



Legal Protection of Copyright for Traditional Cultural Expressions of Traditional Ceremonies in West Java

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ABSTRACT

Indonesia is a vast country with a population exceeding 200 million and cultural diversity that emerges from Sabang to Merauke. This cultural diversity has aspects of Intellectual Property Rights (IPR), which give rise to various kinds of intellectual creations within the scope of art, literature and science. The results of these intellectual creations are generally referred to as traditional knowledge. Traditional knowledge is knowledge possessed by a community for generations, which includes the management of biological wealth, such as songs, stories, legends, as well as arts and culture of other communities. The use of the term traditional knowledge is applied to all terms that are still included in traditional intellectual works, both in the fields of art, literature and science as well as intellectual works in the industrial sector. In relation to this broad traditional knowledge, there is another term known as cultural tradition (folklore). It became an expression of traditional culture. One form of traditional cultural expression found in West Java is the traditional ceremony. Traditional ceremonies in each region have different characteristics in Indonesia. As one of the expressions of traditional culture, traditional ceremonies are a form of intellectual work that grows and develops from and within a communal society, which is then passed down from generation to generation in its preservation. Traditional ceremonies in the West Java region are a form of cultural heritage that must be given legal protection in the form of Intellectual Property Rights (IPR) to protect the nation's cultural heritage.

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1 INTRODUCTION

Copyright is an exclusive right for creators or receives the right to publish or reproduce their creations and to give permission without reducing restrictions according to applicable laws and regulations. Legal protection for copyright includes the categories of art, literature, and science. Protection for a creation arises automatically since the creation is manifested in a tangible form ([Jannah, 2018](#)).

The entry of foreign cultures into Indonesia which ultimately affects people's lives makes the typical/traditional culture abandoned and not infrequently forgotten ([Nursyifa, 2018](#)). In general, people think that foreign culture is more practical, so even if someone wants to use custom, the authenticity is no longer as perfect as it was in the past.

West Javanese traditional cultural ceremonies must have an element of originality so that they can be registered through Copyright. Elements of traditional ceremonies are the results. The creator's work shows its authenticity in the fields of science, art, and literature, origin. Then it fulfills the requirements as a creation in some of its rules.

In addition, for traditional cultural expressions to be included in the Copyright regime, several characteristics must be possessed by traditional cultural expressions which are cumulative requirements. And this requirement is not owned by other intellectual works. This is a crucial element in determining the category of traditional cultural expression.

2 METHODS

2.1 Type of Research

The research conducted is normative juridical by discussing Law Number 28 of 2014 concerning Copyright and Regional Regulation (PERDA) of West Java No. 10 of 2018 concerning Intellectual Property Management which regulates West Javanese traditional cultural expressions.

2.2 Data Source

The data or information collected and studied in this research is qualitative. The types of data sources used in this study are Secondary Data Sources obtained from literature books, laws and regulations, and the internet (websites).

2.3 Data Collection Techniques

Following the form of qualitative research and also the type of data source used. Then the data collection techniques were used. Is Library Research (Library Research). The library method is used when prospective researchers look for answers to problem formulation in reading sources (references), such as literature books, magazines, journals, the internet, and so on. The data obtained from:

- (i) Primary Legal Materials Legal materials consisting of laws and regulations on the Copyright Act and the Berne Convention for the Protection of Literary and Artistic Works Act of July 24, 1971, as amended on September 28, 1979.
- (ii) Secondary Legal Materials Legal materials consisting of literature books, legal scientific writings, and the internet related to research objects.

2.4 Methods of Data Analysis

To analyze the data that has been collected from library research, the technical analysis used is descriptive qualitative analysis. Based on a qualitative descriptive analysis, the data that has been collected from library research is then explained and described the legal

protection of cultural expressions of traditional West Javanese traditional ceremonies systematically and comprehensively in the Discussion and Discussion section.

