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Copyright Protection Reform for Traditional Cultural Expressions: Confirming the Status and Position of Communities

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Abstract

Introduction: *Traditional batik motifs are one of the traditional cultural expressions that are the object of intellectual property law protection. The social, cultural, moral, and spiritual values contained in traditional batik motifs are a cultural heritage passed down from generation to generation and are sacred. In Indonesian positive law, protection of traditional cultural expressions is stipulated in the Copyright Law and the Government Regulation on Communal Intellectual Property.*
Purposes of the Research: *This research will focus on the review of copyright protection for traditional cultural expressions held by the state. Furthermore, this study will also discuss the importance of implementing FCIP principles in ensuring the involvement of indigenous communities in decision-making.*
Methods of the Research: *The method used in this study is doctrinal legal research using legislative and conceptual approaches. The collection of legal materials in this study uses a literature study.*
Results Main Findings of the Research: *Copyright protection for traditional cultural expressions is held by the state. However, in its implementation, the concept of protecting traditional cultural expressions held by the state lacks clear regulations regarding its technicalities and mechanisms. The existence of the state as the holder of copyright degrades the ownership status of traditional cultural expressions by communal communities. The minimal participation of communal communities in decision-making also indicates weaknesses in the legal protection of traditional cultural expressionsThe state's guardianship of copyright over traditional cultural expressions has weaknesses and requires reform by changing the protection mechanism to a legal protection manager by strengthening the application of FCIP principles.*

Keywords: Traditional Cultural Expressions; Indigenous Peoples, Legal Protection.

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INTRODUCTION

The cultural diversity of the Indonesian nation is manifested in the diversity of artworks with distinct characteristics across ethnic groups and regions. This diversity of Indonesian art can be seen in various forms, such as dance, singing, sculpture, carving, and painting. One Indonesian art form that has received international recognition as an intangible cultural heritage is batik. Batik is a traditional textile art form with distinct meanings and philosophies within each motif. Batik is found throughout Indonesia, with distinctive and unique motifs in each region. These motifs not only represent specific patterns but also represent culture and

specific meanings aligned with the cultural values of that region.[1] The history of batik can be traced back to the era of kingdoms in Indonesia and continues to evolve to the present day. The development of batik can be seen in the classification of both traditional and modern batik. Traditional batik motifs are sacred and imbued with cultural values, such as *Parang Rusak Barong, Semukiran, Kawung, Rujak Senthe, Parang Klithik*, and a variety of other traditional motifs.[2] On the other hand, modern batik motifs that began to develop since 1967 emphasize a minimalist abstract style or a combination of certain motifs.[3]

Traditional batik motifs can be categorized as expressions of traditional culture because they reflect the traditions, values, and philosophies of a particular tribe or region. The meanings contained within a traditional batik motif are also linked to moral and spiritual aspects, each possessing specific meanings for that community. The values and meanings within traditional motifs are preserved from generation to generation to preserve messages from ancestors, considered sacred and important.

The traditional cultural expressions contained in every work of traditional art have been legally recognized for their existence both nationally and internationally. International recognition of traditional cultural expressions is an effort to protect the culture and traditional values that exist within society.[4] The legal construction of the protection of traditional cultural expressions is stated in the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage.

This convention emphasizes that the loss or destruction of traditional cultural expressions would be a loss not only for one region but for all nations. The convention's provisions emphasize protection through the recognition of universal values, international collaboration, and collective responsibility for preserving traditional cultural expressions. The framework established in this convention provides a fundamental foundation for the international

[1] Sulasiah, "Islam Dan Identitas Budaya Pada Motif Batik Banten" (Fakultas Adab dan Humaniora Universitas Islam Negeri Syarif Hidayatullah, 2024), p. 2.

[2] Edi Eskak and Heru Budi Susanto, "Etika Penerapan Motif Batik Tradisional Dalam Desain Alas Kaki," *Dinamika Kerajinan Dan Batik* 38, no. 2 (2021): 173–184, https://dkb.batik.go.id/dkb/article/view/7121.

