

Legal Protection Against Traditional Cultural Expressions in Batik Bakaran in Pati Regency Based on Indonesian Regulations



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ABSTRACT: Traditional cultural expressions result from intellectual activity, experience, or understanding, expressed by community groups in the context of tradition, which are dynamic and can experience development. Protecting Traditional Cultural Expressions is regulated in Article 38 of Law Number 28 of 2014 concerning Copyright. Batik Bakaran, as a form of the traditional cultural heritage of the people of Pati Regency, has the potential and characteristics to obtain protection for Traditional Cultural Expressions so that unauthorized use from other countries does not occur and protects the rights of local communities. This study aims to find out and analyze whether Batik Bakaran has the potential to get legal protection against Traditional Cultural Expressions as well as the urgency and implications of Legal Protection for Traditional Cultural Expressions in Batik Bakaran in Pati Regency. This research uses the type of Juridical Empirical research using a qualitative approach. Data collection techniques by way of literature study and based on the results of interviews, observation, and documentation. Data validity uses triangular techniques. The results of this study indicate the potential of Batik Bakaran as a traditional cultural heritage that has characteristics as part of Traditional Cultural Expression.

KEYWORDS: Protection; Traditional Cultural Expressions; Batik Bakaran; Copyright.

I. INTRODUCTION

Indonesia is one of the largest countries, with a population of more than 270 million people with very diverse ethnic or ethnic groups. This ethnic or ethnic wealth is manifested in the diversity of Traditional Cultural Expressions. Traditional Cultural Expressions grow from various cultures and the creativity of indigenous peoples from various regions with distinctive characteristics. Traditional Cultural Expressions are part of intellectual property in the field of art, which contains characteristic elements of traditional heritage, which are shared resources developed and maintained by specific communities or societies.¹

Local people understand Traditional Cultural Expressions as a cultural heritage owned communally. Therefore, as the owner of the legacy of Traditional Cultural Expressions, the community packs, transmits, and passes on elements such as tradition, wisdom, communal values, and knowledge to the next generation. The local community conveys cultural heritage passed down from generation to generation through tales, legends, art, and other traditional works, which will form the Indonesian nation's social standard and life order.

The importance of protecting Traditional Cultural Expressions is because traditional culture has a high economic value, which is preserved from generation to generation as an inheritance and is used collectively, and becomes an identity for a particular community's culture.² But in reality, this is what causes the traditional culture of Indonesia to be often recognized or claimed by other countries because of the weak protection of these traditional cultural expressions.

Claims for traditional cultural assets by foreign parties or countries have increased in recent years, including batik, ancient manuscripts, culinary materials (cooking), songs, dance, musical instruments, designs, and plant products, and the claim period has also been going on for a long time. As expressed in electronic media and mass media, claims against Traditional Cultural Expressions are not only made by foreign business actors (companies), but several foreign countries also make claims.

Claiming and using it without permission by foreigners has undoubtedly resulted in disappointment for some communal groups and the Indonesian people themselves.³ As an example of the recognition that Batik Parang is Indonesia's cultural heritage, the Batik Parang motif used by the 2018 Miss Grand International Finalists is the parang barong batik motif which is recognized as the work

¹ Murni D. 2016. Hutabarat Sylvana, The Development and Protection of Traditional Knowledge and Traditional Cultural Expressions From the Perspective of Intellectual Property Rights, Juridical Journal, Vol 3, No. 1. P. 22.

² Masri Rumita br. Sibuea, 2015. Utilization of Batik as Traditional Knowledge and Traditional Cultural Expression, Journal of Law and Development, Vol 4, No 3. P. 45.

³ Abdul Rachman Patji, 2017, Development and Protection of Regional Cultural Property: The Indonesian Government's Response To Claims By Other Parties, Society & Culture, Vol 1, No 5, P. 324.

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of Dona Plant Base, one of the batik labels in Malaysia and is claimed to be the cultural heritage of Malaysia. Even though Batik Parang is one of the ancestral heritages and is part of the Indonesian State's Traditional Cultural Expressions. The Batik Parang motif is the oldest and very sacred motif in Java. Previously, this style could only be used by the Solo and Yogyakarta Palaces royal families and had a very deep philosophical meaning.