3 RESULTS AND DISCUSSION

3.1 Traditional Cultural Expressions in the Study of Intellectual Property Rights (IPR)

Copyright is a branch of Intellectual Property Rights (IPR) in general that has been recognized both internationally and nationally. This is evidenced by the emergence and enactment of international conventions and other regulations governing copyright. Some of these rules can be seen on an international scale, the emergence of TRIPs (Agreement on Trade-Related Aspects of Intellectual Property Rights) which also allude to copyright issues. In particular, the Bern Convention for the Protection of Literary and Artistic Works also appeared.

Traditional cultural expressions previously referred to as cultural traditions (folklore) as a whole are part of the culture of a collective, which is spread and passed down from generation to generation ([Andiza, 2014](#)), among several collectives, traditionally in different versions, both in spoken form and examples accompanied by gestures or reminder aids.

Folklore is intended as a set of traditional creations, whether made by groups or individuals in society, which shows their social and cultural identity based on standards and values spoken or followed from generation to generation ([Bungana, 2012](#)).

Folklore as part of a collective culture, of course, has its characteristics which are identities that distinguish it from other cultures. The identifying characteristics of folklore have been put forward by many experts such as Brunvand and Carvalho Neto, the identifying characteristics put forward by them are then formulated by ([Danandjaja, 2019](#)), namely:

- (i) Its distribution and inheritance are usually carried out orally, that is, it is spread by word of mouth (or by an example accompanied by gestures and reminder aids) from one generation to the next.
- (ii) Folklore is traditional, that is, it is spread in a relatively fixed form or a standard form. Distributed among certain collectives for quite a long time (at least two generations).
- (iii) Folklore exists in versions and even different variants. This is caused by the way it is spread by word of mouth (orally), usually not through print or recording, so that by the process of human self-forgetfulness or the process of interpolation, folklore can easily change. Even so, the difference lies only in the outer part, while the basic form can survive.
- (iv) Folklore is anonymous, that is, the name of its creator is no longer known to anyone.
- (v) Folklore has function in the collective life of a collective. Folklore, for example, has uses as an educational tool, solace, social protest, and projection of hidden desires.
- (vi) Folklore is paralogical, that is, it has its logic which is not by general logic. This identifying feature is particularly true of oral folklore.
- (vii) Folklore becomes the collective property of certain collectives. This is of course since its first creator is no longer known, so every member of the collective concerned feels that they own it.
- (viii) Folklore is generally innocent and innocent, so it often seems harsh, and too spontaneous. This is understandable if you remember that a lot of folklore is a projection of human emotions in the most honest manifestation.

Traditional cultural expressions for expressions of traditional ceremonies of West Java/Bandung. In the opinion of ([Danandjaja, 2019](#)) above is traditional folklore passed down by ancestors from generation to generation which must be preserved by the government and indigenous peoples of West Java.

Based on West Java Regional Regulation (*PERDA*) No. 10 of 2018 concerning Management of Intellectual Property, the second part regarding traditional cultural expressions as referred to in paragraph (1) includes one or a combination of the following forms of expression:

- (i) Verbal textual, both spoken and written, in the form of prose or poetry, in various themes and contents of the message, which can be in the form of literary works or informative narratives;
- (ii) Music, including among others, vocal, instrumental, or a combination thereof;
- (iii) Motion, including, among other things, dance;
- (iv) Theatre, including, among other things, wayang performances and folk plays;
- (v) 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;
- (vi) Traditional ceremonies; and
- (vii) Other forms of expression following the provisions of laws and regulations.

Quoted from the Ministry of Education and Culture's cultural heritage site, 21 traditional ceremonies in West Java province have been registered in the Intangible Cultural Heritage of Indonesia, including:

(i) Ngarot Traditional Ceremony

Based on the short history book of Lelea Village; The Ngarot Traditional Ceremony or the Kasinoman Party has been carried out since the 16th century until now. The Ngarot Traditional Ceremony is a ceremony to welcome the coming of rain as a sign that the Lelea people will start working on the fields ([Winoto, 2021](#)). The Ngarot Traditional Ceremony is always held on Wekasan Wednesdays because Wekasan Wednesdays are considered a good day to work on the rice fields. The Ngarot Traditional Ceremony or the Kasinoman Party was initiated by Ki Kapol who came from Banten to spread Islam, where at that time the Lelea region which was part of the Sumedang Larang Kingdom, the people still adhered to Hinduism. At that time around the 16th century, Ki Kapol had a large rice field. By gathering Single Boy Slaves (Youth) and Wewe Cuwene Slaves (Young/Girls), Ki Kapol advised on how to cultivate rice fields properly while interspersed with telling stories. So that Ki Kapol's rice fields were worked on by the Kasinoman/Slave boys, while the Kasinoman/Wewe slaves delivered food and drinks. The word Ngarot comes from the word Nga-rot which means to drink or drink together. After the rice was harvested, Ki Kapol gave a gift, namely the Kasinoman Party, which was then called NGAROT. After the Ki Kapol repeatedly gave gifts in the form of parties, Ki Kapol then bequeathed a 2.6-hectare rice field which until now has become a traditional rice field hereinafter called Sawah Kasinoman to teach mutual cooperation and independence.

(ii) Nyalawean Traditional Ceremony

The Nyalawean ceremony is usually held in conjunction with the Maulid Nabi and is also deliberately included in the series of Fishermen's Festivals at Pelabuhan Ratu. In the series of events, it is usually accompanied by a mystical ceremony that tends to prioritize sacred elements through an offering to the ruler of the South Coast. After that, the event is usually followed by billions (looking for) fingerlings of various types of fish that have just hatched and spread over several estuaries and the coast, usually focused on looking for impun (a type of small fish) which come so rarely or once a year on the coast. Nyalawean or fry hunters call this activity "ngala impun salawena" (catching impun the twenty-fifth day). The word "salawe" means twenty-fifth and on the twenty-fifth day. It is in the month of Mulud that the billions of impun activities usually begin on the coast. The hunt for impun fry lasts for one week or as long as there are still impun ones that can be caught. For most people in Pelabuhan Ratu, the

Nyalawean or ngala impun activities are very meaningful because they don't want to lose momentum, many of the people are willing to spend the night setting up tents on the beaches to wait for the impun (small fish) hunting. Impun hunting is done in a simple way, not unlike watching fish farmers catching fish using nets in ponds. The difference is, in "Nyalawean" is more dominated by mothers or young women. Usually, by looking at natural signs that emerge from the surface of the water or by observing the many fishing birds circling in a certain area, the impun hunters have memorized the time to go down to the coast and cast small fishing nets. When waves appear from the sea towards the land, it's time for the impun hunters to dip their nets into the waves and usually the impun-impun that are between the waves stick to the net. This activity was carried out repeatedly until finally enough impun was collected.

(iii) Turun Mandi Traditional Ceremony

The "Turun Mandi" is a ceremony to cleanse the soul of the child to be circumcised, of course, including the body ([Ibrahim, 2020](#)). What is meant by cleansing the child's soul is the prayers made by the village elders and both parents. Then, bathed in water taken from seven springs in the Manonjaya area and the Manonjaya Great Mosque. The process sequence is as follows. Before being washed, the child who is about to be circumcised will be paraded around the village accompanied by various carryings stored in a jar. The luggage contains various foods, clothes, crops, and so on. The child is paraded by climbing chairs raised by the youths. Meanwhile, the procession was accompanied by various percussion beats and various traditional arts, such as angklung buncis, dog-dog, gembyung, kuda lumping, and so on. After completing a tour of the village, the procession returns to the home of the child who will be circumcised. After arriving home, both of the child's parents do ripples or clean the child's teeth using ringgit or small change. However, before the ritual was carried out, the child's parents asked permission from the traditional head of Manonjaya, Sukapura so that they could lead the traditional bathing ceremony. The next procession is a prayer performed by the customary leader. After that, the customary leader bathes the child using water from the jug. The child is then washed to clean his body and soul, including cleaning his genitals.

(iv) Kalangkah Traditional Ceremony

"Kalangkah" is a marriage custom in Majalengka. Marriage customs are all customary customs that are prevalent in society to regulate issues related to marriage ([Dahlan, 2013](#)). The marriage customs are summarized in them as the customs before marriage, the customs during marriage, and the customs after marriage.