[3] Tutik Dwi Ambarwati, "Perancangan Motif Batik Modern Teknik Cap Kertas Dengan Sumber Ide Keraton Kasunanan Surakarta," *Hastagina: Jurnal Kriya Dan Industri Kreatif* 2, no. 1 (2022): 67–79, https://doi.org/10.59997/hastagina.v2i01.1458.

[4] Adi Kusrianto, *Batik Filosofi, Motif Dan Kegunaan* (Yogyakarta: Andi Offset, 2024), p. 12.

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community to protect and promote traditional arts as a national heritage and the collective wealth of all humanity.

Protection of traditional cultural expressions is also outlined in the Glossary of Key Terms Related to Intellectual Property and Traditional Cultural Expression released by the World Intellectual Property Organization. This regulation emphasizes that the protection of traditional cultural expressions must be oriented towards the interests of indigenous peoples, local communities, cultural communities, and minority groups, in accordance with national law and relevant to local practices. The state's role in this regulation is positioned only as a facilitator, providing protection mechanisms and ensuring adequate law enforcement. However, custodianship of traditional cultural expressions rests with the owner, based on the historical, philosophical, and social connections of the expression.[5]

At the national legal level, protection of the intellectual property rights of indigenous peoples has been stated in Article 18B paragraph (2) and 28I paragraph (3) of the 1945 Constitution of the Republic of Indonesia. Recognition and protection of the intellectual property rights of indigenous peoples are as long as they are in accordance with the development and principles of the Unitary State of the Republic of Indonesia. Based on these two articles, the constitution has mandated that there be recognition and protection of traditional cultural expressions that are the heritage of indigenous peoples in order to guarantee the existence of local values and culture. The essence of this recognition and protection cannot be separated from the desire to ensure the sustainability of the nation's culture continuously for future generations.

The mandate to protect traditional cultural expressions is further embodied in Law Number 28 of 2014 concerning Copyright in Article 38. This article states that copyright over traditional cultural expressions is held by the state. The state is obliged to inventory, protect, and maintain traditional cultural expressions and their use must pay attention to the values that exist in the communities that carry them. Referring to the provisions of Article 38, the rights and authority over traditional cultural expressions are held by the state.

[5] Bryan Eduardus Christiano, "Urgency of Sui Generis Protection for Indonesia's Communal Intellectual Property: Stick With Defensive, Shift to Positive, or Hybrid Approach?," *Indonesian Law Journal* 16, no. 1 (2023): 19–38, https://doi.org/10.33331/ilj.v16i1.126.

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Although expressis verbis has guaranteed the recognition and protection of traditional cultural expressions in Indonesian positive law, the phrase "held by the state" for copyright on traditional cultural expressions does not provide adequate legal protection. The phrase "held by the state" can be interpreted as a transfer of rights to traditional cultural expressions that were previously under the control of indigenous communities to the state. This transfer is problematic because although the state protects these traditional cultural expressions, the rights of indigenous communities to their cultural heritage are lost because these rights are held by the state. This shows that the content of the Copyright Law is not in accordance with the culture and interests of Indonesian society.[6]

In practice, the formulation of Article 38 paragraph (1) of the Copyright Law also shows weaknesses in protecting traditional Indonesian cultural expressions, particularly the role of the state as the party that holds the rights to traditional cultural expressions.[7] Indonesia's traditional cultural expressions are often the object of claims from other countries that they do not originate from Indonesia. On July 12, 2020, a tweet from the People's Republic of China (PRC) media outlet, China Xinhua News, claimed batik as their cultural heritage. "Batik is a traditional craft common among ethnic groups in China. Using melting wax and a spatula-like tool, people dye the cloth and heat it to remove the wax. Check out how ancient craft evolved in modern times, Amazing China."[8]

Claims over other traditional cultural expressions can be seen in several cases of Malaysian claims over batik, reog, wayang, and rendang. The emergence of claims over traditional Indonesian cultural expressions raises questions about the role of the state, as the holder of these rights, in ensuring legal protection as mandated by law. These various claims over traditional cultural expressions demonstrate weaknesses both in terms of normative aspects and in the implementation of the rights held by the state.