Legal protection for Traditional Cultural Expressions is regulated in Law Number 28 of 2014 concerning Copyright. It is stated in Article 38 of the Copyright Law, which in essence, states that the state, as the copyright holder of traditional cultural expressions, is obligated to inventory, maintain, and protect traditional cultural expressions and pay attention to the values contained in the carrier community. Government regulations regulate copyrights held by the state for traditional cultural expressions. However, there are no government regulations for copyrights related to traditional cultural expressions held by the state. Copyrights to Traditional Cultural Expressions result from traditional works whose creator is unknown.⁴ Therefore, by not knowing the creator, the consequence is that the state is the holder of the Copyright for Traditional Cultural Expressions.

In this regard, until now, efforts to make an inventory of Indonesia's cultural heritage have yet to be maximally successful, which does not involve elements of social groups, communities, and parts of the local community. One of the traditional cultural heritages that until now has yet to receive an inventory from the local government, namely batik. Batik culture has been recognized worldwide as a cultural heritage and, at the same time, Indonesia's communal intellectual property.

Given its position as an anonymous traditional batik where the creator is unknown, it cannot be classified as a conventional copyrighted work that the Copyright Act protects. Batik is part of the traditional culture of the Indonesian nation. So traditional batik motifs are more accurately classified not as ordinary works of art but as forms of Traditional Cultural Expressions. Batik, as a traditional Indonesian cultural heritage, has received international recognition and officially became an inventory list of "Intangible Cultural Heritage of Humanity" by UNESCO (The United Nations Educational, Scientific and Cultural Organization) in 2009.⁵

Pati Regency is one of the regencies in Central Java, precisely in the coastal area of the North Coast of Java Island. Pati Regency has a unique batik in Bakaran Wetan and Bakaran Kulon Villages, which has been developed and practiced until now. Local people call this Batik Bakaran because it is located in Bakaran Village. Batik Bakaran, as a form of the traditional cultural heritage of the people of Pati Regency, has superior potential to get protection for Traditional Cultural Expressions. It is because Batik Bakaran is one of the traditional works that has become the local culture of Pati, which has been passed down from generation to generation by our ancestors. Batik Bakaran also has special meanings and characteristics that grow and develop and are maintained either by the community or local people from generation to generation.

Efforts to protect the law against Batik Bakaran for Traditional Cultural Expressions is a serious effort to protect traditional culture. This effort certainly requires evidence, substantial supporting documents, and a commitment from the Indonesian people regarding their cultural heritage. Problems with Traditional Cultural Expressions are still prone to occur because the legal system is not optimal in providing protection. Besides that, the need for more awareness of the importance of Traditional Cultural Expressions and the lack of enforcement of the law against the violators. The bearer community tends to ignore the existence of legal protection for their traditional culture,

II. FORMULATION OF THE PROBLEM

In the above context, this paper will focus on the following:

1. What is the Potential of Batik Bakaran as a Traditional Cultural Expression in Pati Regency Based on Indonesian Regulations?
2. Based on Indonesian Regulations, What are the Urgency and Implications of Legal Protection for Traditional Cultural Expressions in Batik Bakaran in Pati Regency?

III. RESEARCH PURPOSES

This article aims to:

1. Knowing and Explaining the Potential of Batik Bakaran as a Traditional Cultural Expression in Pati Regency Based on Indonesian Regulations.
2. Analyzing the Urgency and Implications of Legal Protection for Traditional Cultural Expressions in Batik Bakaran in Pati Regency Based on Indonesian Regulations

IV. RESEARCH METHODS

This research uses the type of Juridical Empirical research using a qualitative approach. The type of research used in this research is empirical juridical, namely legal research regarding the enactment or implementation of normative legal provisions in action on

⁴ Verdy Maria Josefina, 2019, Indonesian Cultural Diplomacy UNESCO in Winning Batik as Intangible Cultural Heritage. President University, Thesis, P. 34.

⁵ Juhri Selamet, 2019, Indonesian Batik Translation: A Case Study', International Journal of Visual Design, Vol 13, No 1, P. 11–17.

