

# A "BLUE PRINT" OF INTELLECTUAL PROPERTY RIGHTS (IPR) PROTECTION ON COPYRIGHT OF ARTISTS AND TRADITIONAL CULTURAL EXPRESSION (TCE) TO STRENGTHEN NATIONAL CULTURAL DEVELOPMENT

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## ABSTRACT

The blueprint of the Intellectual Property Rights (IPR) on the copyright of traditional artists and Traditional Cultural Expressions (TCE) is created and prepared to protect traditional artists and their creative works. The artist's copyright protection is done by the government so that the artists and their creative work can foster national culture resilience. HKI (IPR) on the copyright is the result of individual's creations, whereas the rights of TCE are communal collectives given to generations and not explaining the inventors, nor are they market-oriented. TCE is a knowledge, discovery, and practice of traditional society that manifests both in traditional lifestyle and art as well as native and local technology. Indonesian culture art must receive the impact of global culture entry, both positive and negative ones. It is undeniable that many traditional artists are able to adapt to those changes, and ultimately survive. Yet many artists and traditional arts are not able to survive and eventually disappear in the era. Therefore, to build cultural resilience, local performing arts based on traditional cultural values need to be empowered, conserved and protected. This article shows how the creation of a synergistic protection design for intellectual property rights of the artists and traditional art issued by 3 ministries, namely the Ministry of Technology and Higher Education, the Ministry of Education and Culture, and the Ministry of Justice and Human Rights in cooperation with the Regional Government. The Blueprint is an engineered cultural system which is expected to produce policies and strategies for the protection of traditional artists and their current creative work, i.e. "before" obtaining the intellectual property rights protection, and "after" obtaining IPR protection. The realization of IPR protection law on the copyrights of traditional artists and the right to TCE which is formed and synergized among ministries will show the presence of the nation as the protector of its artists and traditional culture art which then is able to realize national culture resilience.

Keywords: Intellectual Property Rights, Copyright, Traditional Cultural Expression, Blueprint, national culture resilience

#### ABSTRAK

Cetak biru Hak Kekayaan Intelektual (HKI) atas hak cipta seniman tradisional dan atas hak Ekspresi Budaya Tradisional (EBT) dibuat dan disiapkan untuk melindungi seniman tradisional dan karya kreatifnya. Perlindungan hak cipta seniman dilakukan pemerintah agar seniman dan karya kreatifnya mampu menumbuhkan ketahanan budaya nasional. HKI atas hak cipta merupakan hasil kreasi individu, sedangkan hak EBT adalah kolektif komunal yang diberikan secara turun temurun dan tidak menjelaskan inventornya, serta tidak berorientasi pasar. EBT merupakan pengetahuan, penemuan, dan praktik masyarakat tradisional yang terwujud baik dalam gaya hidup tradisional maupun kesenian serta teknologi asli dan lokal. Seni budaya Indonesia harus menerima dampak dari masuknya budaya global, baik dampak yang positif maupun negatif. Tidak bisa dipungkiri bahwa banyak seniman tradisional yang mampu beradaptasi dengan perubahan tersebut, dan akhirnya bertahan hidup. Namun banyak pula seniman dan kesenian tradisional tidak mampu bertahan hidup dan akhirnya menghilang ditelan jaman. Oleh sebab itu, untuk membangun ketahanan budaya, seni pertunjukan daerah yang berbasis pada nilai-nilai budaya tradisional perlu diberdayakan, dilestarikan dan dilindungi. Artikel ini menunjukkan bagaimana pembuatan sebuah rancangan sinergisme perlindungan terhadap HKI seniman dan kesenian tradisional dikeluarkan oleh 3 kementerian, yaitu Kementerian Riset Teknologi dan Pendidikan Tinggi, Kementerian Pendidikan dan Kebudayaan, serta Kementerian Hukum dan Hak Asasi Manusia bekerjasama dengan Pemerintah Daerah. Cetak Biru merupakan suatu rekayasa sistem budaya yang diharapkan menghasilkan kebijakan beserta strategi dan upaya bagi perlindungan seniman tradisional dan karya kreatifnya saat ini, yaitu “sebelum” mendapatkan perlindungan HKI atas hak ciptanya, dan kondisi yang diharapkan, yaitu “sesudah” mendapatkan perlindungan HKI. Terwujudnya hukum perlindungan HKI atas hak cipta seniman tradisional dan hak atas EBT yang terbentuk dan secara sinergis antarkementerian akan menunjukkan hadirnya negara sebagai pelindung seniman dan seni budaya tradisional yang kemudian mampu mewujudkan ketahanan budaya nasional.