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[6] Yenny Eta Widyanti, "The Legal Instrument of Protecting Traditional Cultural Expressions Ownership in Intellectual Property Rights Law," *Technium Social Sciences Journal* 21 (2021): 492–501, https://techniumscience.com/index.php/socialsciences/article/view/3764.

[7] Sigit Nugroho, "Pengelolaan Ekspresi Budaya Tradisional (EBT) Di Daerah Pasca Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta:(Perpektif Hukum Administrasi Negara)," *Society* 5, no. 1 (2017): 87–98, https://doi.org/10.33019/society.v5i1.22.

[8] Raden Zulfikar Supinarko Putra, "Upaya Pemerintah Terhadap Perlindungan Ekspresi Budaya Tradisional Batik Motif Parang Sebagai Warisan Budaya Dunia," *Dharmasisya: Jurnal Program Magister Hukum FHUIurnal Program Magister Hukum FHUI* 1, no. 4 (2021): 2207–18, https://doi.org/https://scholarhub.ui.ac.id/dharmasisya/vol1/iss4/40/.

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Based on this, the researcher intends to conduct research related to the interpretation of the phrase "held by the state" regarding copyright over traditional cultural expressions, particularly batik motifs. This research focuses on the meaning of the phrase "held by the state" to understand the state's concept of holding copyright over traditional cultural expressions. In conducting this analysis, the researcher will review both positive Indonesian law and the practices of protecting traditional cultural expressions that have been implemented within indigenous communities.

METHODS OF THE RESEARCH

This research was conducted to find legal rules, principles and legal doctrines in order to answer the legal content faced,[9] namely the issue of "held by the state" in Article 38 paragraph (1) of Law Number 28 of 2014 concerning Copyright. This type of normative legal research is commonly known as doctrinal legal research.[10] The approaches used in this research are the statutory and conceptual approaches. In collecting legal materials for this study, the researcher used a literature study method.

RESULTS AND DISCUSSION

Intellectual property rights are theoretically rights to human intellectual works that originate from human intellectual abilities expressed in the form of useful and beneficial works to support everyday human life.[11] The creation of a work based on human creativity grants the creator the right to own and profit from it. Upon closer examination, intellectual property rights are individualistic because ownership of a work rests solely with the creator.

On the other hand, examining the long-standing socio-cultural life of communities, a communal creation emerged within an indigenous community. In this communal creation, ownership rights to a work are not held by an individual but by a specific group. The previously individualistic construction of intellectual property rights does not align with communal intellectual property rights over a group's creations. Therefore, the conventional

[9] Peter Mahmud Marzuki, *Penelitian Hukum: Edisi Revisi*, 13th ed. (Jakarta: Kencana, 2017), p. 35.
[10] Marzuki, *Ibid.* p. 55.
[11] Muhammad Citra Ramadhan, Fitri Yanni Dewi Siregar, and Bagus Firman Wibowo, *Buku Ajar Hak Kekayaan Intelektual* (Medan: Universitas Medan Area, 2023), p. 1.

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intellectual property rights paradigm cannot be fully utilized to protect communal intellectual property rights.

