca means five, which refers to the human five senses, and Tunggal is one. It refers to the oneness of the Creator.⁵

In Indonesia, the preservation of traditional culture and knowledge become a major concern. Efforts to legally protect traditional expressions and knowledge of Indonesia usually involve intellectual property laws (HAKI). However, the protection afforded by IPR laws may not be sufficient for traditional people of Indonesia who are concerned with the survival and preservation of their culture and knowledge rather than the legal exclusivity of their works. Referring to the findings⁶ it was revealed the cultural traditional expressions in Indonesia could not be accommodated by laws that only limited their use. Protecting cultural heritage means protecting the damage to cultural heritage. A popular term that represents the act of destroying cultural heritage is "cultural appropriation". The existing law in Indonesia is directed to protect against cultural appropriation. However, the term may not be widely agreed upon. Susan Scafidi describes "cultural appropriation" as the unauthorized taking of intellectual property, traditional knowledge, cultural expressions, or artifacts from another culture. For example, illegal use of dance, clothing, music, language, folklore, food, traditional medicine, religious symbols from other cultures, and so on. If the source community is a minority population that has been oppressed or exploited in other ways, or if the object of confiscation is highly sensitive, such as a religious artifact, it is likely to be dangerous.⁷ The reality of countries with positive legal systems, where the law is a constitution, is a separate problem. Some argue, as a political product, the law will not be able to separate the interests and desires of the ruling political elite. At this level, it is impossible to identify social changes in society, especially dealing with the issues of intellectual property from a legal point of view only. The issues on Public response need higher attention. This includes legal and cultural aspects, legal attitudes of intellectual property, and public acceptance.

One aspect of intellectual property that frequently be in the spotlight is copyright. Creations that have economic value must be given a form of appreciation. One of the awards nominated is a reward (honor) and/or royalty to the creator.⁸ We need to completely understand the legal system of IPR protection before talking about it. This system is a unity of parts that mutualize in achieving a certain goal. Many people define it as the term system. Some people state a whole system consists of countless parts or components that work together regularly. This refers to a relationship between one component and another. Gradually, traditional knowledge and traditional cultural expressions disappear along with the dim of traditional culture over time and the boundaries of indigenous peoples. This is due to the awareness lacking on the importance of intellectual property and normal knowledge which is not well documented. On the other hand, traditional knowledge and traditional cultural expressions are issues of legal protection.⁹

Article 39 of Law Number 28 of 2014 states the copyright for traditional cultural expressions belongs to the state. The state is obliged to take inventory, maintain, and protect it. Basically, the use of traditional cultural expressions concerns the values that exist in the society carries it. The fourth paragraph of Article 39 stipulates further regulation on the copyright of traditional cultural expressions by the state is ruled by "Government Regulation", However government regulation on

⁵ Roni Nursyamsu, Jerry R, And Rika Nugraha, "Batik Tulis Paseban In Visual Perspective," *Uniset* (2021): 1–4.

⁶ Diah Imaningrum Susanti, Rini Susrijani, And Raymundus I Made Sudhiarsa, "Traditional Cultural Expressions And Intellectual Property Rights In Indonesia," *Yuridika* 35, No. 2 (2019): 257.

⁷ Katie J.M. Baker, "A Much-Needed Primer On Cultural Appropriation," *Jezebel*, Last Modified 2012, <https://jezebel.com/a-much-needed-primer-on-cultural-appropriation-30768539>.

⁸ Taufik H. Simatupang, "Sistem Hukum Perlindungan Kekayaan Intelektual Dalam Rangka Meningkatkan Kesejahteraan Masyarakat (Law System Of Intellectual Property Protection In Order To Improve People Prosperity)," *Jurnal Penelitian Hukum De Jure* 17, No. 2 (2017): 195–208.

⁹ Irawan, "Protection Of Traditional Knowledge: A Perspective On Intellectual Property Law In Indonesia."

this matter which is traded by the state is inexistent. According to Article 39, copyright protection of traditional knowledge, the indigenous peoples is not included. Accordingly, this study will discuss a problem related to Batik Paseban as a Traditional Cultural Expression and conduct an Analysis of the Batik Paseban Copyright Law.