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any particular legal event that occurs in society.⁶ This study uses primary data obtained directly from the research location or from sources in the form of many information and information needed by researchers and secondary data that has been obtained, namely from library materials, documents, previous studies, books, Etc.⁷ Data collection techniques by way of literature study and based on the results of interviews, observation, and documentation. Data validity uses triangular techniques.

V. DISCUSSION

1. The Potential of Batik Bakaran as a Traditional Cultural Expression in Pati Regency

Pati Regency is one of the regencies in Central Java, precisely in the coastal area of the North Coast of Java Island. Pati Regency has a unique batik in Bakaran Village, developed and pursued until now. Local people call this batik Batik Bakaran because it is located in Bakaran Village. Batik Bakaran is coastal batik, but this batik is different from other coastal batiks because usually, coastal batik tends to be bright and bold in color. However, Batik Bakaran tends to be dark in color, such as brown and black. The elements of the style/motif are in the direction of the Tengahan and Pesisir motifs.⁸ Median flow because the one who introduced batik to the Bakaran Wetan village area was from the Majapahit Kingdom.

Batik Bakaran is a traditional cultural heritage that displays a symbol of identity from life and also keeps traces of cultural history and the philosophy of life of local residents. As part of traditional cultural expressions, burnt batik is not just clothing but contains high philosophical values. Behind the ink strokes that the batik makers pour onto the cloth, there must be an embedded meaning and history that has unique characteristics and describes the lives of local residents. This traditional batik is located in a coastal area. It has unique characteristics that distinguish burnt batik from other coastal batik. Classical motifs from Bakaran are considered sacred and still hold specific standards.

The process of making Batik Bakaran is unique and cannot be found in another traditional batik making, namely Mbironi and Nyoga. The Mbironi process is closing to maintain the blue color. After the cloth is dry, the following process is painting again using a canting on the ornaments, which will be maintained in the first coloring process. In contrast, Nyoga is the process of dipping the batik cloth in a color solution that is soja colored. Ornaments that are not covered with wax or wax will have the color of soja. This process gives the impression that Bakaran batik tends to be darker in color compared to other coastal batik or palace batik. It is the uniqueness and unique characteristics of the local community's identity as a form of traditional cultural heritage.

Making Batik Bakaran as written batik is relatively tricky and complicated for every motif to be made of batik. Batik Bakaran is traditional, so the production process uses traditional tools and materials. The process and technique of making (batik) traditional Batik Bakaran motifs as written batik uses traditional equipment and materials. The timeframe for making the Batik Bakaran production process requires a long time; even the production process can take months. The production process also requires a long time.

Unique characteristics and characteristics in manufacturing burnt batik and a differentiator from other regions, namely for manufacturing use motifs, some craftsmen still use rituals. The making of batik with the Pakem motif from Batik Bakaran for some craftsmen goes through a ritual first. The ritual usually involves fasting for up to 1 week or even up to 40 days. High-ranking government officials usually order this batik motif to increase the wearer's authority. There are several order motifs in which the making begins and ends with a ritual. The purpose of this ritual is to get revelation and inspiration from the ancestors so that the batik that is made emits an aura and gives authority.

The characteristics of Batik Bakaran, apart from having unique and complicated batik techniques, also lie in the domain of social customs, community customs, rites, and celebrations. Bakaran, which has a philosophical value, is batik cloth used for community customs, rites, and celebrations as social customs in society. Some local people view batik, which still holds its grip, as a sacred traditional cultural heritage, as follows:

1. The bright Bregat Ireng motif symbolizes a big tree, and the ring means black or dark.
2. The Liris motif, a symbol of light rain, means that an obstacle is not an obstacle but a motivation to keep moving forward. It is usually used to welcome the man's proposal.
3. The Sido Mukti motif means to be noble, which comes from the word sido, which means to be, while mukti means noble. This motif is used during the wedding ceremony.
4. The Sido Rukun motif means that the bride and groom will be in harmony forever in life; this motif is worn when the wedding is over with the intention of welcoming guests.
5. The Sido Drajat motif means that later marriage will bring high degrees and ranks in work matters.
6. The Gandrung motif is created by Nyi Danowati, which symbolizes the longing for a lover.