(v) Nyadran Traditional Ceremony

"Nadran" or nadir or nyadran is a traditional ceremony in the form of a sea party held by fishermen as an expression of gratitude for the harvests obtained. Besides that, nadran also aims to ask God to always get protection from spirits in the open seas.

(vi) Nyalin Traditional Ceremony

In some farming communities in Karawang Regency, there is a special ceremony when they want to harvest rice plants. The ceremony is called Nyalin which means "to replace". In this case, replace the rice plants to be harvested with new plants. The Nyalin ceremony is usually held once a year which is held from 4 pm to 5 pm West Indonesia Time, taking place in the area or paddy fields to be planted ([Wardah, 2017](#)).

(vii) Ampih Pare Traditional Ceremony

The Ampih Pare ceremony is to store the rice harvest from the fields/fields to the rice storage area (pare) called leuit ([Kesuma, 2016](#)). It is not yet known when this ceremony was born, but this ceremony has likely existed since the Hindu-Buddhist period in the archipelago, then during the arrival of Islam, there was a change in the procession or there was acculturation. These changes include worship of Dewi Sri being replaced with gratitude to Allah SWT, praise being replaced with prayers, and accompanied by Shalawat of the Prophet. The Ampih pare ceremony can be found in the Sumedang, Cianjur, Karawang, and Subang areas.

(viii) Munjung Traditional Ceremony

The Munjung ceremony is the ngaguar bumi ceremony, a custom of the villagers when they are about to start farming (usually when the rainy season arrives). They held a Thanksgiving meal together, which was held in the ancestral grave complex (Buyut).

(ix) Nyuguh Kampung Traditional Ceremony

The traditional ceremony of the Nyuguh tradition is held every month of Syafar Masehi. The Nyuguh Tradition Ceremony as a social institution is full of symbols that act as a means of communication between fellow citizens and also a link between the real world and the unseen world.

(x) Sepitan Traditional Ceremony

The Sepitan (circumcision) ceremony is carried out with the intention that the vital organs are clean from the dirt that is blocking them. Children who have undergone a circumcision ceremony are considered to have fulfilled one of the main requirements of Muslims. The Sepitan Ceremony for girls is held when the child is still small or has a baby so that there is no embarrassment. The circumcision ceremony is usually held when a boy turns 6 years old. In the circumcision ceremony, apart from paraji, neighbors, friends and relatives were also present.

(xi) Siraman Traditional Ceremony

The Siraman ceremony is the "Ngumbah Jimat" ceremony, which is the ceremony of washing the heirlooms of the Talagamanggung Kingdom, which is usually carried out every year on Wekasan Monday in the month of Safar in Talaga District, Majalengka Regency. The legacy of the Talagamanggung Kingdom is one of the proofs that such a large kingdom once stood in Talaga, whose territory spread to various regencies today, such as Sumedang, Cianjur, and Kuningan. The objects are jars, weapons, clothing, and currency.

(xii) Marak Traditional Ceremony

In Singajaya Village, there is one of the customs of the people there is unique, namely carrying out the traditional Marak ceremony. The Marak Ceremony is always held when Singajaya Village is hit by a prolonged dry season. The Marak ceremony is usually held at Leuwi Pangendongan on the Cikaengan River. The Marak ceremony is carried out by the community to ask for rain. This ritual is carried out by stemming the flow of a river that is not too fast due to the long dry season so that it barely flows. Then downriver, the water that was only a little bit stirred. This is to make the fish drunk, so they are easy to catch. That said, according to public belief if residents have carried out this marak ceremony, it won't be long before it rains. Apart from Marak at Leuwi Pangendongan, there is also another ritual of asking for rain, namely washing a pair of cats after the Istisqo Prayer.