RESEARCH METHODS

The authors employed normative legal research or known as doctrinal legal research. In this normative legal research, the law was defined as a set of rules or norms that is considered appropriate as a guideline for human behavior. Primary legal materials were theories, norms, rules, and advocate opinions on the legal system of copyright protection. In this case, it was related to Batik Paseban as a traditional cultural expression. Furthermore, this study involved secondary data that was legally binding.

RESULTS AND DISCUSSION

In some areas, an expression of traditional culture (referred to as Batik Paseban), cultural and religious diversity can trigger social conflict. It begins with a set of universally accepted values that are used as benchmarks. In this case, other religions and cultures (beyond their shared beliefs) can be measured according to their own values. In addition, the rapid development of communication technology shifted the way people interact with each other. At the technical level, communication is more practical and efficient. However, there is no longer a harmonious relationship between residents in terms of social interaction. The absence of common activities and goals to achieve makes a discontinuity evident. For this reason, there is no neutral instrument to re-glue the happening social inequality. Nonetheless, Local art and cultural activities are the best way to solve this problem. They can foster a sense of togetherness and uphold the value of friendship¹⁰.

Understanding the patterns of each tradition, especially in a pluralistic society is very important. This is to understand the culture of local arts. It is highly important for each community to instill the belief that cultivating local cultural wisdom is worthwhile. Most people believe that local culture and arts are no longer relevant. This is due to today's fast-paced society. In fact, every local culture and/or art has a purpose. According to Malinowski¹¹ cultural activities aim to meet the needs of human instincts, the life. Referring to various ethnic groups in Indonesia, the indigenous peoples of West Java, rituals, entertainment, performances, and cultural arts relics have always been part of their culture. One of the examples is Batik Paseban.

Indigenous Community, the Paseban, is one of several indigenous peoples in West Java who consistently carry out these activities. In this society, the culture has been passed down for a long. Meanwhile, indigenous community--The Paseban Cigugur Kuningan is one of the traditional groups bequeathed from generation to generation. It was from the descendants of Kyai Madrais. Sundanese-Javanese religion is the teachings of Kyai Madrais, a descendant of Cirebon, who spread his teachings. An important part of his teachings to his students is the Sundanese-Javanese religious principle. It covers respecting all people regardless of their nationality or ethnicity.¹² Batik Tulis Paseban is the symbolic embodiment of Sundanese cultural artifacts that were born naturally from cultural values, the environment. This includes local archaeological ideas, such as religion, manners (ethics), good and right-thinking (ethics), kinship, and beauty (aesthetics). Paseban's philosophy, *Tri Panca Tunggal*, inspired the creation of Batik Tulis Paseban, which features three patterns. One of the three components of the word "Tuan (literally means Master) is the word "Tri," and the other two are derived from the words "Seba" and "Tri," respectively. There are five senses in the human body.

¹⁰ Een Herdiani, "ĀĒtari Batik Sekar GaluhĀĒ • Upaya Pemberdayaan Masyarakat Paseban Melalui Aktivitas Seni Budaya Lokal," *Panggung* 23, No. 2 (2013).

¹¹ Ibid.

¹² Ibid.

Also, there is the oneness of the Creator. This is called Panca and Tunggal (literally means five and single or one).¹³.

Pak Kusnadi, a retired archaeologist, and Prince Djatikusumah founded Batik Paseban to elevate the values of local wisdom in the Cigugur community. Initially, there were only a few motifs of Batik Paseban. Nevertheless, the motifs have grown to 250 types due to their high creativity. Thus, the inauguration of the Batik Paseban Cigugur in Kuningan was set on October 15, 2006. Sekar Galuh, Oyod Mingmang, Mayang Segara, Adu Manis, Rereng Pwah Aci, Geger Sunten, and Rereng Kujang are seven batik motifs introduced in 2006¹⁴. Historically, the macrocosmic tripartite mindset has shown that local cultural awareness has existed in the past. Based on a general rule, the three most important values in Sundanese society are perfection, safety, and prosperity. There are three macrocosms: the upper, middle, and lower realms of existence. According to their cosmological view, the concept of Sundanese space is triadic (triumvirat triadic). Thus, they discover the meaning of life. This is done by examining the freedom that encompasses all existence, including our own. Nothing left. In their view, the universe and the human world are closely related. The Sundanese also agrees.¹⁵ Human self-awareness on lust, such as the cosmic order, is reflected in the motif of Batik Paseban Cigugur. It is to represent the preservation of supernatural values as humans and the majesty image of nature as a reflection of the close relationship between nature and humans. According to Batik Tulis Paseban, Beauty only belongs to God. There are more than 200 motifs in Batik Tulis Paseban. However, seven of them have been patented and each has a deeper philosophical meaning. This is due to the introduction result of common motifs. Likewise, batik motifs. The patterns and motifs that arise from imagination depict dreams or hopes. In peeling batik, patterns and motifs are inseparable. It will be more interesting to discuss the symbols surrounding these forms.¹⁶