Table 1. Comparison of Conventional Intellectual Property and Communal Intellectual Property

Key Aspects	Conventional Intellectual Property	Communal Intellectual Property
Nature of Ownership	Individual/Corporate	Collective/Communal, Intergenerational
Formal Requirements	Fixation, Originality, Novelty	Tradition, Conservation, Continuity (Evolutionary), Non-Fixation
Protection Period	Limited	Perpetual, in line with the community
Award Focus	Economic Compensation	Moral Rights, Cultural Recognition, Benefit Sharing (ABS)
Risk of Failure	Expiration, Non-Use	*Misappropriation, Biopiracy*, PIC/ABS Violation

***Source*: Processed by Researchers, 2025**

The protection of communal intellectual property is an attempt to address the injustices faced by minority groups, especially national minorities (such as indigenous peoples), as a result of the process of nation-state building by the majority. Kymlicka argues that liberal equality demands efforts to support the interests of minority cultures, as "benign neglect" is not a reasonable attitude.[12] The protection of communal intellectual property is solely aimed at protecting the rights of indigenous peoples from policies that have direct impacts such as the exploitation of natural resources.[13] The embodiment of the protection of communal intellectual rights includes providing control for indigenous communities to use their communal intellectual property rights freely so that any efforts to reduce and harm these rights cannot be carried out without communal consent.[14] Indigenous communities and their traditional knowledge play a crucial role in preserving ecosystems. Their social and cultural values are

[12] Will Kymlicka, *Multicultural Citizen Ship: A Liberal Theory of Minority Rights* (Oxford: Clarendom Press, 2004), p. 101.
[13] Kymlicka. *Ibid,* p. 35.
[14] Michel Bourban, "Ecological Citizenship," in *Handbook of the Anthropocene* (Berlin: Springer, 2023), https://doi.org/10.1007/978-3-031-25910-4_168.

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imbued with respect for ecosystems. Protecting communal intellectual property is essential to ensuring the continued sustainability of ecosystems for future generations. Furthermore, ensuring the preservation of communal intellectual property is crucial to maintaining established social, cultural, moral, and spiritual values, ensuring they remain sustainable and continue to evolve in harmony with the times.

A communal intellectual work has specific characteristics that differ from conventional intellectual property. These characteristics of communal intellectual property are as follows: a) Communal intellectual works are owned collectively by indigenous communities so that the right to enjoy and utilize this intellectual property is held by all members of the group;[15] b) Continuously evolving so that it is not bound by time;[16] c) Not limited to a particular form.

The special characteristics of communal intellectual property require different protection compared to conventional intellectual property. Therefore, the protection mechanism for communal intellectual property must be regulated in an adequate legal structure. Under Indonesian positive law, protection of communal intellectual property is regulated by Law Number 38 of 2014 concerning Copyright and Government Regulation Number 56 of 2022 concerning Communal Intellectual Property. Referring to the provisions of Article 4 of Government Regulation Number 56 of 2022, communal intellectual property is classified as: a) Traditional cultural expressions; b) Traditional knowledge; c) Genetic resources; d) Indication of origin; and e) Potential geographical indications. Based on Article 1 number 2 of Government Regulation Number 56 of 2022 which reads: "Traditional Cultural Expression is any form of creative expression, whether in the form of objects or non-objects, or a combination of both, which demonstrates the existence of a traditional culture that is held communally and across generations." Indonesia currently has 12 (twelve) intangible heritages that have been designated as world heritage by UNESCO, namely:[17] a) Puppet show; b) Indonesian Keris; c)

[15] J Janewa Oseitutu, "A Sui Generis Regime For Traditional Knowledge: The Cultural Divide in Intellectual Property Law," *Marquette Intellectual Property Law Review* 15, no. 1 (2011): 148–215.

[16] Kennedy Wilson, "Unprotected Heritage: The Inadequate Safeguarding of Traditional Knowledge and Cultural Expressions under Intellectual Property Law and the TRIPS Agreement," *The International Law Review Association: Online Forum* 3, no. 1 (2024): 1–10, https://doi.org/10.25172/ilrasf.3.1.4.

[17] Yenny Eta Widyanti, "Perlindungan Ekspresi Budaya Tradisional Indonesia Dalam Sistem Yang Sui Generis," *Arena Hukum* 13, no. 3 (2020): 388–415, https://doi.org/10.21776/ub.arenahukum.2020.01303.1.