(xiii) Starting Rice Planting Ceremony

According to stories from the people of Pancasura Village and its surroundings, when they want to plant rice, the local people usually hold activities related to their beliefs, namely carrying out the Ngukus ritual (burning incense). In carrying out the ritual, several supporting elements such as the existence of various offerings which usually consist of chicken eggs, black coffee, flowers, and other offerings. The incense and the offerings are kept on top of a nyiru, which is then placed in the middle of the rice field to be planted, of course, the offerings have been given a prayer (jampe-jampe). The time to start planting rice is not arbitrary, there is a calculation to determine an auspicious day or date. And it can not be done by just anyone. According to people's beliefs, this activity is intended to give appreciation to Dewi Sri who is believed to be the Goddess of Rice who has given an abundant harvest.

(xiv) Nyadran

Nyadran is a Javanese tradition of cleaning tombs, generally in rural areas. In Javanese, Nyadran comes from the word sadran which means spirit syaban. Nyadran is a series of cultures in the form of cleaning the ancestral graves, throwing flowers, and culminating in the form of a celebration feast at the ancestral graves.

(xv) Traditional Ceremony "Hajat Lembur Mapag Taun"

Hajat Lembur is a local term that is quite popular in the life of Sundanese people, both in the past and even in the present. Based on the results of field analysis, it turns out that this tradition of Hajat Lembur, in several regions has different aims, purposes, space and time, including different program structures, rites and so on. The requirement for overtime in the Rancakalong Customary, Sumedang Regency, is different from that in the Tatar Karang Customary, Tasikmalaya Regency. Of course this is closely related to the history behind it. According to Awangga in ([Samson et al., 2021](#)), the elders of the Tatar Karang community said that "sagala rupa boga dongdonanna, teu ujug-ujug. Apan saban adat boga kanyahona". This means that any tradition will have a background in creation, not without reason. Each adat (traditional community) has its own knowledge and experience. The desire for overtime in Tatar Karang is the result of a very long inheritance. This is understandable, why this kind of tradition exists in the life of the Sundanese people. If based on Sundanese human values listed in Sadrasa Kamanusaan, namely the concept of: 1) Human Moral towards God; 2) Human Moral towards Personal; 3) Human Moral towards Humans; 4) Human Moral towards Nature; 5) Human Moral against Time; and 6) Human Morals towards Physical and Spiritual Welfare ([Samson et al., 2021](#)).

(xvi) Marriage Ceremony in the Kampung Naga Community

The marriage ceremony for residents of Kampung Naga is a ceremony that takes place after the completion of the marriage contract. the stages of the ceremony are as follows: sawer ceremony, nincak endog (stepping on eggs), opening the door, ngariung (gathering), ngampar (spreading), and ending with a munjungan.

The sawer ceremony is carried out after completing the marriage contract, the bride and groom are brought to the place of payment, right in front of the door. They are protected by an umbrella and the sawer stands in front of the bride and groom. Panyawer said consent was granted, followed by reciting sawer poetry. When chanting the sawer verse, the singer intersperses it by sprinkling rice, sliced turmeric, and coins toward the bride and groom. The children clustered behind the bride and groom were scrambling to collect sawer money. The essence of the sawer poem is in the form of advice to newlyweds.

(xvii) Babarit Desa Traditional Ceremony

The Babarit ceremony is a ceremony to express their gratitude. The Babarit ceremony is held in the month of Suro because all the people of Sagarahieng Village are Muslim, so most of the month's honors are held in months that have religion according to Islam. This time adjustment is intended so that both can be carried out at once so that the customary provisions and Islamic religious beliefs can be carried out in harmony.

The Babarit ceremony is carried out by all the people of Sagarahieng Village, both those who live in Saragahieng Village and areas close to Sagarahieng Village. The intent and purpose of this Babarit ceremony is to pay homage to the ancestors and give thanks, besides that:

- a. Thanks be to Allah SWT for the abundant agricultural wealth
- b. Hoping for blessings and safety from Allah SWT
- c. Pray for the elders who have died
- d. As a ritual "tolak bala".