Decorative motifs are made to express one's thoughts, hopes, messages, or social status to others. They can also serve as protection symbols against disaster or as guards or protective dogs for the well-being of building occupants. In addition, there are also ornaments that solely function to enhance the appearance of an ornamental image, such as border decorations¹⁷. The ornaments of Batik Paseban are usually displayed with a visual literacy approach to the inauguration of the Batik Paseban Cigugur, Kuningan which was set on October 15, 2006. Sekar Galuh, Oyod Mingmang, Mayang Segara, Adu Manis, Rereng Pwah Aci, Geger Sunten, and Rereng Kujang were seven batik motifs introduced in 2006^{18 19}.

Figure 1. The pattern of Batik Paseban, West Java



¹³ Nursyamsu, R, And Nugraha, "Batik Tulis Paseban In Visual Perspective."

¹⁴ Kuningan magazine, "Batik Paseban Cugugur Sebagai Warisan Budaya Dunia Dari Kuningan."

¹⁵ Nursyamsu, R, And Nugraha, "Batik Tulis Paseban In Visual Perspective."

¹⁶ Sudarwanto, "Rupa Dan Makna Simbolis Batik Motif Modang, Cemukiran," *Jurnal Dewa Ruci* 8, No. 1 (2012): 107–123.

¹⁷ Daulat Saragi, "Pengembangan Tekstil Berbasis Motif Dan Nilai Filosofis Ornamen Tradisional Sumatra Utara," *Panggung* 28, No. 2 (2018).

¹⁸ Sudarwanto, "Rupa Dan Makna Simbolis Batik Motif Modang, Cemukiran."

¹⁹ Kuningan magazine, "Batik Paseban Cugugur Sebagai Warisan Budaya Dunia Dari Kuningan."

Source: ²⁰

The analysis of the Copyright Law, Batik Paseban

GATT (General Agreement on Tariffs and Trade) is a multilateral trade agreement, ratified in the Uruguay round (1986) and succeeded in establishing the WTO (World Trade Organization), which started in January 1995, with tariff rationalization. The Uruguay round of GATT negotiations includes an agreement on Trade-Related Aspects of Intellectual Property. This Includes Trade Advantage Goods, such as TRIPs. Due to the piracy, the handicrafts export of Batik Paseban must be adequately protected by Copyright Law No. 28 of 2014 (UUHC). It means the small craft community must change its attitude towards copyright registration. This is due to the occurrence of robbery and theft on small craftsmen's work by big entrepreneurs.

Copyright arrangements prior to Indonesia's independence were made in the 1912 Autonomy, which governs the country's copyright laws. In Indonesia, positive law regulations have applied copyright law since 1958 and 1966. This is the reason for the amendment to the 1912 Autonomy in RUU no. 28 of 2014, which states:

- a. the voice of society indicating an unsatisfactory fate between the creator and the user;
- b. the absence of institutions or organizations that fight for the creators' right; and,
- c. regulations governing copyright are not well known.

In fact, copyright protection regulation and its implementation can not avoid the pressure and need of developed countries. For instance, copyrights protection outside their national borders. National legislation is to protect copyright for folk artisans and to provide domestic legal certainty. Even though, this also means putting a little bit of national interest into the legislative system. If we specifically examine the regulation of intellectual property rights, the copyright over the past two decades, it was found four changes. They are all disguised as attempts to improve copyright laws. However, the real reason is pressure from developed countries, in particular the repealing threat of the Generalized System of Preferences (GSP). Therefore, adequate provisions on intellectual property rights were made in national legislation. This was only for countries that have ratified the WTO Agreement. The provisions resulted in several changes and respective improvements, as follows: Law No. 6 of 1982 on Copyright (1982 State Gazette No. 15 and Supplement to State Gazette Number 3217), and Law Number 7 of 1987 on Amendments to Law Number 6 of 1982 on Copyright.²¹