Kata kunci: Hak Kekayaan Intelektual, Hak Cipta, Ekspresi Budaya Tradisional, Cetak Biru. Ketahanan budaya nasional.

## INTRODUCTION

In Indonesia, the artist's copyright is governed by the Copyright Act, namely Law Number 28 of 2014. Copyright is defined as an exclusive right of the creator or the right beneficiary to publish or multiply his creation or grant permission to while not denying any restrictions under applicable laws and regulations.<sup>72</sup> Copyright is used in art, literature, and science. The copyright of an unknown creator's work is then held by the country thereof, such as the prehistoric, historical relics, and other national cultural objects. The country also holds copyright on folklore and other products which are owned together, such as stories, saga, fairy tales, legends, chronicles, songs, crafts, choreography, dance, calligraphy and other artworks.<sup>73</sup>

Traditional Cultural Expression (TCE) is a knowledge, invention, and communal practice of traditional societies manifested both in traditional lifestyles and native, local, and traditional technologies. TCE includes the know-how, skills, innovations, concepts, learning and other custom practices which shape the lifestyles of traditional societies, such as a. literary works or informative narratives; b. music, i.e. vocals, instrumental or combination thereof; c. motion, i.e. dance, martial arts, and games; d. theater, namely: puppet shows and folk plays; e. fine art both in the form of two and three dimensions made of various materials such as leather, wood, bamboo, metal, stone, ceramic, paper, textile, etc. or any combination thereof; f. traditional ceremonies which also include the making of tools and materials and its presentation.

Indonesia, which has 17000 large and small islands, and more than 7000 regional languages allows for more than thousands of performing arts in the local regions. Therefore, it needs a government policy that is empowering and protecting of all forms from extinction. The need for an inter-ministerial synergic policy protecting the existence of local performing arts is based on several considerations, one is that Indonesia has the potential of extensive human resources along with their creativity. The emergence of foreign commercial claims against copyright or TCE rights in Indonesia. With the existence of institution which specializes and focuses on handling IPR in the local regions will accelerate the registration of artists' copyrights and traditional cultural expressions.

The life of traditional artists is a reflection of unbroken dedication to the preservation and sustainability of traditional performing arts. The life force of traditional art is in the hands of its artists. In addition, the community also supports the growth of the artist's life. Some artists live worthy and excessive but many live poor in their senior age. The government should respond wisely to the remnants of the traditional artists' life through policies and efforts and strategic implementation so that their work will not disappear and or move into the hands that are not supposed to own it.<sup>74</sup>

Facing such issues requires a synergistic engineering of art protection systems in all stakeholders to protect intellectual property rights over the copyrights of traditional artists and traditional cultural expressions. The cultural engineering system is expected

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<sup>72</sup>KITAB UNDANG-UNDANG HAK KEKAYAAN INTELEKTUAL. 2011. BANDUNG: FOKUSMEDIA, 4.