⁶ Abdulkadir Muhammad, Abdul, 2004, Law and Legal Research, Bandung: PT. Citra Aditya, P. 76.

⁷ Sugiyono, 2017, Quantitative, Qualitative Research Methods, and R&D. Bandung: CV Alfabeta, P. 98.

⁸ Achmad Ulin Nuha, 2019, Eranan Written Batik in Efforts to Increase the Income of the Community of Bakaran Village. UIN Walisongo Semarang, P. 45.

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7. Gempal Padas Motif Pada means rock, while chunky means lumps or piles. Padas Gumpal means plurality or diversity of cultures in Indonesia which are diverse and abundant.
8. The Liris motif is one of the classic motifs which has a symbol of drizzle, which means all obstacles and obstacles are not an obstacle but motivation to keep progressing and prospering.
9. The Manggar motif means flowers from coconuts. Manggar coconut means these plants can grow anywhere, and all parts of the coconut tree can be utilized. It has a philosophy that we as humans should live like the meaning of a coconut tree that can be useful for anyone.
10. The Blebak Lung Blebak motif means a white background with a soga-colored crack pattern. While Lung means sweet potato, the Blebak Lung motif implies the hope of sustenance that never ends and overflows.

Characteristics of Traditional Cultural Expressions contain values such as economy, spirituality, and community. Traditional societies respect all of these values. Traditional Cultural Expressions represent the identity of indigenous peoples in certain areas. Traditional Cultural Expressions can be categorized as such if they have the following characteristics and characteristics:⁹

1. Taught and carried out from generation to generation;
2. Is knowledge of its environment and its relationship to everything;
3. It is holistic so that it cannot be separated from the community that built it;
4. It is a way of life used jointly by the community, and therefore there are community values.

Batik Bakaran has characteristics, meaning, and philosophy as part of Traditional Cultural Expressions. It can be seen that the existence of traditional batik motifs, especially Batik Bakaran, which is part of cultural expression (folklore), can be seen from the symbolic meaning contained in each motif, where these motifs are still believed to have philosophical, theological, and eternal values that do not fade quickly even though there have been many changes and developments. In addition, batik also has a special meaning as something glorified because it reflects a specific and complex view of life.

Legal protection for Batik as a traditional cultural heritage is classified as a so-called Traditional Cultural Expression, which can be done by placing it under the protection of the Communal Intellectual Property Rights system, especially copyrights. It was accompanied by UNESCO declaring Indonesian Batik as a world cultural heritage. It is the challenge and potential of Batik Bakaran as one of the traditional batik heritages in Indonesia for Batik Bakaran as a pillar of the people's economy. In fact, this declaration was able to awaken the spirit of using and preserving batik in Indonesia.

Legal protection for burnt batik as a form of traditional cultural expression, which is traditional batik, does not have a protection period. It is based on the consideration that such traditional batik was created and produced for generations by the local community, so it is estimated that the calculation of the copyright protection period has exceeded the protection period stipulated in the law. Therefore, existing traditional batik is jointly owned by the people of Indonesia (public domain), and the state holds the copyright for traditional batik.¹⁰

2. The Urgency and Implications of Legal Protection for Traditional Cultural Expressions in Batik Bakaran in Pati Regency Based on Indonesian Regulations

Traditional Cultural Expressions can be defined as a creation in the field of art that contains characteristic elements of traditional heritage as a national culture which is a shared resource that is developed and maintained by specific traditional communities over a while in a sustainable manner.¹¹ The Copyright Law regulates that Traditional Cultural Expressions are protected under Article 38 of Law Number 28 of 2014 concerning Copyright.