(xviii) Hajat Arwah Traditional Ceremony

Hajat Arwah or thanksgiving for Ruwah is a traditional custom of the people of Parakan Salam Village. This spirit's wish is in the form of visiting the graves or nadran to pray and make tawasul at the graves of the ancestors of Eyang Entang or Grandfather in Jagasakti and other figures during the month of Shaban. Hajat here means praying to Allah SWT so that the spirits who built this village continue to receive rewards that flow because of their previous services and good deeds. The process of the Hajat for the Soul Event begins with the community gathering at the house of the community leader and carrying out a cultural parade accompanied by Marawis and the chanting of the Prophet's Prayers. They walked while carrying jugs filled with hanjuang leaves by the children to the grave of grandparents in jagasakti from Parakan salam village to Cibarengkok village. After arriving at the graves of their ancestors, they sat in front of the graves while offering praise and thanksgiving to Allah SWT. To start the event, Abah Otib and Abah ling, who are the surviving elders, opened the Hajat Arwah ceremony.

(xix) Pamitan Ceremony

"Pamitan" is a custom of the people of Pojok Village, Jaya Mekar Village, Padalarang District, West Bandung Regency which is carried out at the foot of Mount Bendera and Mount Puter in the Lebak Honje block. The Farewell Ceremony is a ceremonial procession to open a mortar and pestle stone mining area in a new location. The word pamitan (Sundanese) means permission or asking for "Sadupuhun Sanghyang Rumuhun" which means asking God to bless nature (Abah Amid interview, 22 September 2020). The Pamitan ceremony is always related to offerings as a ritual requirement. What is required is all based on the instructions of customary leaders.

(xx) Sarepan Patalekan Traditional Ceremony

Patalekan is a Buhun ceremony created and initiated by Abah Aleh, a martial arts figure who founded Panglipur in 1909. The tradition of the Patalekan Serepan Ceremony is a competency standard for testing the levels of silat fighters in Panglipur. In addition to testing the strength of a silat, the patalekan serepan ceremony in Panglipur when Abah Aleh was still alive he gave a mandate to his students, ordering that the Panglipur branches in each region spread over 27 regencies/cities as well as abroad such as America, Australia, Britain, the Netherlands, Yemen, Austria, Vietnam, and Malaysia to carry out the patalekan serepan. The contents of the mandate are: "Pek ajarkeun serepan patalekan keur ngadidik kakuatan atikan dina diajar penca. Carana mah saluyukeun jeung kabiasaan di daerahna masing-masing". It

means Please teach this patalekan serepan ceremony to educate students in learning Pencak Silat, and how to adjust it to the conditions of each region.

(xxi) Ngunjal Traditional Ceremony

The Ngunjal ceremony is a ritual ceremony to lift, transport, or move bitter melon or rice from "lantayan" in huma-huma and rice fields. This activity is carried out for about two weeks or more depending on the 'instructions' from Sesepeuh Girang, so it is more likely that the rice will dry faster because it is sun-dried and properly exposed to the wind on the 'shelf'. Ngunjal implementation of rice from huma and rice fields is carried out almost simultaneously, rice for the benefit of customary Kasepuhan customs, Ngunjal implementation is held at a special time or has been determined by Sesepeuh Girang. Rice belonging to Sesepeuh Girang, which comes from several different huma locations and rice fields, before being sent to Kampung Gede, is first collected or accommodated in several designated places.

3.2 Application of Intellectual Property Rights in Traditional Cultural Expression Copyrights

The application of protection for folklore certainly departs from the idea that this is a very valuable asset for an indigenous community, even at the customary level.

The copyrighted work of folklore is the work of the human mind and has given birth to a right called copyright ([Desmayanti, 2013](#)). Usually, the creator of folklore is very difficult to know. The copyright regime based on the Law of the Republic of Indonesia Number 28 of 2014 concerning Copyright states that folklore is a creation whose creator is unknown. The creator has the right to enjoy copyright when the work is tangible and has a unique nature (originality), but this is not appropriate for Traditional Cultural Expressions whose creators are unknown.