<sup>73</sup>Kitab Undang-Undang Hak Kekayaan Intelektual. 2011. 10

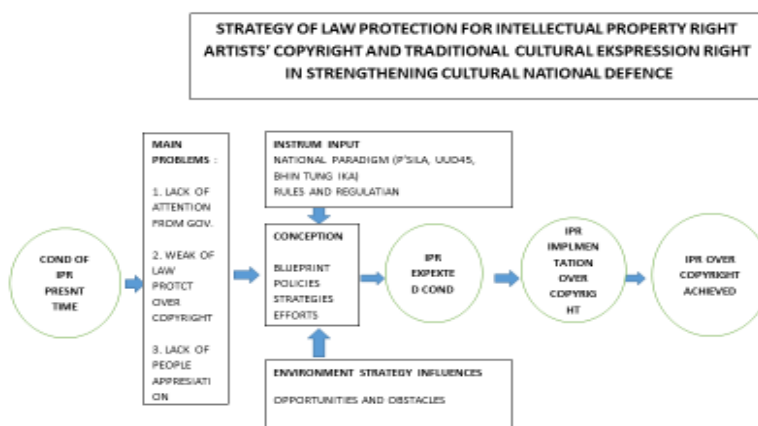
<sup>74</sup>SUANDA, ENDO. 2012. TIDAK SEMUA KESENIAN BISA DIPERJUALBELIKAN.  
[HTTP://WARISANINDONESIA.COM/WIMEDIA/2012/05/ENDO-SUANDA.JPG](http://warisanindonesia.com/wimedia/2012/05/ENDO-SUANDA.JPG).

to protect traditional artists and their works in order to strengthen national culture resilience.

**Problem Formulation.** First, to what extent is the nation's laws protecting the copyrights of individuals and of TCE? Second, what is the contribution of IPR protection to the copyrights of traditional artists and to TCE in the globalization era? Third, how are the policies and legal strategies for IPR protection managed by inter-institutions in the central and regional governments?

This article aims to reveal the design of the "blueprint" of IPR on the copyrights of traditional artists and the rights of TCE. The blueprint is made to show the existence of a synergistic system of cultural engineering among ministries. The blueprint also shows the government's presence as a protector of traditional artists and arts.

## 1. Theoretical Framework and Research Method



## 2. Discussion

**Current Condition of Traditional Artist and Art Protection.** Discussing the protection of artists and traditional art today means observing the successes and failures of conservation programs and the empowerment of traditional performing arts, such as Kethoprak, Ludruk, Wayang Wong, and so forth done by the central government, local government and activists. The performance of traditional performing arts is a form of traditional artist reading on community issues, which are then recreated through elements of traditional performances. IPR on copyright and TCE needs to be protected by law for two reasons. First, noneconomic reasons, that the protection of the law will spur to continue to make intellectual creativity. This will increase "self-actualization". Second, the economic reason defining that protection of the work will provide material benefits to the works of artists. On the other hand, it protects them from imitation, and piracy..

**Fundamental Issues Discovered.** That the empowerment of traditional artists has not been able to become a way to protect the nation's creative property rights, so the protection

of the artist's work has not been able to realize the resilience of national culture. The condition is due to: firstly, the lack of concern and synergism of the central and local government policies which support the empowerment of traditional artists; secondly, the weakness of IPR protection law against the rights of artists; thirdly, the lack of public appreciation of the traditional performing arts which contain the superiority of traditional values.

The history of *kethoprak* performance art presentations, for example, in DIY and its surroundings can represent how a traditional show is able to live and grow along with the changes that occur within itself as well as in the community of activists and their fans.

Originally a *kethoprak* show was a folk entertainment created by people in the city of Solo. They set the stage and pretended to be kings, princes or princesses, and whoever they wanted. In its development, traditional entertainment was also in demand by members of the royal families. At the beginning of the 19th century *kethoprak* was staged in *pendapa Wreksodiningrat*, a royal palace in Solo. In every appearance, there were always comedians who made *kethoprak* felt more alive. In 1924, a group of moving *Kethoprak "Langen Budi Wanodya"* appeared in Demangan area of Yogyakarta city. Because it was easily imitated, *kethoprak* groups were growing and almost every village had *kethoprak* groups.