Efforts to protect traditional cultural expressions Article 38 of Law Number 28 of 2014 Concerning Copyrights. Protected traditional cultural expressions include one or a combination of the following forms of expression:

1. Verbal textual, both spoken and written, in the form of prose or poetry, in various themes and contents of messages, which can be in the form of literary works or informative narratives;
2. Music, including, among others: vocal, instrumental, or a combination thereof;
3. Motion, including, among others: dance, martial arts, and games;
4. Theater, including, among others: Wayang performances and folk plays;
5. Fine Arts, both in two-dimensional and three-dimensional forms, made of various materials such as leather, wood, bamboo, metal, stone, ceramics, paper, textiles, and others or a combination thereof; And

⁹ Yenny Eta Widyanti, 2020, Protection of Indonesian Traditional Cultural Expressions, *The Legal Arena*, Vol 3. No 13, P. 388–415.

¹⁰ Sri Walny Rahayu, 2020, Expressions of BudaDyah Permata Budi Asri, 'Legal Protection of Culture Through the Unesco World Heritage Center,' *Journal of Law Ius Quia Iustum*, Vol 2. No. 25, P. 25–48.

¹¹ Ida Ayu Sukihana and I Gede Agus Kurniawan, 2018, Creation of Traditional Cultural Expressions: An Empirical Study of Protection of Traditional Balinese Dance in Bangli District', *Journal of Udayana Master of Law, Udayana Master Law Journal*, Vol 1, No. 7.1, P. 51.

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6. Traditional ceremonies include the manufacture of tools and materials and their presentation.

Batik art belongs to the art of drawing or fine art in a two-dimensional form which is drawn on textiles for clothing which became one of the royal family cultures in ancient times.¹² The characteristics of burnt batik as part of traditional cultural expressions contain several values such as economy, spirituality, and communality. Traditional societies respect all of these values. Traditional Cultural Expressions represent the identity of indigenous peoples in certain areas.¹³ Batik Bakaran is a traditional cultural heritage that represents the identity of the people in Pati Regency, especially Bakaran Village. Batik Bakaran is able to become a unique identity feature of Pati Regency, for example, the obligation to use Batik Bakaran for all SCA (State Civil Apparatus) every Thursday. It is one of the efforts of the regional government of Pati Regency to encourage protection and preservation as well as promotions that will make burnt batik known both within and outside the Pati Regency area.

The provisions of Article 38 emphasize that to protect and maintain the existence of Traditional Cultural Expressions. The state must make an inventory of TCE works. Furthermore, it is also regulated that the copyright on works of Traditional Cultural Expressions belongs to the State. In more detail, Article 38 UUHC 2014 regulates:

1. The State holds the copyright for Traditional Cultural Expressions.
2. The state is obliged to inventory maintain, and maintain Traditional cultural expressions as referred to in paragraph (1).
3. as referred to in paragraph (1), the use of Traditional Cultural Expressions must pay attention to the cultural values that live in the carrying community.

Based on the provisions of Article 38 Paragraph (1), it can be concluded that the copyright on Traditional Cultural Expressions is held by the state and the Regional Government, which can be interpreted as an embodiment of the State where the Traditional Cultural Expressions work grows and develops.¹⁴ Thus, the existence and role of the regional government of Pati Regency are vital and decisive as bearers of traditional cultural expressions in order to realize the protection and preservation of Batik Bakaran artwork as part of traditional cultural expressions. In this context, the regional government, in this case, the Department of Trade and Industry and the Office of Cooperatives and SMEs, as a representative of the Pati Regency government, holds essential tasks and functions in protecting and utilizing them. Government administration in the concept of regional economy emphasizes the tasks and functions of government, divided by authority between the central government and regional governments.

So far, the role of the Regional Government of Pati Regency has only been limited to developing and preserving, and documenting Bakaran Batik in general but not in a documentation format in the framework of a TCE inventory of traditional Batik that grows and develops and is preserved in Pati Regency. The efforts made by the Pati Regency government are to help the cottage industry or Batik Bakaran artisans who play an essential role in making batik in its development along with the Times. The assistance that Pati Regency previously sought could be through training from various SMEs such as batik craftsmen. That is one of the steps the Regional Government of Pati Regency takes to increase production and capacity. The role of the Government of Pati Regency, especially the Department of Trade and Industry and the Office of Cooperatives and SMEs, in helping batik artisans and the Home Industry has been maximized. Various methods are carried out, such as providing training, collaborating with various parties, and holding exhibitions; they also carry out promotions outside the region. Batik Bakaran is not only in demand by local people but also in demand by tourists from abroad through events.