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Indonesian Batik; d) Education and training in Indonesian batik as an intangible cultural heritage for elementary, middle, and high school students; e) Indonesian Angklung; f) Saman dance; g) Noken bag; h) Three genres of traditional dance in Bali; i) Pinisi; j) Pantun; k) Pencak silat; and; l) Indonesian Gamelan.

These twelve cultural heritages have become intangible assets belonging to the Indonesian nation and have received international recognition. This recognition essentially confirms Indonesia's ownership of traditional cultural expressions that reflect social, cultural, spiritual, and moral values. Batik, as one of Indonesia's traditional cultural expressions that has received international recognition, has become a distinctive characteristic inherent in the global community. Legal protection for batik, particularly traditional batik motifs, as a traditional cultural expression should be a special concern for the state.

Historically, the protection of traditional batik motifs dates back to the era of Indonesian kingdoms. A king or sultan had the authority to designate certain motifs as exclusive to the royal court. For example, in 1785, Sri Sultan Hamenku Buwono I declared the *Parang Rusak* motif a forbidden motif within the Yogyakarta Sultanate. This sultan's decree was an attempt to provide legal protection within the palace to preserve the motif's sacred value.[18] In current Indonesian positive law, as stipulated in Article 38 paragraph (1) of the Copyright Law, the state holds the rights to traditional cultural expressions. Referring to the explanation of Article 3 paragraph (1) of Government Regulation Number 56 of 2022, what is meant by being held by the state is that the state regulates, manages, and administers rights. Based on the formulation of this article, it can be seen that the state is the party that regulates, manages, and administers communal intellectual property, including traditional cultural expressions.

However, neither the Copyright Law nor the Government Regulation on Communal Intellectual Property specifically regulates the purpose of traditional cultural expressions being held by the state. Furthermore, regarding adequate legal protection for traditional cultural expressions, Government Regulation Number 56 of 2022 stipulates that, in exercising its right to hold communal intellectual property, the state is obligated to inventory, safeguard, and

[18] Anindito Prasetyo, *Batik: Karya Agung Warisan Budaya Dunia* (Yogyakarta: Pura Pustaka, 2010), p. 14-15.

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maintain it. Inventory of communal intellectual property is conducted through recording and integration. Registration of communal intellectual property must be done by submitting an application to the minister, the head of a non-ministerial government agency, or the regional government. The requirements for submitting an application for registration of traditional cultural expressions are: a) Administrative requirements include: 1) Registration application form; 2) Description; 3) Supporting data; and 4) Written statement of support for protection, preservation, development and utilization efforts signed by the local government. b) Description of traditional cultural expressions that include: 1) Name of traditional cultural expression; 2) Community of origin; 3) Forms of traditional cultural expression; 4) Classification of traditional cultural expressions; 5) Region/location; 6) The nature of traditional cultural expressions; and 7) Documentation in audio and/or visual form.

Meanwhile, the implementation of the obligation to maintain traditional cultural expressions is carried out through: a) Prevention of exploitation that is not in accordance with the values, meaning, identity and/or social institutions that apply in the community of origin; b) Mediation and/or advocacy on related legal issues; and/or c) Diplomacy with other countries.

In the provisions of Article 28 paragraph (2) of Government Regulation Number 56 of 2022, it is stated that the protection of communal intellectual property, including traditional cultural expressions, can also be carried out by the community of origin by preventing exploitation that is not in accordance with the values, meanings, identities, and/or social institutions that apply in the community of origin. Meanwhile, efforts to maintain intellectual property by ministers, heads of non-ministerial government institutions, and/or regional governments can be carried out through: a) Education; b) Literacy; c) Socialization and promotion; and/or; d) The use of communal intellectual property that benefits the community of origin.