Handung Kussudyarsana, a *kethoprak* figure, managed to observe the development of artists and traditional art protection in Yogyakarta. His observation showed, as follows. Year 1887-1925 *Kethoprak Lesung* period. *Kethoprak Lesung* used wooden mortar as the main musical instrument, it is a tool to pound rice made from jackfruit or teak wood. The sound instruments were then added with small bamboo pieces called *kotekan*. They chanted with the sound of beating the wooden mortar. This game was called *gejog*. 1925-1927 Period is *Kethoprak Transitional* Period. In this period *Kethoprak* use mixed musical instruments, namely wooden mortar coupled with *kendang*, tambourine, and violin. Year 1927-Year 1945 was *Kethoprak Gamelan* Period. In this period, *kethoprak* had not used mixed instruments such as that of the Transitional *Kethoprak*, but it used *slendro* and *pelog* tones, and *keprak*. Between 1937 and 1948 was the travelling *Kethoprak* Period. This traveling *kethoprak* was called *kethoprak ongkek* or *Kethoprak Ketan*, which performed around to villages. Year 1945-1964 was the period of *Kethoprak Renewal I* which was initiated by *Kethoprak Mataram Krido Raharjo*. Soemardjono as a coach began to use many dramaturgy rules from the West. Year 1964-1987 was Period *Kethoprak Renewal II* which was started by *Kethoprak Mataram Krido Raharjo* who had been playing more than 10 years on the radio. *Krido Raharjo* used manuscripts and dialogs and sound effects. The year 1987-2000 was the period *Kethoprak Humor*. Starting from the dissolution of "laughter factory" *Srimulat*, *Timbul* and his friends later founded the *Samiaji Foundation* who established *Kethoprak Humor Samiaji*. On the one hand, it still used the dramaturgy of folklore, on the other hand it was thick with humor-elements which were easily liked. *Kethoprak Ringkes* appeared in Year 2005. Sticking with distinctive humor, *kethoprak ringkes* was a concise one in the number of stage and music actors. *Kethoprak ringkes* was the artists' strategy to keep the show budget from jumping up and still able to capture a lot of audience..

The year 2005 was the milestone of renowned art of kethoprak performance. The condition was caused by, firstly, local government awareness to determine kethoprak as tourism icon of DIY which was expected to become national tourism icon; secondly, the artist's awareness to pack a contextual show with a fresh and new format; thirdly, the presence kethoprak humor and kethoprak ringkes still using the style of play, slapstick, and jokes, which had been the hallmark of Yogyakarta performing arts; fourthly, the audience of kethoprak performances no longer coming from artists, or friends and relatives of the show's supporters, but already involved people from different backgrounds; fifthly, a number of sponsors helped the success of the show, so its presence had become an integral part of show production.<sup>75</sup>

Considering the development of kethoprak performances above it is concluded that kethoprak is one of the traditional performances which are more fortunate than other traditional performances. Kethoprak still has activists and fans who care about its sustainability and development. The main role is still done by the artists, both in terms of desire to be on stage, socialization to the audience, as well as fundraising. The role of government is not yet optimal. The infrastructure is still what it is. But sponsors are also provided by local governments, although funds are often accepted by artists when the show is over.

The performance of kethoprak arts has elements that only kethoprak possesses as an identity, that is: first, using *gejog* accompaniment instrument, mortar, keprak, and some gamelan instruments; second, using everyday folklore, legends, history and carangan stories (stories modified from the original story); third, using dialog, dance, and song improvisation. Third, using a mixed language, Ngoko Java language, Krama Java, and Krama Inggil Java; fourth, using district and rural settings. The elements of the show are always used in every kethoprak show. Today, the activist and the audience are still steady and even growing. So it is feasible if kethoprak is proposed as a work protected by IPR protection law on the copyrights of traditional artists.