Based on the analysis of researchers in the globalization era, with the large number of foreign tourists who are attracted to the cultural heritage of Batik Bakaran, on the one hand, it will have a positive impact on Indonesian culture; on the other hand, it will threaten the abuse of benefits and even claims by other countries.¹⁵ In the current era, relations between developing countries and developed countries are increasingly harmonious in cooperation in filling economic, cultural and social events which have thinner boundaries and increasing sophistication of cultural adoption technology tends to have a negative impact and threaten cultural life in Indonesia.

The phenomenon of rapid globalization can provide promising opportunities for people who own culture in Indonesia to show and introduce the creativity of cultural heritage to the world stage. On the other hand, this global phenomenon, if the Indonesian nation and people who own cultural heritage do not love, care for, and respect ownership of Traditional Cultural Expressions, then in the future, it cannot be denied that these Traditional Cultural Expressions will be adopted and even recognized/claimed as their culture. It can be considered and anticipated by the Pati Regency government and the people who own Traditional Cultural

¹² Afrillyanna Purba, 2012, Empowerment of Legal Protection of Traditional Knowledge and Traditional Cultural Expressions as a Means of Economic Growth in Indonesia, Bandung, Alumni, P. 102.

¹³ M. Zulfa Aulia, 2006, Protection of Intellectual Property Rights for Traditional Knowledge, Jakarta: FH University of Indonesia, P. 146

¹⁴ Alicia Amaris Trixie, 2020, The Philosophy of Batik Motifs as the Identity of the Indonesian Nation, Journal Folio, Vol 1, No 1, P. 1–9

¹⁵ Kadek Wahyu Putrayana and Darmadha Nyoman, 2022, Legal Protection of Indonesian Traditional Cultural Expressions in Law Number 28 of 2014', Vol 1, No 14, P. 98.

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Expressions from the phenomenon of cultural globalization in the form of loving and maintaining with pride the local community's cultural heritage.

The Pati Regency Government plays a vital role in growing and developing, so the Pati Regency government, through the Pati Regency Trade and Industry Service, takes the following steps:

1. Making the art of Batik Bakaran extra-curricular activity in schools.
2. Making Batik Bakaran a uniform for agencies in Pati Regency.
3. Help improve Batik Bakaran products by participating in local, regional, and national exhibitions.
4. Preserving and maintaining Batik Bakaran as one of the Indonesian cultures that can be recognized in the eyes of the world.

The Government of Pati Regency has not registered Bakaran Batik as a form of Traditional Cultural Expression. The Department of Trade and Industry and the Office of Cooperatives and SMEs in Pati Regency need to be made aware of the registration process flow. Neither the Government of Pati Regency nor the people of Bakaran Village have registered Batik Bakaran as part of Traditional Cultural Expressions. Of course, it is deplorable because it has the potential to be an ancestral heritage that has characteristics, meanings, and philosophies that have the potential to be protected as part of Traditional Cultural Expressions.

According to the Department of Trade and Industry and the Office of Cooperatives and SMEs of Pati Regency, Batik Bakaran needs legal protection for the copyright of Traditional Cultural Expressions to protect Batik Bakaran from infringement of claims by other regions and other countries. As we know, culture is often openly claimed and acknowledged by foreign parties, especially the neighboring country (Malaysia), which is troubling. Attempts to claim by other countries not only Wayang, dance, and even batik are also the main targets of the claim. The aim is to maintain the continuity of Batik Bakaran because, for us, Batik Bakaran is an inseparable part of life. The urgency of legal protection for Batik Bakaran is necessary, in addition to preventing claims from foreign parties, and also has the potential to preserve the region's cultural heritage. The existence of protection through this Traditional Cultural Expression can protect Batik Bakaran from various violations in the form of unauthorized use and claims by other countries.

The discussion on the legal protection of traditional cultural expressions is closely related to 3 (three) essential elements, namely:¹⁶

1. There is the misuse of traditional cultural expressions by foreign parties, including using the intellectual property rights system;
2. The state is bound to implement a system of protecting intellectual property rights;
3. Poor system for protecting traditional cultural expressions.