The global economy keeps improving. For example, products protected by copyright have increased the importance of legal sources agreement between countries. Cooperation between countries is needed because every sovereign country has its own legal instruments. In a sovereign state, foreign laws do not apply and vice versa. According to ²² in ²³, regulating cross-border trade needs bilateral (two countries) or multilateral agreements between countries (many countries). In general, bilateral and multilateral agreements do not directly apply to citizens of participating countries. The research by the Indonesian government multilaterally and bilaterally aims to strengthen the protection of intellectual property rights (IPR). This is related to traded products, developing IPR enforcement procedures (copyright) that do not hinder trade activities. In addition, this is also to formulate rules and disciplines to recognize the enforcement of trade intellectual property rights, and to develop regulatory principles and mechanisms for international activities.

²⁰ Ibid.

²¹ Chandra Adi Mauli, "Understanding Of The Batik Laweyan Solo Creator For Copyright (Study Of Law Number 28 Of 2014 Concerning Copyright)," *Diponegoro Law Review* 4, No. 1 (2019).

²² I Ketut Wirawan, "Budaya Hukum Dan Disfungsi Undang-Undang Hak Cipta: Kasus Masyarakat Seniman Bali" (Universitas Diponegoro, 2000).

²³ Mauli, "Understanding Of The Batik Laweyan Solo Creator For Copyright (Study Of Law Number 28 Of 2014 Concerning Copyright)."

Furthermore, there is a need for regulations related to copyright in cultural work, specifically, Peseban batik. The absence of laws governing copyright can frequently lead to copyright infringement. It is influenced by some specific factors, including²⁴:

1. Economic considerations

- a. Since illegal products are generally cheaper than legal/original products, consumers, particularly the lower middle class prefer to buy cheap products, especially if the difference is small. This factor clearly increases illegal products marketing.
- b. Criminals or copyright infringers get a significant advantage because they avoid paying royalties to copyright holders whose products are duplicated.
- c. Generally, products resulting from copyright infringement are produced illegally. Thus, it can avoid the payment of necessary taxes.

2. Social determinants

- a. The rapid progress of science and technology has influenced the possibilities and conveniences of committing crimes in copyright.
- b. The high unemployment rate and the limited time available to find work. It encourages some residents to do illegal activities, such as selling unoriginal computer programs.
- c. If people's purchasing power is limited and combined with the need for certain products, there is an increase in illegal products marketing. Particularly, copyright and affordable prices despite the low quality.
- d. The unequal distribution of copyright issues in society will require respect to others work²⁵.

3. Cultural determinant

Ordinary people are living together in harmony and have very different IPR. This indicates most of the copyright law and copyright holders are secured by individualistic values. A society that provides exclusive rights to individuals of their wealth. Meanwhile, Indonesian cultural values are still high. Thus, their rights are frequently equated with the social function of society.²⁶

Copyright was made soon as the copyright law (Law No. 6 of 1982, Law No. 7 of 1987, Law No. 12 of 1997, Law No. 19 of 2012, and Law No. 28 of 2014 on Copyright) existed. They regulate that copyright registration follows a declarative system. This is only announced in the public domain. Thus, without any registration to the Directorate General of Copyright and Patents, the art creator may already own the copyright. This often results in piracy rights and disputes over who owns the work first. This is due to no official record of who created or who owned the work.

In reality, some problems in many cultural works (Batik), particularly Batik Peseban, are no longer allowing the craftsmen to produce the product. This is really unfair for them. The creations of Batik Peseban have been passed down from generation to generation. Only, the craftsmen do not register it to the Copyright and Patent office. This is due to various reasons, including the awareness of the importance of copyright registration. Thus, it is hard to harmonize the implementation of Copyright Law with the culture of the local community.²⁷ Based on the written and practical findings, the Copyright Law cannot be implemented as intended by the maker, especially in the Batik Peseban craftsman community, as follows:

1. In terms of Copyright Law, Batik Peseban craftsmen in the community never need the protection provided by the Copyright Law. Copyright protection is not an absolute requirement for producing or developing Batik.

²⁴ Ibid.

²⁵ Muhammad Akbal, "Pentingnya Perlindungan Hukum Terhadap Karya Cipta Di Bidang Komputer Dalam Menyongsong Masyarakat Ekonomi Asean," *Prosiding Seminar Nasional Himpunan Sarjana Ilmu-Ilmu Sosial* 1, No. 1 (2016).