**Empowering Traditional Artists for National Resilience.** The current traditional artist empowerment effort by the government shows the government's impartiality towards traditional artists. The quality and quantity of infrastructure facilities of the performance buildings in these areas have been minimal and depressing. The laws and regulations of IPR protection legislation on copyrights of artists and TCE appear to be unknown by the artists. Various activities of empowering traditional artists have not yet affected the increase of public appreciation. Apparently, traditional performing arts are forms of art whose preservation and protection must be related to the government's recognition of the artist's ownership of copyright and the rights of TCE.

**IPR Protection Weakness in Indonesia.** Indonesia has ratified several international agreements relating to IPRs such as the 1994 Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS), the Bern Convention in 1997, and the World Intellectual Property Organization Copyrights Treaty (WIPO) in 1997. All those international agreements which have been ratified by Indonesia are reflected in the IPR

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<sup>75</sup>Yudiaryani, "Interpretasi Teks dan Konteks Sastra Lisan Sebagai Strategi Penguatan Kreativitas Seniman Seni Pertunjukan Teater Tradisional", Hibah Kompetitif Penelitian Sesuai Prioritas Nasional Batch I, Dirjen DIKTI, 2009.

regulations made by the Indonesian government. The government agency in charge of formulating and implementing the technical policy and standardization in the field of IPR is the Directorate General of Intellectual Property Rights (Ditjen HKI) under the Ministry of Justice and Human Rights of Indonesia (Kemenhukham).

Indonesia provides the legal basis for IPR protection through 3 (three) IPR Laws issued in 1997, namely: Copyright Act No. 28 of 2014: protection of art, literature, and science. Patent Law No. 13 of 2016: protection on technological invention. Trade Secret Act No. 30 of 2000: protection for confidential information of economic value. The laws are intended to provide a sense of security for artists and businesspeople. But until now many problems in the field of IPR protection still occur. There are still many violations of Indonesia's copyrights claimed by other countries as their property rights.

One of the causes of weak IPR protection of copyright in Indonesia is the lack of understanding of Indonesian society about IPR. The legal purpose of IPR protection of copyright and TCE in national law is different from what the majority of society wants. The majority of people consider the issue of IPR protection and commercialization of TCE less important than the risk of extinction of TCE due to lack of government attention. Economic improvement with its commercialization is not their primary concern. Their main concern is the importance of recognizing that they are stakeholders and TCE guards in Indonesia. According to them, the purpose of TCE's protection legislation should be to regulate the sustainability of traditional performing arts. They want a system that can retain and transmit traditional art from generation to generation. So there is a balance between giving protection to traditional performing arts by granting people access to it. Balance will be able to realize new creativity and innovation.

The excellence of traditional performing arts, kethoprak, which is currently an icon of traditional art, especially in DIY, has not become a protected part of IPR. Implementation of the conceptual principles of national resilience through the values of traditional performing practices has not played an active role in realizing the resilience of traditional artists that should be the core of the national cultural development. The balance between economic income and the sustainability of the artists' creativity has not yet been established and manifested both in creative performances and legal protection.

**The influence of strategic environment development on the empowerment of traditional artists.** Current globalization influences the development of art and culture in Indonesia. The rapid flow of information and telecommunications tends to diminish traditional cultural values. Within the scope of social and cultural arts, the priority of the implementation of national resilience is directed to overcome the negative influence of foreign culture to the national and local cultural environment. The threat of traditional security (war between nations) has largely been replaced by non-traditional security threats (non-military threats). In the global context, strategic environments that allegedly have a dominant influence on national security policy include the impact of globalization issues such as the opening of the national economy. Openness poses challenges to the sovereignty of the Unitary Republic of Indonesia (NKRI). For example, there is a difference in views between developing and developed country groups on many aspects of TCE protection. The urgency of Indonesia's TCE protection from unauthorized abuse and use

by neighboring countries has forced the government to focus on drafting the national law of TCE.