Protecting Indonesian Traditional Cultural Expressions from misuse and unauthorized use by neighboring countries is urgent. Protection of Traditional Cultural Expressions for Batik Bakaran is deemed necessary because the misuse of cultural expressions, especially by foreign countries, is increasing in the future. Cases of claims by foreign countries some time ago can be used as a benchmark that does not rule out the possibility of similar cases recurring.

Batik Bakaran is traditional batik, part of the Traditional Cultural Expression of folk culture that belongs together and is maintained and protected by the state as a Traditional Cultural Expression of communal community groups. Local government, which is representative of the state, plays a vital role in providing preservation and protection. The interest of the local government in protecting the Traditional Cultural Expressions of Bakaran Batik in the international arena has yet to be understood by some people, even though it is urgent to be given protection. It is proven that the community from Bakaran Batik submitted all provisions and policies to the regional government, especially the Department of Trade and Industry of Pati Regency, such as the protection arrangements for Batik Bakaran, policies regarding quality and quality, preservation, promotion of promotions that still rely on interference from local governments.

The public needs to fully understand the concepts and aspects of protection stipulated in Article 38 of Law Number 28 of 2014 concerning Copyright, one of which is through inventory activities as a form of documentation to provide legal protection for Batik Bakaran. However, because almost every year, the regional government of Pati Regency holds regional art events or exhibitions and always includes Batik Bakaran, indirectly, this has been documented in general, not as a form of documentation in order to provide legal protection through an inventory of Batik Bakaran that has grown and developed and has been preserved by Pati Regency. In reality, some outsiders use Batik only for commercial purposes.

Based on this analysis, according to the researcher, there are several strategies to strengthen the love of ownership and provide an understanding of the importance of Traditional Cultural Expressions. This strategy can be carried out by all elements of the Pati Regency regional community, especially the Bakaran Village community, under their respective roles and functions so that it does not burden the Pati Regency regional government as follows:

1. Providing understanding to the people and the Bakaran community to know their ownership and rights to Batik Bakaran, protected by law as a form of Traditional Cultural Expression (TCE) and its use through education.

¹⁶ Iskandar and Eny Kustiyah, 2017, Batik as a Cultural Identity for the Indonesian Nation in the Era of Globalization, Gema Journal, Vol XXX, No 32, P. 72.

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2. Utilize and preserve Batik Bakaran optimally by respecting the moral rights, economic rights, and social and cultural rights of the people of Pati Regency by all stakeholders. With this, the local community will understand the importance of Traditional Cultural Expressions.
3. Comprehensively document Batik Bakaran as a form of Traditional Cultural Expression of the Bakaran people, which can be used as a mechanism for protection from unauthorized use and misappropriation by foreign parties. Implementation of the documentation involves all elements, including society, government, academics, culture lovers, associations, communities, legal practitioners, and related elements, especially the Bakaran community.
4. Efforts to support the government to create passion and love in providing comprehensive, systematic, and sustainable actions to increase the community's competitiveness and maintain the dignity of Batik Bakaran as Indonesian culture both at the national and international levels.

The Pati Regency government's efforts to provide legal protection for Traditional Cultural Expressions will support the Batik Bakaran community as cultural bearers who have a role in preserving the traditional heritage of Bakaran Batik. Therefore, what is the government's role in protecting community assets such as Traditional Cultural Expressions to avoid causing disappointment to the stakeholder community in the use and utilization of Traditional Cultural Expressions? Efforts that The Local Government of Pati Regency can make Batik Bakaran a form of traditional culture can be made through the inventory and preservation of the tradition of Batik Bakaran.