If we look at the provisions of Article 38 paragraph (1) of the Copyright Law and Article 3 paragraph (1) of Government Regulation Number 56 of 2022, the phrase "held by the state" emphasizes the state custodianship model. The existence of the state as guardian of the copyright of traditional cultural expressions in Cflifford Geertz's view can be interpreted as the

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implementation of the state's function in demonstrating its strength and authority.[19] The implementation of this function in the intellectual property law regime aims to demonstrate the nation's sovereignty, including in the cultural sector. The implementation of state guardianship over copyright of traditional cultural expressions is essentially aimed at protecting national culture from any claims that undermine communal sovereignty. However, in practice, the implementation of this guardianship has several fundamental problems related to the communal interests of indigenous communities.

The first problem relates to the state guardianship model, which can lead to centralized management of traditional cultural expressions. This centralization has the potential to reduce the authority of indigenous communities to manage the traditional cultural expressions under their control based on their own principles and methods.[20] Guardianship by the state has resulted in the marginalization of the rights of indigenous peoples in managing traditional cultural expressions. The second problem faced is Indonesia's pluralistic legal system. The simultaneous application of positive and customary law to a single object of traditional cultural expression has the potential to create conflicts of interest. Furthermore, parties seeking personal gain from traditional cultural expressions can engage in manipulation and illegal practices to legitimize their actions.

The third problem is the current weak legal protection of traditional cultural expressions. Although legal provisions regarding copyright protection for traditional cultural expressions exist, the state's mechanism for providing protection for the traditional cultural expressions it holds is limited. Current regulations do not provide a clear mechanism for legal action in cases of violations of traditional cultural expressions or for the distribution of profits from unauthorized use of traditional cultural expressions. If we consider the state's role in implementing the mandate of the law to be purely administrative and preventive, it is clear that the protection mechanism implemented is to ensure that traditional cultural expressions are registered with authorized institutions. On the other hand, the protection and preservation of traditional cultural expressions lacks a repressive and curative function, resulting in

[19] Clifford Geertz, *The Interpretation of Cultures* (New York: Basic Book, 1973), p. 52.
[20] S James Anaya, *Indigenous Peoples in International Law* (Oxford: Oxford University Press, 1996), p. 85-86.

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ineffective and inefficient efforts, particularly in cases of copyright infringement of these traditional cultural expressions. The urgency of ensuring adequate legal protection for copyright of traditional cultural expressions is to ensure justice for all groups, including indigenous communities.

With regard to efforts to ensure adequate legal protection for copyright in traditional cultural expressions, clear and integrated efforts are needed. The first step is to ensure the interpretation of the phrase "held by the state" to mean that the state's role is limited to administering legal protection for and on behalf of the community of origin. This interpretation ensures that the state is not the owner of a single cultural expression but merely a "shield" acting for and on behalf of indigenous communities. This paradigm shift is based on the reality that traditional cultural expressions are the concretization of the social, cultural, moral, and spiritual values of the community, so that ownership status and rights thereto should remain firmly vested in indigenous communities.[21] The second step that must be taken is to ensure the implementation of the principle of Free, Prior, Informed, and Consultative Consent (FPIC) in protecting copyright for traditional cultural expressions. FPIC essentially provides indigenous communities with the opportunity to consent to or reject any activities and/or policies implemented in their territory that have the potential to impact surrounding natural resources.[22] The application of the FPIC principle in relation to Indonesian positive law aligns with the recognition of the existence of indigenous communities. To ensure full recognition of indigenous communities, indigenous communities should be given the opportunity to determine their own destiny.

The principles of FPIC are as follows: [23] a) *Free*, that there is freedom to give their approval or rejection to an activity and/or policy that has a direct impact. This approval or rejection is done without any coercion and/or pressure from any party; b) *Prior*, that approval or rejection must be given before the activity and/or policy becomes effective; c) *Informed*, that indigenous

[21] Brendan M Tobin, "Bridging the Nagoya Compliance Gap: The Fundamental Role of Customary Law in Protection of Indigenous Peoples' Resources and Knowledge Rights," *Law Environment and Development Journal* 9, no. 2 (2013): 142–162.