According to ([Andiza, 2014](#)) Traditional cultural expressions are exhibited used, and preserved from generation to generation so that folklore is considered shared property from a national aspect and belongs to a communal community from a regional aspect, for example, traditional ceremonies are recognized as traditional culture from Indonesia from a national aspect and originate from West Java/Bandung in regional aspect.

One of the roles of law is to provide protection. Copyright which is part of Intellectual Property Rights (IPR) must be a means of protecting creations originating from ideas and creations of the human mind, both for works whose creators can be known and for works whose creators are unknown. ([Djaja, 2016](#)) The purpose of copyright law protection for folklore is to protect against economic exploitation by foreign parties and also to prevent the actions of foreign parties who use folklore without the permission of the state owner (violating moral rights).

3.3 Implementation of the Copyright Regime in the Protection of Traditional Cultural Expressions

Protection of traditional cultural expressions is included in the realm of the Copyright regime ([Kusuma & Roisah, 2022](#)). This is because traditional cultural expressions are part of art, literature, and science. Indonesia, in this case, has imposed several copyright regimes. So far, Indonesia has issued a Copyright Law, namely Law Number 28 of 2014. Indonesia has also ratified international conventions related to Copyright, such as the Bern Convention for the Protection of Literary and Artistic Work, TRIPs, and others.

Traditional cultural expressions of traditional ceremonies in West Java/Bandung are the result of the culture of the nation, society, and the state holds the Copyright for these cultural products.

Based on the reasons above, folklore has special characteristics inherent in it. [\(Septika & Prasetya, 2020\)](#) An intellectual work can be said to be a folklore when the intellectual work:

- (i) Taught and carried out from generation to generation,
- (ii) Is knowledge that includes knowledge about the environment and its relationship to everything,
- (iii) It is holistic, so it cannot be separated from the community that built it.
- (iv) It is a way of life, which is used jointly by the community, and therefore there are community values.

Based on the description above, it can be seen that there are characteristics possessed by folklore that are not shared by other intellectual works. However, as a whole what is called folklore is that which fulfills the four elements above. These four elements are cumulative requirements and not alternative requirements. Until now, folklore has been known as a form of shared tradition without anyone being able to decipher who the real creator is in this context, whereas in the copyright regime an element of legal protection emerges called the creator. Therefore, there is one element that is not fulfilled from the perspective of the copyright regime, causing this regime to not be fully implemented in folklore.

3.4 Registration and Protection of Traditional Cultural Expressions

Registration of creation is not an obligation to obtain copyright [\(Sudirman et al., 2021\)](#). However, creators and copyright holders who register their works will receive a work registration letter which can be used as initial evidence in court, if a dispute arises against the work in the future.

In terms of the protection period for folklore according to the Berne Convention Article 7 paragraph (3), folklore has a legal protection period of 50 (fifty) years from the time the creation was legally published to the public or known to the public.

Traditional Culture is the result of human creativity by the nature of the scope of Copyright. The inclusion of folklore in Undang-Undang Republik Indonesia Nomor 28 Tahun 2014 Tentang Hak Cipta shows Traditional Cultural Expressions which are part of the Copyright. Traditional Cultural Expressions are included in Intellectual Property Rights. All forms of Intellectual Property in Indonesia receive legal protection. Copyright is a branch of Intellectual Property Rights in general that has been recognized internationally and nationally.

4. CONCLUSION

Traditional cultural expressions are part of the Copyright regime which has been regulated in Law Number 28 of 2014 concerning Copyright. Folklore is exhibited, used, and preserved from generation to generation so that folklore is considered shared property from a national aspect and belongs to a communal community from a regional aspect, as is the case with traditional ceremonies in West Java. Folklore has several characteristics that are not shared by other intellectual works.

The birth of separate regulations in protecting traditional cultural expressions (folklore) provides an opportunity for foreign parties to take advantage of traditional cultural expressions (folklore) legally. On the other hand, the central and regional governments can benefit financially from the use of traditional cultural expressions (folklore) by foreigners. It should be the case that the communal intellectual property rights of each region, especially in

West Java Province, need to be maintained and preserved so that the existing cultural heritage does not become extinct or even be acquired by other countries.

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