Based on an empirical study of Bakaran Batik in Pati Regency, several factors influence the legal protection of Batik Bakaran art as a traditional cultural expression in Pati Regency. Analysis, according to the author, can be studied with Lawrence M. Friedman's theory which argues that the effectiveness and success of law enforcement depends on three elements of the legal system, namely the structure of the law, substance of the law, and legal culture.¹⁷

First, seen from the aspect of substance, Traditional Cultural Expressions have not been regulated explicitly to obtain legal protection. Legal instruments that protect traditional cultural expressions are contained in Article 38 of Law Number 28 of 2014 concerning Copyright. However, this instrument needs to be considered sufficient to meet the standards in providing protection. Traditional cultural expressions are intellectual property rights in the perspective of communal rights, while copyright itself is an individual right; this will be very different from one another. Some Batik Bakaran craftsmen are afraid that the new generation will leave Batik Bakaran as a cultural heritage compared if someone claims that Batik Bakaran is a Traditional Cultural Expression.

Second, namely the aspect of legal structure, the structure includes the container or form of the system, which, for example, includes the order of formal legal institutions, the relationship between them, their rights and obligations, Etc. The state as the highest authority and the regional government as the state's representative in the protection and regulation of Traditional Cultural Expressions can prevent monopoly or commercialization as well as acts that damage or exploit commercialization by foreign parties without the state's permission as copyright holders. This provision is intended to prevent the actions of foreign parties that can damage these cultural values and make commercial use of them without the permission of the owner of the Traditional Cultural Expressions.

Third is the aspect of legal culture. Legal culture is a human attitude towards law and the legal system of beliefs, values, thoughts, and expectations. Traditional society, including the Bakaran Batik community, is reluctant to conduct legal proceedings regarding violations of Traditional Cultural Expressions. According to the results of the author's empirical research, the constraints faced in granting protection for Traditional Cultural Expressions are found in the low level of public knowledge, reflecting a situation where the regime of communal intellectual property does not mix well with the values of the social culture of society. Socialization activities from the local government are often carried out. However, most people just come not to have a genuine desire to know about the protection of Batik Bakaran. Most Batik Bakaran artisans are confused with the terms in the law and Traditional Cultural Expressions.

The Bakaran Community is the bearer of Traditional Cultural Expressions for their position in intellectual property, which, of course, can affect the effectiveness of the planned law, which is made to protect Traditional Cultural Expressions comprehensively. First, the research survey showed that the people directly related to Traditional Cultural Expressions stated that their understanding still needed to be improved, in this case, which community members held the rights to Bakaran Batik. Therefore to increase knowledge of Traditional Cultural Expressions by drafting laws that protect a work by considering the interests of the carrying community. A legal system that is *sui generis* is designed to protect Traditional Cultural Expressions with a strong passion for collective creativity, recognizing that the community bears it as a collective concept of their culture. Besides that, the *sui generis* system can protect the rights of the Traditional Cultural Expression community, which can support the utilization and welfare of the community.

¹⁷ Qom Ginsburg, 2009, Lawrence M. Friedman's Comparative Law', Law, Society, and History: Themes in the Legal Sociology and Legal History of Lawrence M. Friedman, Vol 5. P. 52–64

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VI. CONCLUSION

Batik Bakaran in Pati Regency has the potential to be given copyright legal protection for Traditional Cultural Expressions (TCE). Legal protection needs to be carried out through the participation of the carrier community and the Regional Government in Pati Regency because Batik Bakaran has the characteristics required as a form of Traditional Cultural Expression which is a form of traditional cultural heritage containing economic, spiritual, and communalistic values which can be a characteristic of the identity of a particular community. Batik Bakaran has characteristics, meaning, and philosophy as part of Traditional Cultural Expressions (TCE).

Protection through Traditional Cultural Expressions can protect Batik Bakaran from violations of unauthorized use and claims by other countries and unfair distribution of benefits for communities holding traditional culture. The regional government of Pati Regency plays a vital role in seeking legal protection through inventory efforts as proof of ownership of culture with assistance from the Bakaran Batik Community as bearers and all elements of society. The implications of protecting Traditional Cultural Expressions for Batik Bakaran can support the Batik Bakaran community in preserving cultural heritage and increasing the love of ownership of Batik Bakaran. It can encourage economic improvement in the system that sui generis can provide protection of the rights of the community of Traditional Cultural Expressions that can support the utilization and welfare of the community.

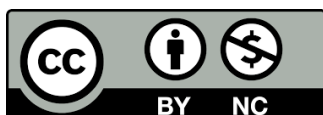
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