[22] Jeane Neltje Saly et al., "Akselerasi Hukum Adat: Penerapan Prinsip Free, Prior, Informed Consent (FPIC) Bagi Masyarakat Adat," *Yustitiabelen* 10, no. 2 (2024): 14-26., https://doi.org/10.36563/yustitiabelen.v10i1.923.

[23] Nabila Syahrani, "Free, Prior Dan Informed Consent Untuk Jaminan Tenurial Dalam Areal Preservasi," *PUSKAPSI Law Review* 5, no. 2 (2025): 418–39, https://puskapsi.journal.unej.ac.id/article/view/53788/.

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peoples have the right to obtain complete, comprehensive and easy-to-understand information; d) *Consent*, meaning that a decision of approval or rejection is based on a joint decision based on local customary law.

The application of FPIC in the legal protection of copyright over traditional cultural expressions gives indigenous communities the right to anticipate potential manipulation. FPIC is an effort to address the weaknesses of the state guardianship model in the legal protection of copyright over traditional cultural expressions. The FPIC principle essentially embodies the right of indigenous communities to self-determination.

Protecting traditional batik as an expression of traditional culture is not only about protecting its philosophical, cultural, and spiritual aspects, but also about improving community welfare. Adequate legal protection can stimulate economic development through the development of micro-enterprises, strengthening the export sector, and enhancing the brand image of traditional batik.

Efforts to protect traditional batik motifs, on the other hand, have a direct impact on advancing the national economy. If the state is present and provides legal protection for traditional batik motifs, the risk of misuse or unilateral claims can be minimized. Protecting traditional batik motifs not only aims to uphold cultural sovereignty but also aims to realize national economic sovereignty based on Indonesian values.[24]

From the perspective of Gustav Radbruch's theory of utility, there are at least several key benefits to protecting traditional batik motifs. Economically, protecting traditional batik motifs guarantees their exclusivity, preventing misappropriation. This guarantee is linked to increased public welfare, as protected batik motifs provide stability and enhance product competitiveness. Increased product competitiveness will have a systemic impact on job growth and improved living standards. On the other hand, providing legal protection for traditional batik motifs demonstrates the state's commitment to recognizing and protecting traditional cultural heritage. Batik, produced through processes and practices passed down through generations, holds a wealth of meaning. Protecting traditional batik motifs also strengthens

[24] OK. Saidin, *Aspek Hukum Hak Kekayaan Intelektual (Intellectual Property Rights)* (Jakarta: Raja Grafindo Persada, 2019), p. 112.

community solidarity with batik as a distinctive characteristic of the Indonesian nation. Through this protection, the state affirms national sovereignty, ensuring that any party attempting to claim batik will be deemed to be undermining the nation's sovereignty.

CONCLUSION

Traditional batik motifs, as expressions of traditional culture, are part of the nation's heritage, preserved for generations by communal communities. The existence of traditional batik motifs as works of art emphasizes not only aesthetics but also the sacred values they contain. The state's obligation to protect and ensure the existence of traditional batik as a cultural expression is inevitable. However, regulations that do not explicitly stipulate the mechanisms for protecting traditional cultural expressions have the potential to create problems in the future. The state's position as the guardian of rights over traditional cultural expressions raises legal issues regarding the state's status as a rights holder. Ownership of rights over traditional cultural expressions rests with the communal community as the guardian of said cultural expressions. The state's role in protecting traditional cultural expressions must be interpreted and conditioned as a legal protection manager. The state only acts as a "shield" and ensures that all aspects of traditional batik motifs are protected and that there is a clear profit-sharing mechanism in the event of unauthorized exploitation. Furthermore, strengthening the role and participation of indigenous communities must be realized through the application of the principle of Free, Prior, and Informed Consent (FPIC) as an implementation of the right to self-determination. The existence of indigenous communities must be viewed with dignity and be involved in decision-making that directly impacts them. This protection and empowerment are aimed solely at ensuring justice for all Indonesians.

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