²⁶ I Ketut Wirawan, "Budaya Hukum Dan Disfungsi Undang-Undang Hak Cipta: Kasus Masyarakat Seniman Bali."

²⁷ Mauli, "Understanding Of The Batik Laweyan Solo Creator For Copyright (Study Of Law Number 28 Of 2014 Concerning Copyright)."

2. Additional copyright laws are enforced by governments and foreign depositors' initiatives. The existence and implementation of the law are contrary to the culture of the customary law community.
3. Javanese culture has a greater influence on the failure of the law function. West Javanese culture is compassionate (reluctant) in upholding its own rights.

Thus, the placement of the copyright is never completed. Public understanding of copyright is very limited. The individuals often ignore it. This is because copyright is considered a product of western culture. It is not the aspirations of the people under. As a result, there are many unintentional copyright infringements. This is due to a minimum awareness of rights law by society.

Figure 2. Handcrafting Activities by Batik Paseban Craftsmen



Source: ²⁸

The understanding of copyrighted works and monopolies has never been used by the Batik Paseban craftsman. This is because there is no registration requirement and limited knowledge. In addition, the craftsmen believe that copyright belongs to the people. Most importantly, the local residents are concerned about Batik production and marketing.

Thus, the monopoly on copyrighted work belongs to the people; The most fundamental thing for society is production and marketing. Accordingly, this matter is not intended to generate economic value. Maintaining market share and producing high-quality work is more important than monopolizing copyrighted works. The ability of Batik Paseban artisans to register is extremely inconvenient and widely considered useless. Monopolizing copyrighted works is not carried out by Batik Paseban craftsmen.

In their community, the application of the Copyright Law is strongly influenced by legal and local cultural values. Their life is strongly influenced by the culture of the Paseban village in West Java. mutual cooperation, *sambatan* (volunteering to help neighbors), and *jalang* (events) are values that guide the behavior of Batik Paseban craftsmen towards neighboring pillars. These values are more important than preserving or monopolizing copyright. Copyright is an abstract right that cannot be seen with the naked eye. Even though, Indonesian culture values concrete things such as culture in customary law, those who practice Batik Paseban are more obedient to brand rights than copyrights. Meanwhile, trademark rights are visible rights to the owner. There has never been a copyright dispute or registration of copyrighted works by Batik Paseban.

CONCLUSION

In conclusion, intellectual property rights are a unique system in the current life. It binds countries signed for agreements to form the World Trade Organization, the WTO Agreement. Copyright is one component of intellectual property that gets a lot of attention. Meanwhile, Batik is one of the creations that is protected due to the aesthetic value of images, patterns, and color

²⁸ Info Publik, "Indahnya Batik Paseban Cigugur Kuningan."

compositions. This is stated in Article 40 of Law Number 28 of 2014. Batik Tulis Paseban embodies Sundanese cultural products that arise spontaneously, the environmental cultural values, such as local archeological ideas. On the contrary, Batik Paseban craftsmen have never understood or monopolized copyrighted works. This is because the copyright law does not oblige registration and the craftsmen have limited knowledge on this matter. Furthermore, they believe copyright belongs to the community. Most importantly, local residents concerns more on the manufacture and marketing. In the community of Paseban Batik craftsmen, the application of copyright law is strongly influenced by legal and local cultural values. Their life is strongly influenced by Paseban village culture in West Java. In addition, mutual cooperation, Sambatan (helping volunteers for neighbors) and Jalang (events) are the values that guide the behaviors of Batik Paseban craftsmen towards the next pillar. These values are more important than maintaining or monopolizing copyright.

SUGGESTION

To maintain the preservation of culture and intellectual property, in this case, Batik. Appropriate technology--visual literacy is needed. It adds value to developing cultural arts. In this way, the meaning and philosophy of Batik Tulis Paseban can be more grasped compared to narrative form. The narrative form cannot display Batik Tulis Paseban visually. Currently, there are no national or international legal documents that explicitly regulate traditional knowledge and cultural expression. As a result, the government is required to take various steps to safeguard traditional knowledge and cultural expressions. Accordingly, the authors propose revising travel agreements that specifically regulate this issue. Thus, traditional knowledge and traditional cultural expressions of developing countries can be protected. In this case, from the exploitation by developed countries.

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