Indonesia's regional strategic environment, both in the Asia-Pacific region in general and Southeast Asia in particular, is characterized by four strategic developments, namely: first, the dynamic development of multilateral security cooperation, especially Indonesia with ASEAN; second, the dynamics of cooperation and regional economic competition, especially those regarding the prospect of free trade and competition on markets and capital resources, human resources, technology resources and natural resources; third, the potential for conflict between countries, especially disputes between regions and borders; fourth, the increasing importance of issues and issues of globalization versus identity as well as trans-national crime.<sup>76</sup> The nation's negligence to protect creative copyright ultimately fosters various problems in the region. For example, Indonesia accuses Malaysia of promoting its tourism using several dance types and songs which belong to Indonesian folklore, such as Pendet dance from Bali, Reog dance from Ponorogo, Wayang Kulit and Kethoprak from Yogyakarta, and Rasa Sayange song from Ambon. In the national scope, Indonesia as a nation which is in the midst of world development, can not be separated from the influence of global and regional development. Indonesia as an archipelago situated between the Asian and Australian continents, as well as the Pacific and Indian Oceans, causes national conditions to be affected by the development of strategic environments.

**Opportunities and Obstacles IPR Protection.** There are many opportunities for the protection of traditional artists. On the one hand, opportunities are used to protect artists' copyright in improving the quality of cultural and national endurance. Opportunities from global conditions are traditional performing arts having the opportunity to gain conservation-based protection and empowerment. Opportunities from regional conditions are that Indonesia can be part of the alliance of major countries and their benefits. The opportunity of national conditions is to engage religious figures, community leaders, and traditional leaders actively in traditional performing arts directly on the stage of the show, as well as utilizing mass media, such as television, to gain material benefits and popularity. Thus, the opportunity for the existence of traditional performing arts lies in the fact that artworks of culture remain sustainable as long as there are those who still create, protect, and appreciate well.

On the other hand, it is necessary to observe the obstacles that hamper the protection of traditional artists. The powerlessness of traditional performing arts faces global, regional, and national forces. The appreciation of the value of art and culture is considered increasingly faded. Rarely do we meet young people learning to play gamelan. They also rarely watch traditional performing arts. So far, socialization on IPR protection is still limited to upper middle class and academicians and professionals in big cities. Lack of government socialization on IPR policy is due to weak understanding of government apparatus on IPR protection. The allocation of government funds has not been adequate for IPR dissemination activities in the community. The role of private companies in developing IPR protection law is perceived to be lacking. They have not been able to do

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<sup>76</sup> <http://ceny95.wordpress.com/2008/09/05/kecenderungan-perkembangan-lingkungan-strategis/>



business competitively among business actors themselves. The curriculum barely incorporates elements of IPR. Not all universities has center for IPR.

**Expected IPR Protection of Traditional Artist's and Traditional Arts Rights.** The successful performances of *kethoprak* in DIY that once triumphed to death and finally able to rise again is an interesting example of how a traditional art is really supported by some stakeholders. Kethoprak performances which have transformed themselves from traditional forms into modern ones, so that their audience likes them still deserve to be registered and protected as intellectual property rights on artists and traditional arts.

It is therefore necessary to design synergism in IPR policies, strategies and protections on the copyrights of traditional artists and on TCE among government agencies.

**Policy.** Protection of traditional artists is a protection on improving the life quality of artists who are able to display the creativity of noble values of the nation's culture. So, protecting the creativity of artists requires the following policy:

**"Traditional Artist Protection Increases Competitiveness of the Nation"**

The policy is based on the idea that protection of traditional artists can occur when governments, artists, and communities are united in a mutually supportive structure. Increasing the protection of traditional artists and protecting them legally mean improving the nation's competitiveness amid challenges, obstacles, disturbances, and threats coming from global, regional and national environments. The strategies that will be applied are based on three principles, namely: first, identify the traditional performing arts which becomes the excellence of a region; second, revitalize legal products which are self-contained, assertive, and continuous; third, change the paradigm of thinking, acting, and acting of all stakeholders on the survival of artists and traditional arts.

**Strategy and Effort.** The strategies developed in implementing the 3 principles above need to be carried out with various efforts.

**Strategy – 1: Provision of adequate infrastructure for the protection of traditional artists.**  
The efforts are:

1. The Ministry of Education and Culture in cooperation with Local Government build art facilities and infrastructure for traditional artists.
2. The Ministry of Education and Culture together with the Creative Economy agency in cooperation with the Regional Government build some houses of the people at the sub-district and village level into "Rumah Budaya" which become the arena of performances and promotion of traditional arts.
3. The Ministry of Education and Culture together with the Ministry of Research and Technology of Higher Education and Local Government create a program of "Cultural Grant" for traditional artists to work within a certain period.
4. The Ministry of Home Affairs together with the Ministry of Finance make policies and regulations to free the spectacle tax for traditional art performances.

**Strategy – 2: Strengthening traditional artist documentation and data sources. The efforts are::**

1. The Ministry of Research, Technology and Higher Education in collaboration with Local Government and Higher Education provide grants to researches on traditional arts performance documentation.
2. Ministry of Research, Technology and Higher Education in collaboration with the Ministry of Education and Culture, Local Government, Higher Education and High Schools include awareness of IPR protection law into the curriculum.
3. The Ministry of Education and Culture together with the Creative Economy Agency and the Regional Government define the Protection of Cultural Heritage of objects or non-objects meaningful to Indonesian Indigenous Law People Protection.

**Strategy – 3: Raising awareness and public appreciation to the creativity of traditional artists. The efforts are:**

1. The Ministry of Research, Technology and Higher Education and the Ministry of Education and Culture permit the establishment of formal training institutions, such as *Sanggar* and *Bengkel Kerja* which organize vocational education education equivalent to academic education.
2. Creative Economy Agency in cooperation with Local Government provide continuous material awards to artists and masters of traditional arts who have worked during their life.
3. The regional government and their staff organize festivals, workshops, rare performing arts seminars, and continuously organize creative work contests.

**Strategy – 4: Improving the legal products and their implementation in the protection of traditional artists. The efforts are::**

1. THE MINISTRY OF JUSTICE AND HUMAN RIGHTS WORKS CLOSELY WITH THE REGIONAL GOVERNMENT TO SPEED UP THE PROCESS OF COPYRIGHT REGISTRATION BY SHORTENING LENGTHY PROCEDURES THAT MAKE IT DIFFICULT FOR ARTISTS.
2. The Ministry of Education and Culture in cooperation with the Regional Government explain to the public, artists and students of about the law of preserving and protecting traditional performing arts.
3. The Ministry of Research, Technology, and Higher Education encourages the establishment of intellectual property rights associations at the provincial level.

**CONCLUSION AND SUGGESTION**

Facing the current era of globalization, governments should focus on IPR copyright protection and TCE, both for traditional artists and traditional art forms. It is in harmony with what happens to the art of *kethoprak* performances renown in the Special Region of Yogyakarta. Restoring the national identity to the foundation of traditional culture means saving the nation's identity amid the uniformity of global world identity.

One effort to improve the quality of the nation's identity and dignity is to provide legal protection to the nation's creative work in order to improve national resilience.

The ideal foundation which becomes a strong pillar of the creation of the protection of traditional cultural arts is the National Paradigm which is cored on Pancasila as an ideological foundation, the 1945 Constitution of the Republic of Indonesia as the Constitutional Foundation, Wawasan Nusantara as the Foundation of Visional, and National Resilience as the Conception Basis.

The weak performance of the government to protect artists and traditional art is also triggered by the weakness of IPR copyright protection law and TCE. The lack of public appreciation to traditional cultural values also causes people to no longer recognize the moral, ethical, and polite attitudes inherent in traditional cultural values.

Thus, the expected condition to the future is the synergy of government policy in the form of a Blueprint of artists and traditional art protection. With such expected conditions, IPR on the copyrights of traditional artists and the right to TCE will encourage the creation of the nation's competitiveness. The situation is triggered by the fact that the artworks of culture remain sustainable as long as there are people who still create, preserve, appreciate, and protect well. Opportunities of cultural art products to be one unifying the people of Indonesia is possible because there are opportunities to raise the standard of living and maintain the identity of Indonesia as a cultured nation.

## BIBLIOGRAPHY

- Anderson, Benedict R.O'G. 2000. *Kuasa-Kata. Jelajah Budaya-Budaya Politik di Indonesia*. Terjemahan Revianto Budi Santosa dari *Language and Power Exploring Political Cultures in Indonesia*, Yogyakarta: Penerbit Mata Bangsa.
- Hausser, Arnold. 1982. *The Sociology of Art*, trans. By Kenneth J.Northcott. Chicago: The University of Chicago Press.
- Huntington, Samuel P. 2000. *Benturan Antarperadaban Dan Masa Depan Politik Dunia*, Terjemahan M.Sadat Ismail dari *The Clash of Civilizations and the Remaking of World Order*. Yogyakarta: Qalam.
- KITAB UNDANG-UNDANG HAK KEKAYAAN INTELEKTUAL. 2011. BANDUNG: FOKUSMEDIA.
- Kussudyarsana, Handung. 1989. *Kethoprak*. Yogyakarta: Penerbit Kanisius.
- Modul *Ideologi. Sub B.S. Pancasila dan Perkembangannya*, Lemhannas RI
- Modul Bidang Studi/Materi Pokok *Wawasan Nusantara*, Lemhannas RI
- Modul Bidang Studi/Materi Pokok *Ketahanan Nasional*, Lemhannas RI
- Modul *Ideologi. Sub B.S. Pancasila dan Perkembangannya*
- Purba, Achmad Zen Umar. 2013. "Kreativitas, Paten, dan Anak Cucu" dalam *Kompas* 26 April 2013.
- Riswandi. 2013. "Pelanggaran dan Langkah Hukum Hak Cipta Atas Musik dan Lagu yang dituangkan dalam bentuk VCD dan DVD" dalam *Jurnal Hukum Konstitusi*. Vol. 14 No.1
- SUANDA, ENDO. 2012. *TIDAK SEMUA KESENIAN BISA DIPERJUALBELIKAN*.  
[HTTP://WARISANINDONESIA.COM/WIMEDIA/2012/05/ENDO-SUANDA.JPG](http://warisanindonesia.com/wimedia/2012/05/ENDO-SUANDA.JPG).
- Supanto. 2010. *Perlindungan HKI Seni Budaya Tradisional*,

<http://supanto.staff.hukum.uns.ac.id/2010/06/28/perlindungan-HKI-seni-budaya-tradisional/>.

- Supriadi, Asep dan Meizar Didi. 2014. "Pentingnya Perlindungan HKI dalam Era Globalisasi" dalam *Jurnal Gunadarma*, Vol 6 No.2
- Yudiaryani. 2009. "Interpretasi Teks dan Konteks Sastra Lisan Sebagai Strategi Penguatan Kreativitas Seniman Seni Pertunjukan Teater Tradisional", Hibah Kompetitif Penelitian Sesuai Prioritas Nasional Batch I, Dirjen DIKTI.
- \_\_\_\_\_. 2013. *Pemberdayaan Seniman Tradisional Guna Melindungi Hak Kekayaan Kreatif Bangsa Dalam Rangka Ketahanan Nasional*. Kertas Karya Perseorangan (TASKAP) Program Pendidikan Reguler Angkatan XLIX Lembaga Ketahanan Nasional RI.